

I. EXECUTIVE ORDERS

JBE 22-14 Flags at Half-Staff—Former State Senator Lynn Blackwell Dean 2036

JBE 22-15 Flags at Half-Staff—Ronald J. Gomez, Sr. 2036

JBE 22-16 Flags at Half-Staff—Anthony C. “Buddy” Leach, Jr. 2037

III. EMERGENCY RULES

Governor

Boxing and Wrestling Commission—London Ring Fighting (LAC 46:XI.101 and 901-917)..... 2038

Division of Administration, Office of Broadband Development and Connectivity

Granting Unserved Municipalities Broadband Opportunities (GUMBO) (LAC 4:XXI.Chapters 1-7) 2040

Office of Homeland Security and Emergency Preparedness—Disbursement of Public Resources
(LAC 55:XXI.Chapter 7) 2051

Health

Bureau of Health Services Financing—Early and Periodic Screening, Diagnosis and Treatment

Health Services—EarlySteps Reimbursement Rate Increase (LAC 50:XV.7107) 2052

Home and Community-Based Services Waivers—Adult Day Health Care Waiver—Direct Support Worker
Wages and Bonus Payments (LAC 50:XXI.Chapter 29) 2053

Home and Community-Based Services Waivers—Children’s Choice Waiver—Direct Service Worker
Wages and Bonus Payments (LAC 50:XXI.12101) 2055

Home and Community-Based Services Waivers—Community Choices Waiver—Direct Support/Service
Worker Wages and Bonus Payments (LAC 50:XXI.Chapter 95)..... 2057

Home and Community-Based Services Waivers—New Opportunities Waiver—Direct Service Worker
Wages and Bonus Payments (LAC 50:XXI.14301) 2058

Home and Community-Based Services Waivers—Residential Options Waiver—Direct Service Worker
Wages and Bonus Payments (LAC 50:XXI.16903 and 16905) 2060

Home and Community-Based Services Waivers—Support Coordination Workforce Retention
Bonus Payments (LAC 50:XXI.553)..... 2062

Home and Community-Based Services Waivers—Supports Waiver—Direct Service Worker Wages
and Bonus Payments (LAC 50:XXI.6101) 2063

Intermediate Care Facilities for Persons with Intellectual Disabilities—Dedicated Program Funding
Pool Payments (LAC 50:VII.32917) 2065

Pediatric Day Health Care Program—Reimbursement Rate Increase (LAC 50:XV.28101) 2065

Personal Care Services—Long-Term Direct Service Worker Wages and Bonus Payments
(LAC 50:XV.12917 and 12921) 2066

Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19)

Public Health Emergency—Home and Community-Based Services Waivers and Long-Term Personal
Care Services 2068

Targeted Case Management—Reimbursement Methodology—EarlySteps Reimbursement Rate Increase
(LAC 50:XV.10701) 2069

Targeted Case Management—Reimbursement Methodology—Workforce Retention Bonus Payments
(LAC 50:XV.10704) 2070

Office for Citizens with Developmental Disabilities—Early and Periodic Screening, Diagnosis and Treatment

Health Services—EarlySteps Reimbursement Rate Increase (LAC 50:XV.7107) 2052

Home and Community-Based Services Waivers—Children’s Choice Waiver—Direct Service Worker
Wages and Bonus Payments (LAC 50:XXI.12101) 2055

Home and Community-Based Services Waivers—New Opportunities Waiver—Direct Service Worker
Wages and Bonus Payments (LAC 50:XXI.14301) 2058

Home and Community-Based Services Waivers—Residential Options Waiver—Direct Service Worker
Wages and Bonus Payments (LAC 50:XXI.16903 and 16905) 2060

Home and Community-Based Services Waivers—Supports Waiver—Direct Service Worker Wages
and Bonus Payments (LAC 50:XXI.6101) 2063

This public document is published in accordance with R.S. 49:954.1. The publication date for this issue of the *Louisiana Register* is August 20, 2022. The Office of the State Register is the official state entity for all certified copies of the *Louisiana Register* and the content contained herein.

The Office of the State Register provides auxiliary aids for the *Louisiana Register* for visually impaired individuals. By appointment, oral presentation of the *Louisiana Register* is available at the Office of the State Register, or an audio cd of requested sections of the *Louisiana Register* can be provided for the production cost incurred. For more information, contact the Office of the State Register.

Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency—Home and Community-Based Services Waivers and Long-Term Personal Care Services	2068
Targeted Case Management—Reimbursement Methodology—EarlySteps Reimbursement Rate Increase (LAC 50:XV.10701)	2069
Office of Aging and Adult Services—Home and Community-Based Services—Waivers Adult Day Health Care Waiver Direct Support Worker Wages and Bonus Payment (LAC 50:XXI.Chapter 29).....	2053
Home and Community-Based Services Waivers—Community Choices Waiver—Direct Support/Service Worker Wages and Bonus Payments (LAC 50:XXI.Chapter 95)	2057
Home and Community-Based Services Waivers—Support Coordination Workforce Retention Bonus Payments (LAC 50:XXI.553).....	2062
Personal Care Services—Long-Term Direct Service Worker Wages and Bonus Payments (LAC 50:XV.12917 and 12921)	2066
Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency—Home and Community-Based Services Waivers and Long-Term Personal Care Services	2068
Office of Public Health—Consumable Hemp (LAC 49:I.Chapter 5).....	2071
List of Conditions that Shall Seem an Unborn Child “Medically Futile” (LAC 48:I.401).....	2072
Regulation of Medical Marijuana (LAC 51:XXIX.101-907)	2074

Wildlife and Fisheries

Wildlife and Fisheries Commission—2022 Recreational Greater Amberjack Season Closure	2079
2022 Recreational Red Grouper Season Closure.....	2080
Chronic Wasting Disease Control Zone and Associated Regulations	2080
Deer Carcass Export and Feeding Ban—Portions of Franklin, Madison and Tensas Parishes	2081
Fall Inshore Shrimp Season Opening Dates.....	2081

III. RULES

Agriculture and Forestry

Office of Agricultural and Environmental Sciences—Industrial Hemp (LAC 7:XIII.1303)	2083
Office of Forestry—Prescribed Burner Certification (LAC 7:XXXIX.907 and 909)	2084

Education

Board of Elementary and Secondary Education—BESE/8(g) Operations—Advisory Councils (LAC 28:I.503 and 505).....	2085
BESE/8(g) Operations—Student Transfer Appeals (LAC 28:I.1313 and 1315).....	2087
Bulletin 106—Agriculture Education Content Standards Curriculum Framework—Advisory Councils (LAC 28:LXV.109)	2087
Bulletin 111—The Louisiana School, District, and State Accountability System—Advisory Councils (LAC 28:XI.103)	2089
Bulletin 140—Louisiana Early Childhood Care and Education Network—Advisory Councils (LAC 28:CLXVII.1101).....	2091
Bulletin 140—Louisiana Early Childhood Care and Education Network—Ready Start Network (LAC 28:CLXVII.309, 310, and 311).....	2094
Bulletin 741—Louisiana Handbook for School Administrators—Advisory Councils (LAC 28:CXV.1319)	2095
Bulletin 741—Louisiana Handbook for School Administrators—Dual Enrollment (LAC 28:CXV.2318)	2097
Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Dual Enrollment (LAC 28:LXXIX.2109)	2098
Bulletin 746—Louisiana Standards for State Certification of School Personnel—Mentor Teacher Certification (LAC 28:CXXXI.553).....	2098
Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.303, 1349, 1360, 1505, and 1543)	2098

Health

Board of Pharmacy—Marijuana Pharmacies (LAC 46:LIII.2447, 2449, 2451 and 2457).....	2102
Pharmacy Benefit Managers (LAC 46:LIII.3001 and 3005)	2104
Pharmacy Operations (LAC 46:LIII.1107)	2105
Bureau of Health Services Financing—Adult Day Health Care—Licensing Standards Admissions (LAC 48:I.4273).....	2105
Ambulatory Surgical Centers—Licensing Standards (LAC 48:I.4541)	2106
Free-Standing Birth Centers—Licensing Standards (LAC 48:I.Chapter 67).....	2106
Intermediate Care Facilities for Persons with Intellectual Disabilities—Temporary Reimbursement for Private Facilities (LAC 50:VII.32904)	2129
Nursing Facilities—Levels of Care (LAC 50:II.10154 and 10156).....	2130
Personal Assistant Services—Employment Support (LAC 50:XV.Subpart 11).....	2131
Office of Aging and Adult Services—Nursing Facilities—Levels of Care (LAC 50:II.10154 and 10156)	2130
Personal Assistant Services—Employment Support (LAC 50:XV.Subpart 11).....	2131
Office of Public Health—Marine and Fresh Water Animal Food Products (LAC 51:IX.Chapters 1-5).....	2132

Insurance

Office of the Commissioner—Regulation 31—Holding Company (LAC 37:XIII.133 and 135) 2135

Public Safety and Corrections

Corrections Services—Drug-Free Workplace (LAC 22:I.207)..... 2150
Responsibilities and Functions of Prison Enterprises (LAC 22:I.1101) 2153
Telephone Use and Policy on Monitoring of Calls (LAC 22:I.315)..... 2157

Revenue

Office of Alcohol and Tobacco Control—Direct Shipment of Sparkling Wine or Still Wine to Consumers in Louisiana (LAC 55:VII.335) 2159
Policy Services Division—Criminal History Record Checks for Access to Federal Tax Information (LAC 61:I.103)..... 2160
Individual Income Tax Tables and Withholding Tables (LAC 61:I.1310 and 1501) 2161

Transportation and Development

Office of Multimodal Commerce—State Safety Oversight for Rail Fixed Guideway Public Transportation Systems (LAC 70:IX.Chapter 15)..... 2187
Office of the Secretary—Wireless Telecommunications Permit (LAC 70:II.1509)..... 2189

Treasury

Municipal Police Employee’s Retirement System—Mandatory Enrollment of Employees Employed by 11:157 Employers (LAC 58:XVIII.1701)..... 2190

Wildlife and Fisheries

Wildlife and Fisheries Commission—Chronic Wasting Disease Control Areas (LAC 76:V.137) 2190

IV. NOTICES OF INTENT

Agriculture and Forestry

Office of Agricultural and Environmental Sciences—Horticulture and Quarantine Programs—Lethal Bronzing and Lethal Yellowing Disease Quarantine (LAC 7:XV.173 and 173) 2192
Structural Pest Control (LAC 7:XXV.101, 107, 109, and 141) 2194

Civil Service

Board of Ethics—Disclosure Forms (LAC 52:I.1309)..... 2196

Education

Board of Elementary and Secondary Education—Bulletin 140—Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.903) 2196
Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC28:CXXXI.303 and 1360) 2198

Governor

Division of Administration, Office of Group Benefits—Schedule of Benefits—Emergency Room Copayment (LAC 32:V.205 and 305)..... 2200
Real Estate Appraisers Board—Fee Appraisers Compensation (LAC 46:LXVII.31101) 2204
Real Estate Commission—Documentation (LAC 46:LXVII.1.41)..... 2204

Health

Board of Speech-Language Pathology and Audiology—Speech-Pathology and Audiology (LAC 46:LXXV.Chapters 1-7) 2244
Bureau of Health Services Financing—Applied Behavior Analysis-Based Therapy Services Place of Service Limitations (LAC 50:XV.301) 2206
Behavioral Health Service Providers—Licensing Standards (LAC 48:I.Chapters 56 and 57) 2207
Inpatient Hospital Services—Urban Metropolitan Statistical Area Facility (LAC 50:V.Chapter 19) 2211
Outpatient Hospital Services—Urban Metropolitan Statistical Area Facility (LAC 50:V.Chapter 69) 2213
Board of Medical Examiners—Rules of Procedure; Adjudication (LAC 46:XLV.9920)..... 2242

Insurance

Office of the Commissioner—Rule 9—Prelicensing Education (LAC 37:XI.Chapter 5) 2215
Rule 10—Continuing Education (LAC 37:XI.Chapter 7) 2217
Regulation 114—Claims Adjuster Pre-Licensing Education Program (LAC 37:XIII.Chapter 165)..... 2221
Regulation 123—Producer Responsibility for Bail Bond Collateral (LAC 37:XIII.Chapter 187)..... 2224

Revenue

Policy Services Division—Corporation Income Tax (LAC 61:I.1122, 1124, and 1125) 2227
Donation to Qualified Foster Care Charitable Organization Credit and Certain Adoptions Deductions (LAC 61:I.1925, 1927, and 1929)..... 2228
Mandatory Electronic Filing and Payment of Tobacco Tax by Vapor Dealers (LAC 61:III.1533 and 1534) 2232
Manufacturer’s Net Invoiced Price (LAC 61:I.5103)..... 2233

Wildlife and Fisheries

Wildlife and Fisheries Commission—Alligator Regulations (LAC 76:V.701) 2235
Derelict Crab Trap Removal Program (LAC 76:VII.367) 2237
Harvest Regulations—Billfishes (LAC 76:VII.355) 2240
Sharks and Sawfishes—Harvest Regulations (LAC 76:VII.357) 2241

V. POTPOURRI	
Governor	
Coastal Protection and Restoration Authority—Notice of Availability of Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Phase 2 Restoration Plan/Environmental Assessment #7.1: Terrebonne HNC Island Restoration Project.....	2265
Insurance	
Office of the Commissioner—Regulation 42—Group Self-Insurance Funds (LAC 37:XIII.Chapter 11)	2266
Workforce	
Office of Workers' Compensation Administration—Mileage Reimbursement Limits	2267
Weekly Compensation Benefits Limits	2267
VI. INDEX	2268

Executive Orders

EXECUTIVE ORDER JBE 22-14

Flags at Half-Staff
Former State Senator Lynn Blackwell Dean

WHEREAS, Lynn Blackwell Dean, a former distinguished member of the Senate of the Louisiana Legislature, died on July 6, 2022, at the age of 98;

WHEREAS, he is survived by his loving wife of 75 years, Jacqueline Miles Dean; their son Douglas and daughter Cherry; ten grandchildren; and 28 great-grandchildren;

WHEREAS, born in eastern Arkansas in 1923, Dean moved with his family at a young age to New Orleans, where he graduated from Warren Easton High School in 1940;

WHEREAS, Dean was a pioneering entrepreneur in Louisiana's maritime petroleum services business, founding Elevating Boats, Inc., and inventing the modern liftboat with his brother Orrin in 1955;

WHEREAS, he served his home of St. Bernard Parish as a member of its School Board for ten years, and served as St. Bernard's first Parish President from 1992 to 1996; he further served his state and the first Louisiana Senatorial District Louisiana Senate for eight years, from 1996 to 2004, fighting tirelessly to represent the interests of the people of his district; and

WHEREAS, Lynn Blackwell Dean lived a tremendous life of faith, industry, and honor, and his service as a public servant and lawmaker to the State of Louisiana and the United States will long be remembered.

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

SECTION 1: As an expression of respect and to honor Lynn Blackwell Dean, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise Friday, July 15, until sunset on Saturday, July 16, 2022.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, July 16, 2022.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15th day of July, 2022.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2208#090

EXECUTIVE ORDER JBE 22-15

Flags at Half-Staff—Ronald J. Gomez, Sr.

WHEREAS, Ronald J. Gomez, Sr., a former distinguished member of the Louisiana Legislature, died on Wednesday, July 13, 2022, at the age of 87;

WHEREAS, he is survived by his loving wife of 46 years, Carol A. Ross; his three children, Nanette, Ronald ("Jimmie"), and Laurence; six grandchildren, Erik, Richelle, Jesse, Crystal, Bryan, Brittany; and three great-grandchildren, Kassie, Jaydon, and Brendan;

WHEREAS, born in 1934 in Baton Rouge, Gomez attended LSU in 1952 before leaving to serve his nation honorably in the United States Air Force; he later attended the University of Southwestern Louisiana (now UL) before embarking on a storied career in broadcasting and business;

WHEREAS, he served his adopted home of Lafayette his entire adult life, as president of the Greater Lafayette Chamber of Commerce in 1978; he further served his state and his home of Lafayette in the House of Representatives of the Louisiana Legislature for eight years, from 1980 to 1989, fighting tirelessly to represent the interests of the people of his district, and he proudly accomplished his goal of creating a more robust athletic facility for his district with the creation of the Cajundome; in 1989 he was chosen by Governor Buddy Roemer to serve as Secretary of Natural Resources;

WHEREAS, Ronald J. Gomez, Sr., lived a life of faith, integrity, and honor, and his service as a public servant and lawmaker to the State of Louisiana and the United States will long be remembered.

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

SECTION 1: As an expression of respect and to honor Ronald J. Gomez, Sr., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise Friday, July 15, until sunset on Saturday, July 16, 2022.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, July 16, 2022.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15th day of July, 2022.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2208#091

EXECUTIVE ORDER JBE 22-16

Flags at Half-Staff—Anthony C. “Buddy” Leach, Jr.

WHEREAS, Anthony Claude “Buddy” Leach, Jr., a distinguished citizen, public servant, former member of the Louisiana Legislature and a former member of Louisiana’s Congressional delegation, died on Saturday, August 6, 2022, at the age of 88;

WHEREAS, he is survived by his loving wife of more than fifty years, Laura Alexander Leach; daughters Mary Leach Werner and Lucy Leach Davenport, and son Claude, as well as nine grandchildren;

WHEREAS, born on March 30, 1934 in Leesville in Vernon Parish, Buddy Leach graduated from Louisiana State University before serving his nation honorably in the United States Army from 1956-1959 and the Army Reserve from 1959-1962; he returned to Louisiana and earned his law degree, also from Louisiana State University, before starting a long and storied career in business and politics;

WHEREAS, he served the people of his home state of Louisiana for four terms in the House of Representatives of the Louisiana Legislature, from 1968-1979, and again from 1984-1988;

WHEREAS, in 1979, he left his seat in the Legislature and successfully ran to represent Louisiana’s Fourth Congressional District in the United States House of Representatives;

WHEREAS, Leach was an indefatigable champion of Louisiana’s industry, culture, and environment; among his many accomplishments, he and Laura have helped to revitalize the industrial corridors of the southwestern parts of our state, made generous endowments to educational institutions throughout Louisiana, and restored thousands of acres of marshland;

WHEREAS, after being stricken with polio as a young man, he spent a lifetime working tirelessly to benefit the cause of disabled children and to support related charitable organizations, including the Louisiana Lions League for Crippled Children; and

WHEREAS, Buddy Leach lived a life of faith, integrity, and honor, and his tireless leadership as a public servant, an entrepreneur, and a philanthropist to the people of the state of Louisiana and the United States will long be remembered.

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

SECTION 1: As an expression of respect and to honor Anthony Claude “Buddy” Leach, Jr., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on Friday, August 12, 2022.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset on Friday, August 12, 2022.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 8th day of August, 2022.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2208#038

Emergency Rules

DECLARATION OF EMERGENCY

Office of the Governor Boxing and Wrestling Commission

London Ring Fighting
(LAC 46:XI.101 and 901-917)

The Louisiana State Boxing and Wrestling Commission does hereby exercise the emergency provisions of the Administrative Procedure Act R.S. 49:962 and R.S. 4:64 in order to define and promulgate a new chapter on a classic ring sport to the state of Louisiana, London Ring Fighting. London Ring Fighting is a traditional ring sport where fighters are gloveless. As more requests for these types of events are received, this commission determined it necessary to immediately establish a new chapter, with stringent rules, in order to achieve proper oversight of this ring sport to protect the health and welfare of the contestants and general public.

This Emergency Rule is effective as of August 10, 2022 and will remain in effect for a period of 180 days unless renewed by the commission or until adoption of the final rules, whichever occurs first.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Chapter 1. General Rules

§101. Definitions

* * *

London Ring Fighting—is the sport of boxing conducted without the use of boxing gloves or other padding on the participant's hands.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), amended by the Office of the Governor, Boxing and Wrestling Commission, LR 31:2003 (August 2005), LR 32:242 (February 2006), LR 45:237 (February 2019), LR 48:

Chapter 9. London Ring Fighting (LRF)

§901. Application of General Rules; Professional Boxing Rules and Mixed Technique Event Rules

A. All general rules, excepting §127, Charity Events, shall apply to all LRF events.

B. Except as set forth below, LRF events shall be conducted using the professional boxing rules §305 through §330, excepting rules §307, §309, §318, §320 and §322 which are replaced below and except where the intention would be to modify rules which are specific to LRF events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission 2022

§903. Weight Class

A. Except with the approval of the commission or its commissioner, the classes for unarmed combatants competing in LRF events and the weights for each class are shown in the following schedule.

1. Atomweight—105 lbs to 115 lbs
2. Strawweight—115 lbs to 125 lbs
3. Flyweight—125 lbs to 135 lbs
4. Bantamweight—135 lbs to 145 lbs
5. Featherweight—145 lbs to 155 lbs
6. Lightweight—155 lbs to 165 lbs
7. Welterweight—165 lbs to 175 lbs
8. Middleweight—175 lbs to 185 lbs
9. Lt Heavyweight—185 lbs to 200 lbs
10. Cruiserweight—200 lbs to 225 lbs
11. Heavyweight—225 lbs to 265 lbs
12. Super Heavyweight—265 lbs and above

B. After the weigh-in of an unarmed combatant competing in LRF events:

1. weight loss in excess of 2 pounds is not permitted for an unarmed combatant who weighed in at 145 pounds or less;
2. weight loss in excess of 3 pounds is not permitted for an unarmed combatant who weighed in at over 145 pounds;
3. the weight loss described in Paragraph 2 must not occur later than two hours after the initial weigh-in.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

§905. Rounds, Duration and Intermission

A. Rounds shall be a minimum of 120 seconds long for male contestants and 60 seconds long for female fighters;

B. There shall be a 60-second intermission between rounds, unless otherwise directed or authorized by the commission. The referee, at the request of the ringside physician, may extend this intermission, if necessary to examine a participant, for up to 30 additional seconds;

C. No bout may be scheduled for longer than five rounds nor less than three rounds. Each championship contest will be scheduled for five rounds.

AUTHORITY NOTE Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

§907. Fouls

A. All LRF events shall be subject to the rules for fouls under Professional Boxing Rule §321, Fouls, Deductions, of Points Because of a Foul and Accidental Fouling. Section 321.A of this Part shall be modified as follows: any participant persistently using foul tactics may be disqualified by either the referee or the commission and in addition be subject to

such penalty as the commission may impose. Foul tactics include, but are not limited to:

1. hitting below the belt;
2. hitting an opponent who is down or who is getting up after being down;
3. holding an opponent with both hands or arms in an attempt to hold their opponent;
4. deliberately maintaining a clinch;
5. butting with the head or shoulder or using the knee;
6. hitting with inside or butt of the hand, the wrist or the elbow; except a fighter may strike with the palm of his hand when in a clinch;
7. hitting or "flicking" with an open hand;
8. wrestling or roughing at the ropes;
9. purposely going down without being hit;
10. striking deliberately at that part of the body over the kidneys;
11. use of the pivot, backhand and rabbit punch;
12. the use of profane or abusive language;
13. engaging in any unsportsmanlike trick or action which causes injury to an opponent;
14. hitting on the break;
15. hitting after the bell has sounded the end of the round;
16. hitting an opponent whose head is between and outside of the ropes;
17. pushing an opponent about the ring or into the ropes;
18. hitting with an open hand;
19. kicking or kneeing an opponent;
20. eye gouging of any kind;
21. biting;
22. hair pulling;
23. fishhooking;
24. groin attacks of any kind;
25. putting a finger into any orifice or into any cut or laceration on an opponent;
26. small joint manipulation;
27. striking to the spine or the back of the head;
28. throat strikes of any kind, including without limitation, grabbing the trachea;
29. clawing, pinching or twisting the flesh;
30. grabbing the clavicle;
31. holding the shorts or hands of an opponent;
32. spitting at an opponent;
33. engaging in any unsportsmanlike conduct that causes an injury to an opponent;
34. holding the ropes or the fence;
35. attacking an opponent on or during the break;
36. attacking an opponent who is under the care of the referee;
37. attacking an opponent after the bell has sounded the end of the period of unarmed combat;
38. flagrantly disregarding the instructions of the referee;
39. timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury;
40. interference by the corner; and
41. throwing in the towel during the competition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

§909. Wrapping of Hands:

A. Hands may be wrapped with gauze and tape that ends no closer than 1 inch from the fighter's knuckles. The wrap must include the wrist and may travel up to 3 inches past the junction of the wrist bone.

B. Gauze may be applied to the wrist, palm of the hand, back of the hand and thumb. The length of gauze to be utilized may not exceed a length of 15 feet per hand.

C. Tape may be applied to the wrist, palm of the hand, back of the hand and thumb. The tape shall not be greater than 1 inch in width and shall not exceed 10 feet in length per hand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

§911. London Rules Fighting Ring

A. All LRF events shall be subject to the Professional Boxing rule §320, Boxing Ring and Ropes, which is hereby supplemented to permit the use of a circular ring.

B. LRF events may use a *circular ring* which is defined as follows.

1. The ring must be a minimum of no less than 18 feet or past a maximum of 26 feet within the ropes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

§913. Toeing the Line

A. Any LRF event may use the following rules referred to as "Toeing the Line". If the promoter wishes to use the toeing the line rules, he must notify the commission in his event request form.

1. In every ring utilizing the toeing the line rule, there are 2 four-foot long lines painted in the center of the ring at a distance of 3 feet apart.

2. At the beginning of every round, both fighters will place at least one foot onto the line designated by the position of their corner before the match can be started by a signal from the referee.

3. If the participant is slow or stalling in approaching the line for the referee to start the round, the fighter can be either warned, have points deducted or be disqualified from the fight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

§915. Two Ringside Physicians

A. At all LRF events there shall be in attendance 2 physicians who are licensed in the state of Louisiana. Both physicians must be in attendance at ringside at all times during the fight. A fight/round shall not begin unless the referee insures that both ringside physicians are present at ringside; and

B. At least one of the two ringside physicians shall be certified as an expert in the area of plastic surgery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

§917. Judges and Referees

A. Judges and referees for LRF events will be licensed officials in accordance with Professional Boxing rule §311, Judges and Referees herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 48:

A. L. "Buddy" Embanato, Jr.
Chairman

2208#035

DECLARATION OF EMERGENCY

Office of the Governor

Division of Administration

Office of Broadband Development and Connectivity

Granting Unserved Municipalities Broadband Opportunities (GUMBO) (LAC 4:XXI.Chapters 1-7)

In response to Act 288 of the 2022 Regular Legislative Session, and as a result, address necessary grant program adjustments, this Declaration of Emergency amends LAC 4:XXI.Chapters 1-7.

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962 et seq., and pursuant to the authority set forth in R.S. 51:2370-2370.16, the Commissioner of Administration declares an emergency to exist and adopts by emergency process the attached Rule relative to the administration of the Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program by the Office of Broadband Development and Connectivity.

Act 288 of the 2022 Regular Legislative Session made several substantive changes to the GUMBO grant program, and with an effective date of August 1, 2022, the Commissioner of Administration finds it necessary to adopt this emergency rule. Broadband internet access has become a critical piece of infrastructure, relied upon to ignite economic growth and competitiveness, contribute to improved outcomes in healthcare, enhance agricultural output, and advance the educational experience of our children. Failure to connect the unconnected, and any further delay in constructing broadband infrastructure to serve those residents without it, would continue the substantial risk of hardship currently faced by hundreds of thousands of residents throughout the state. Further, the adoption of this emergency rule allows for the alignment of administrative rules with the newly passed legislation in a timely manner, affords the Office of Broadband Development and Connectivity the opportunity to implement program changes and solicit applications, and provides potential GUMBO grant program applicants with guidance and requirements necessary for participation in the program ahead of the normal rulemaking process timeline.

This Rule shall have the force and effect of law on August 1, 2022, and will remain in effect for the maximum period allowed by the Administrative Procedure Act, unless renewed by the Commissioner of Administration, or until permanent rules are promulgated in accordance with law.

Title 4

ADMINISTRATION

Part XXI. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 1. Program Summary

§101. Background and Authorization

A. ...

B. The Louisiana Office of Broadband Development and Connectivity, as authorized by R.S. 51:2370.1-2370.16, provides grants to providers of broadband services to facilitate the deployment of broadband service to unserved areas of the state. The Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program funds eligible projects, through a competitive grant application process, in economically distressed parishes throughout the state.

C. The application materials, program guidelines, and criteria set forth in this Part govern the GUMBO grant program and have been developed based on the enacting legislation for the program, Act 477 of the 2021 Regular Legislative Session, and amending legislation for the program, Act 288 of the 2022 Regular Legislative Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022), amended LR 48:

§103. Definitions

Broadband Service—deployed internet access service with a minimum of 100 Mbps download and 20 Mbps upload transmission speeds (100:20 Mbps).

Unserved—notwithstanding any other provision of law, any federal funding awarded to or allocated by the state for broadband deployment shall not be used, directly or indirectly, to deploy broadband infrastructure to provide broadband internet service in any area of the state where broadband internet service of at least 100:20 Mbps is available from at least one internet service provider.

Unserved Area—a designated geographic area that is presently without access to broadband service offered by a wireline or fixed wireless provider. Areas included in an application where a provider has been designated to receive funds through other state or federally funded programs designated specifically for broadband deployment shall be considered served if such funding is intended to result in the initiation of activity related to the construction of broadband infrastructure in such area within 24 months of the expiration of the 60-day period related to such application established pursuant to R.S. 51:2370.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022), amended LR 48:

§105. Non-Applicability of other Procurement Law

A. In accordance with R.S. 51:2370.14(C), grants solicited and awarded pursuant to the GUMBO grant program shall not be subject to the provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq., or the Public Bid Law, R.S. 38:2181 et seq.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022), amended LR 48:

Chapter 2. Project Area Eligibility Requirements

§201. Eligible and Ineligible Project Areas

A. Eligible areas for the GUMBO grant program are areas without deployed internet access service providing reliable transmission speeds of at least 100:20 Mbps through wireline or fixed wireless technology, and which qualify as an unserved area as defined in this Part. The Office, at its sole discretion, may determine an applicable standard of what, whether a technology, network design, or transmission speed delivered, is considered “reliable.” This standard may be adjusted for each succeeding grant round, as technology improves and reliable measurable techniques and reporting advances. This standard may also be applied to any singular location, area, or geographic boundary, as established by the Office. These areas are the focus of broadband expansion under this grant program.

B.1. Ineligible areas for the program are areas that already have reliable internet access service available to them at transmission speeds of at least 100:20 Mbps through wireline or fixed wireless technology. In addition, areas, inclusive of any singular location where a provider has been fully authorized to receive funding through Universal Service, Connect America Phase II, Rural Digital Opportunity Fund, or other public funds shall be considered served and therefore ineligible for the GUMBO grant program if such funding is intended to result in the initiation of activity related to construction of wireline broadband infrastructure in the area within 24 months from the expiration of the grant application period. In order to designate areas as ineligible and subject to exclusion, providers shall submit to the office individual addresses not less than 60 days prior to the beginning date of the application period. Such individual addresses shall be submitted in shapefile and table format, and shall be inclusive of longitudinal and latitudinal coordinates, specific to each individual address. Should such an address be assigned a specific geolocator number or other specific identifier by the federal government prior to submission to the Office, relative to federal broadband availability mapping efforts, such identifier shall be included with each address. Such addresses shall also be denoted by individual points within the shapefile. Any location or area of the state, subject to a Rural Digital Opportunity Fund award, in which the provider receiving the award has proposed to provide broadband internet access service through a technology other than a wireline technology, may be eligible for the GUMBO grant program.

2. A provider with firm plans to privately fund broadband deployment within 20 months from the expiration of the grant application period may qualify the area for

protection by submitting to the office, within 30 days of the close of the application period, a listing of the individual addresses comprising the privately-funded project areas meeting this requirement. Such individual addresses shall be submitted in shapefile and table format, and shall be inclusive of longitudinal and latitudinal coordinates, specific to each individual address. Should such an address be assigned a specific geolocator number or other specific identifier by the federal government prior to submission to the Office, relative to federal broadband availability mapping efforts, such identifier shall be included with each address. Such addresses shall also be denoted by individual points within the shapefile. A provider seeking to qualify the area for protection shall provide the office with evidence of plans to deploy within 20 months, which shall include detailed project plans, schedules, detailed budgets, or executive affidavits. Providers that block competitive bidding for GUMBO grant program funding through credible evidence of intent to build, as evaluated and determined at the office’s sole discretion, shall be required to sign a commitment with penalties for failure to execute. Such penalties may be determined and imposed at the office’s sole discretion. The office may also, at its sole discretion, grant an extension of the 20-month period.

3. A provider seeking to privately fund broadband deployment shall construct and provide deployable and reliable broadband service within the 20-month period to at least 80 percent of the designated locations. The office may, at its sole discretion, grant an extension of the 20-month period. Such a provider shall furnish to the Office a bond to guarantee the faithful performance of work, in an amount equal to the cost of proposed construction and deployment. If such a provider fails to perform in any material manner, as determined by the Office at its sole discretion, and the performance bond becomes due, the provider shall become ineligible for any state-administered grant program designated for broadband development efforts, for a time period to be determined by the Office.

4. A local governing authority, to include a parish or municipal governance board comprised of publicly elected members, but not to include school district governance boards, may submit, in writing, an official resolution to the Office objecting to any provider that has received, at the time of the passage of the resolution, a letter grade rating of “D” or “F”, or any subsequently equivalent rating, from the Better Business Bureau. At the request of the local governing authority, such a provider shall be ineligible to bid or place an application, solely or in partnership with any other provider, to deploy broadband services within the jurisdictional boundary of the local governing authority through the GUMBO grant program. Any such resolution shall be duly passed and submitted to and received by the Office prior to the date of the opening of any associated grant application period. A local governing authority shall not be limited as to the number of resolutions it may pass, nor the number of providers to which it may object. Any such objection shall be applicable for one grant application period, only, and a local governing authority reserves the right to submit additional resolutions, in the future, specific to any succeeding grant application period.

5. Failure on the part of a provider to submit a relevant project area for ineligibility and exclusion shall

result in those areas being eligible for GUMBO grant funding for the applicable grant application period. However, a provider with existing wireline technology facilities in the area, or a provider that intends to deploy reliable broadband service within either 24 months of the close of the application period as a result of receiving public funds specifically for broadband deployment, or 20 months of the close of the application period as a result of plans to privately fund deployment, upon submitting evidence to the Office, shall be able to utilize the protest process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022), amended LR 48:

§203. Resources for Identification of Project Areas

A. Applicants can apply for funding to serve individual addresses as set forth in Chapter 3: Applications of this Part.

B.1. The Office shall secure broadband availability mapping information and data from any entity, public or private, providing internet access service to at least one location, within the jurisdiction of the state, to assist the office in compiling a statewide parish-by-parish broadband availability map identifying the locations, technologies, and reliable transmission speed capabilities of broadband service in the state. At the request of the Office, any such entity shall submit to the Office, on or before the fifteenth day following the expiration of the date required for submission of broadband availability and deployment information to the federal government, any such broadband availability and deployment information. Such information shall be submitted to the office and shall contain the same information and be provided in the same format as it was submitted to the Federal Communications Commission, or any other federal entity, in a manner specified by the office. Specific to this requirement, in no instance shall an entity be required to provide any data or information beyond that which it is required to provide to the Federal Communications Commission or any other federal entity.

2. Any entity that does not comply with this submission requirement or submits inaccurate information, may be ineligible to participate in, or receive any funding from, any state-administered grant program designated for broadband infrastructure deployment in the state in the calendar year of noncompliance and through the following calendar year.

a. Any location in the state purportedly served by any entity providing internet access service to at least one location in the state, that does not comply with this submission requirement, may be considered to have internet access service of less than 100:20 Mbps.

3. Any broadband availability mapping data and information, submitted as part of this mapping submission requirement, shall be used solely for the purpose of identifying served, underserved, and unserved locations and areas to aid in the administration of the GUMBO grant program and for no additional purpose.

4. Any entity submitting broadband availability mapping data and information, submitted as part of this mapping submission requirement, may be afforded the opportunity to review a proposed draft of the state

broadband map prior to publication or utilization of the map for any state-administered grant application period or program designated for broadband infrastructure deployment in the state, and submit any necessary corrective data and information to the office. In conjunction with this review, the office shall provide for a challenge period and process to allow any such entity to challenge any location or area deemed eligible for any state-administered grant program designated for broadband infrastructure deployment in the state that overlaps with the challenging entity's verified service territory.

5. The Office may contract with a private entity, third-party consultant, or state agency, or any combination thereof, to develop and maintain the state broadband availability map. Any contract entered into by the office with any private entity, third-party consultant, or state agency, or any combination thereof, for such purpose shall include a confidentiality agreement prohibiting the disclosure of any broadband availability mapping data and information. During the development and maintenance of the state broadband availability map, in no instance shall a regional planning district or commission of the state have access to provider-identifying broadband availability mapping data and information submitted as part of this mapping submission requirement.

6. Broadband availability mapping data and information submitted as part of this mapping submission requirement shall be exempt from the Public Records Law and shall be considered confidential, proprietary, and a trade secret of the entity providing such information. The Office, as well as any private entity, third-party consultant, or state agency retained or employed in the development or maintenance of the map, specific to provider-identifying information, shall keep such information strictly confidential and shall not disclose such information, or cause or permit to be disclosed such information, to any third person, private entity, or public body as defined in R.S. 44:1 and shall take all actions reasonably necessary to ensure that such information remains strictly confidential and is not disclosed to or seen, used, or obtained by any third person, private entity, or public body as defined in R.S. 44:1.

7. This broadband availability mapping data and information submission requirement shall be subject to the termination provisions provided for in R.S. 51:2370.3.

C. The Office advises potential applicants to consider mapping tools and other resources located within the office's website as a starting point for identifying project areas.

NOTE: Mapping tools and other resources can be found on the website of the office, at connect.la.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022), amended LR 48:

Chapter 3. Applications

§303. Applications with Multiple Providers or Project Areas

A. An applicant may submit one application with multiple service providers if the applicant can demonstrate how the providers are collaborating to achieve universal coverage for the unserved location or area.

B. ...

C. Units of local government may endorse multiple applications with different service providers and may include project areas that cross jurisdictional boundaries.

1. Units of local government that provide letters of support, matching funds, or in-kind contributions to any application should provide the same, on a percentage basis relative to matching funds and in-kind contributions, to all applications proposing the use of like technologies in identical unserved areas with access provided to the exact number of prospective broadband recipients within its jurisdiction. Should multiple applications propose to serve unserved areas within its jurisdiction and include the use of unlike technologies, differing unserved areas, or a non-analogous number of prospective broadband recipients to be served, as compared against other applications, a local government may use reasonable judgement and reserve the right to determine its level of support, to include letters of support, matching funds, or in-kind contributions, on an application-by-application basis. A unit of local government that provides differing levels of support, to include letters of support, matching funds, or in-kind contributions, to differing applicants proposing one or more projects within its jurisdiction shall provide an explanation to the office, at the office's request, as to why the local government's differing levels of support do not present an unreasonable or undue preference or advantage to itself or to any provider of broadband service. If, in the opinion of the office, differing levels of support by a unit of local government for differing applications presents an undue or unreasonable preference or advantage to itself or to any provider of broadband service, the office may disqualify from grant funding consideration any application or project area within the jurisdiction of the unit of local government.

D. An applicant may apply for one contiguous project area or multiple non-contiguous project areas

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022), amended LR 48:

§305. Application Requirements

A. As set forth in greater detail in §§307-315 of this Chapter, each application shall include these components:

1. ...
2. project area and locations to be served;
3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022), amended LR 48:

§307. Application Information, Statement of Qualifications, and Partnerships

A. Every application shall include:

1. the identity of the applicant and its qualifications and experience with the deployment of broadband; in addition, the applicant shall include the following:

- a. ...
- b. a history of the number of households and consumers, by year of service, to which the applicant has

provided broadband internet access, as well as the current number of households to which broadband internet access (at least 100:20 Mbps) is offered;

c. - 2.

3. the identity of any partners or affiliates, if the applicant is proposing a project for which the applicant affirms that a formalized agreement or letter of support exists between the provider and one or more unaffiliated partners where the partner is one of the following:

a. a separate provider or potential provider of broadband service, requiring a formalized agreement; or

b. a nonprofit or not-for-profit, or a for-profit subsidiary of either, and the applicant is:

i. - ii. ...

iii. the recipient of a letter of support. A parish, municipality, or school board, or any instrumentality thereof, may qualify as a nonprofit for the purposes of this Section. Letters of support by a parish, municipality, or school board, or any instrumentality thereof, supporting an application shall be in the form of an official and duly passed resolution by the governing board and shall be submitted as part of an application. A letter of support does not require a formalized agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022), amended LR 48:

§309. Project Area(s) and Locations to be Served

A. Every application shall include the following.

1. Mapping and Descriptions

a. Data and information relating to areas proposed to be served is required in order to confirm that the project is serving eligible areas, to accurately score the application; and track progress and completion of the project if awarded. If documentation is deemed insufficient, the office reserves the right to request additional supporting documentation. If the proposed project would result in the provision of broadband service to areas that are not eligible for funding, those ineligible areas shall be identified in the application along with the eligible areas. An applicant is allowed to propose construction of broadband infrastructure to GUMBO-ineligible locations if the proposed project includes GUMBO-eligible locations, and the applicant reports this intention. An applicant may not use any GUMBO grant funding to build to these ineligible locations. Broadband infrastructure deployment to ineligible areas must result as a natural byproduct of broadband infrastructure deployment to eligible areas, and an applicant is not allowed to use any GUMBO grant funding for deployment to ineligible areas. Any potential grant awardee proposing to build broadband infrastructure to GUMBO-ineligible areas will be subjected to additional and rigorous auditing and control standards to ensure compliance with all applicable state and federal law. In no instance shall the number of ineligible locations proposed exceed 25 percent of the number of GUMBO-eligible locations contained within an application.

b. Data and information included shall be relevant to the proposed project area and include the number of prospective broadband recipients that will be served and have access to broadband as a result of the project. For the

proposed area to be served, the total cost per prospective broadband recipient must be provided, as well as the GUMBO cost per prospective broadband recipient.

c. The office reserves the right to request any additional data and technical information the office deems necessary.

d. Additionally, applicants may also submit applications for areas where transmission speeds are advertised as reliably meeting or exceeding 100:20 Mbps, if indisputable data is available to establish, to the satisfaction of the office, at its sole discretion, that delivered transmission speeds are reliably less than 100:20 Mbps. Such data should be statistically significant and fully support the application. In no instance should such data provide conflicting data points.

e. Data Submission Requirements

i. Address-Level Data—data shall be submitted at the address level. Such individual addresses shall be submitted in shapefile and table format, and shall be inclusive of longitudinal and latitudinal coordinates, specific to each individual address. Should such an address be assigned a specific geolocator number or other specific identifier by the federal government prior to submission to the office, relative to federal broadband availability mapping efforts, such identifier shall be included with each address. Such addresses shall also be denoted by individual points within the shapefile. Locations projected to be served must be digitally submitted in a GIS shapefile or kml file format and should be georeferenced to either the Louisiana North State Plane NAD83 (US Feet) coordinate system or the Louisiana South State Plane NAD83 (US Feet) coordinate system. Service to any prospective broadband recipient should be referenced. Data and information submitted through mapping files shall match the information and data entered into the application. Any discrepancy in the data and information entered into the application and submitted in any associated files, including mapping files, may be grounds for administrative rejection of the application, without the opportunity for remedy by the applicant. The Office may provide a common data dictionary prior to the opening of any grant application period.

f. Additional Data Sets

i. To assist in clarifying or providing for a greater level of detail regarding the areas and locations to be served by a proposed project, additional data sets may be provided within the application. These data sets should serve as supporting information to the required data listed above and should not be submitted as an alternative. This information will be evaluated as supporting information, only.

Examples of additional data include, but are not limited to:

- Scrubbed data (no raw data) from citizen survey results or demand aggregation results, with speed tests. This data must identify the areas that have less than 100:20 service.
- Affidavits from citizens or other individuals certifying one or more of the following:
 - o they are not able to receive broadband service; or
 - o the only available service is cellular or satellite; or
 - o the only broadband service available by the existing providers is less than 100:20 service.

2. - 2.a. ...

3. Attestation of Project Area Eligibility

a. Applicants are required to sign the statement of attestation to attest to the office that the project area

identified within the application is eligible as of the close of the applicable application period, as defined by Louisiana Revised Statutes 51:2370.1 through 2370.16 and this Part, to the best of their knowledge. The attestation statement and signature shall be included as part of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1507 (June 2022), amended LR 48:

§311. Technical Report

A. ...

B. Reporting requirements for all deployments:

1. - 2. ...

3. if the applicant is claiming a partnership, the applicant must provide a brief narrative explaining the partnership or affiliation. For applications where a nonprofit or not-for-profit partner provides only matching financial support, that information can be documented in the budget Section within the relevant application. The applicant must also provide evidence of a formalized agreement, when applicable, as required in §307 of this Part;

4. - 7. ...

C. Reporting requirements for wired infrastructure deployment:

1. ...

2. explanation of existing networks and equipment to be used for the project, if applicable;

a. - b. ...

3. detailed explanation of how the new or upgraded infrastructure will serve the prospective broadband recipients. In the case of the installation or upgrade of a specific site infrastructure, such as a point of presence or fiber hut (fiber), the applicant must include:

a. ...

b. the distance from the specific site infrastructure to the end user(s) and the expected broadband speed that will be effectively and reliably delivered;

4. ...

D. Reporting requirements for fixed wireless deployment:

1. ...

2. explanation of existing networks and equipment to be used for this project, if applicable;

a. If the applicant requires assets owned by another entity, the applicant should explain how the assets will be used for this project and, if applicable, provide a copy of the agreement between the applicant and the owner; and

b. the number of towers or vertical assets to be used for the project, the height (in feet) of each tower or vertical asset, and whether each tower or vertical asset is existing or will be constructed. For scoring purposes, tower or vertical asset height will be converted to miles through the following equation: 1 foot of tower or vertical asset height = 1/20 mile.

3. detailed explanation of how the new or upgraded infrastructure will serve the prospective broadband recipients. In the case of the installation or upgrade of a specific site infrastructure, such as a vertical asset, the applicant must include:

- a. - c. ...
- d. the distance from the vertical asset to the end user(s) and the expected broadband speed that will be effectively and reliably delivered;

4. - 5. ...

6. explanation of the frequency/frequencies to be utilized for the deployment, whether the deployment will use licensed or unlicensed frequency/frequencies and technologies, as well as mitigation of line-of-sight challenges (which should correspond to the number of recipients to be served).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1508 (June 2022), amended LR 48:

§313. Project Budget, Matching Funds, Costs, and Proof of Funding Availability

A. Budget and Narrative

1. The project budget should reflect all eligible project costs. The project budget should include the minimum provider funding match of at least 25 percent, any local government funding match from a parish, municipality, and/or school board, or any instrumentality thereof, as well as in-kind contributions, and the requested GUMBO grant program funding.

2. Matching funds, and their associated sources, shall be detailed within the project budget and budget narrative. Eligible grant recipients are required to provide at least 25 percent matching funds of the total proposed project cost to participate in the GUMBO grant program. A local government, including a parish, municipality, or school board, or any instrumentality thereof, may provide matching funds for a project, in addition to the applicant. Local government matching funds are optional and not required. There is no limitation on the minimum or maximum percentage of a project's total cost that a local government may provide through a funding match. In-kind contributions to the project by a local government should also be listed in the project budget and budget narrative, if applicable.

3. ...

B. Total Project/Infrastructure Cost

1. ...

* * *

C. Total Project/Infrastructure Cost—per prospective broadband recipient

D. GUMBO Cost—per prospective broadband recipient

E. Proof of Funding Availability

1. Applicants must submit a signed letter of funding availability from each source of funds committed for the project. If loan or other grant funds are pledged, a loan/grant commitment letter from each source of funds must be included.

2. Should an applicant be an awardee of Universal Service, Connect American Phase II, Rural Digital Opportunity Fund, or other public funds for the deployment of broadband service, the applicant shall attest as to whether or not the applicant's GUMBO application and associated project's buildout is dependent upon such awarded funds.

3. The applicant shall indicate whether the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant has ever filed for bankruptcy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1509 (June 2022), amended LR 48:

§315. Proposed Services, Marketing, Adoption, and Community Support

A. Every application shall include:

1. - 3. ...

4. a plan to encourage users to connect that incorporates, at a minimum, community education forums, multimedia advertising, and marketing programs; and

5. any low-income household service offerings, digital equity or literacy support, or programs or partnerships to provide these services. The applicant should also indicate current participation in, or plans to, accept the federal Lifeline subsidy.

B. It is highly encouraged that every application should include:

1. a workforce plan prioritizing the hiring of local, Louisiana resident workers, to include a signed letter of intent with a post-secondary educational institution that is a member of the Louisiana Community and Technical College System, containing an obligation upon the applicant, and contractors or subcontractors of the applicant, to put forth a good-faith effort to hire, when possible, recent graduates of broadband-related programs. At minimum, the workforce plan should also contain a commitment to offer wages at or above the prevailing rate and a description of the applicant's safety and training standards; and

2. evidence of support for the project from citizens, local government, businesses, and institutions in the community. The applicant may provide letters or other correspondence from citizens, local government, businesses, and institutions in the community that supports the project. Letters of support from a parish, municipality, or school board, or any instrumentality thereof, will be deemed material for scoring purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1509 (June 2022), amended LR 48:

Chapter 4. Scoring

§401. Overview

A. The GUMBO grant program is a competitive grant program. Applications shall be scored independently as provided in this Chapter, based upon a system that awards a single point for criteria considered to be the minimum level for the provision of broadband service, with additional points awarded to criteria that exceed minimum levels.

B. Applications shall be scored independently, and applications receiving the highest score shall receive priority status for the awarding of grants. Should the final application or project area with priority status for the awarding of a grant have a request for GUMBO funding that exceeds the remaining GUMBO funds available, the final applicant with priority status shall have the option to agree to complete its proposed project in full with the remaining GUMBO funds available in that round. Should the final priority applicant decline, the office shall propose the same

to the next highest scored application. This process shall continue until such time as an applicant has agreed, or all remaining applications within the current grant round have declined. Should all applicants decline the office's offer, the remaining balance of GUMBO funding shall be added to the next succeeding round of GUMBO, subject to the guidance and restrictions of the funding source.

C. As a means of breaking a tie for applications receiving the same score, relative to any scoring metric or in the scoring aggregate, the office shall give priority to the application proposing the lowest GUMBO cost per prospective broadband recipient.

D. Upon the close of the application period, and throughout the evaluation and scoring phase of the program process, a blackout period shall be instituted. This blackout period shall remain in effect until the announcement of awards. During this blackout period, applicants shall not initiate contact with the office, except as otherwise provided within this part. The office reserves the right to initiate contact with an applicant to seek clarification of an application or the data and information contained therein, request additional data or information, or as necessary in response to an overlapping application or protest. An applicant may initiate contact with the office for the purposes of amending an application due to overlapping or a protest, or to withdraw an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1510 (June 2022), amended LR 48:

§403. Overlapping Applications or Project Areas

A. At the close of the application period, should one or more applications overlap one or more other applications; relative to one or more unserved individual addresses, the impacted applicants shall have the option and ability to resolve the overlapping individual addresses through the applicants' own volition, discussion, and efforts. Applicants working to resolve an instance of overlapping applications, following the close of the application period, shall jointly notify the office of such efforts. An acceptable resolution and amended applications will be accepted by the office until 5 p.m. on the fifteenth day of the 30-day evaluation period. Such an acceptable resolution between impacted applicants shall not result in the addition of partners to a previously submitted application nor the expansion of an application's project area.

B. Following 5 p.m. on the fifteenth day of the 30-day evaluation period, should one or more applications overlap one or more other applications; relative to one or more individual addresses, each application shall be scored independently. The application receiving the highest score shall proceed to grant funding consideration with its project area boundary intact. Any lower-scored application overlapping a higher-scored application shall be removed from grant funding consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1510 (June 2022). LR 48:

§405. Factors Subject to Scoring

A. Applicant Experience. The office shall award points based upon the applicant's experience, technical ability, financial wherewithal in successfully deploying and providing broadband service, and the matching funds percentage of the total cost of the project. For experience, the office shall reference, by date of application submittal and without regard to the potential project, the number of years the applicant has provided internet services; the number of households to which the applicant currently provides broadband internet service access (at least 100:20 Mbps); the number of internet service infrastructure projects completed by the applicant, funded in part through federal or state grant programs, prior to the date of application submittal; penalties paid by the applicant, relative to internet service infrastructure projects funded in part through federal or state grant programs, prior to the date of application submittal; and whether the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant has ever been a defendant in any federal or state criminal proceeding or civil litigation as a result of its participation in an internet service infrastructure project funded in part through federal or state grant programs, prior to the date of application submittal. Points shall be awarded as follows.

* * *

B. Technical Ability. The office shall award points based upon the broadband transmission speeds (Mbps download and upload) that will be deployed as a result of the project. If more than one set of transmission speeds are offered to consumers, scoring shall be based on the fastest transmission speeds offered. The office shall award points based upon the scalability of the project's technology and infrastructure beyond the project's current maximum speed offering for future increases in bandwidth. Should a project include a mix of wireline and fixed wireless technology solutions, broadband speed and scalability criteria shall be scored based upon the technology that serves a majority of a project's prospective broadband recipients. The office shall reference the average distance, in miles, between prospective broadband recipients to be served by the project and shall award points to the five applications with the longest average distance between prospective broadband recipients. Points shall be awarded as follows.

Broadband Speeds (Mbps Down:-Mbps Up)	Points
At least 100:20	1
100:100 and beyond	10

Scalability (Mbps Down:-Mbps Up)	Points
At least 100:100	1
At least 300:300	5
At least 500:500	10
At least 1000:1000	15

Average Distance (in miles) Between Prospective Broadband Recipients	Points
Longest average distance	25
2 nd longest average distance	20
3 rd longest average distance	15

Average Distance (in miles) Between Prospective Broadband Recipients	Points
4 th longest average distance	10
5 th longest average distance	5
6 th longest average distance or shorter	0

C. Financial Wherewithal. The office shall reference both a project's total/infrastructure cost per prospective broadband recipient and GUMBO cost per prospective broadband recipient. A project's total/infrastructure cost per prospective broadband recipient shall be calculated by dividing a project's total/infrastructure cost by the total number of prospective broadband recipients to be served by the project. A project's GUMBO cost per prospective broadband recipient shall be calculated by dividing a project's GUMBO requested funding by the total number of prospective broadband recipients to be served by the project. In each criterion, the office shall award points to the 10 applications with the lowest costs per prospective broadband recipient. The office shall also reference the number of bankruptcies filed (prior to the date of application submission). Points shall be awarded as follows.

* * *

D. Matching Funds. The office shall calculate the provider's matching funds percentage of the total/infrastructure cost of the project and award points based on matching funds. Points shall be awarded as follows.

Provider Matching Funds (Percentage of Total/Infrastructure Cost)	Points
25 percent	0
Each additional percentage point – beyond required 25 percent.	1
Each increment of 5 percentage points – beyond required 25 percent.	5 Bonus Points

NOTE: An applicant will receive 1 point for each percentage point of matching funds provided, beyond the required 25 percent. Additionally, an applicant will receive 5 bonus points for each increment of 5 percentage points of matching funds provided, beyond the required 25 percent. Points are awarded based upon the total percentage of matching funds provided, beyond the required 25 percent, irrespective of the number of providers contributing to a single project.

E. Local Government Support. The office shall award points based upon letters of support from local governments. The office shall reference letters submitted by a parish, municipality, or school board, or any instrumentality thereof. Letters of support eligible for scoring shall be in the form of officially and duly passed resolutions by the governing board, consisting of publicly elected members, of the parish, municipality, or school board, or any instrumentality thereof. Such a resolution shall be submitted with the application prior to the close of the application period. Points shall be awarded as follows.

Local Government Letters of Support, Numbers	Points (max. 10 points)
1 local government	1
2 local government	5

Local Government Letters of Support, Numbers	Points (max. 10 points)
3+ local governments	10

F. Estimated Number of Unserved Households. The office shall award points to projects based upon the estimated number of unserved households within the eligible economically distressed parish, as determined by the most recent data published by the Federal Communications Commission or the most reliable source of information available as of the close of the application period, as determined by the office. Points shall be awarded as follows.

Number of Unserved Households	Points
499 or fewer	1
500 to 1,999	4
2,000 to 4,999	6
5,000 to 9,999	8
10,000 or more	10

NOTE: If a contiguous project area crosses from an eligible parish into one or more eligible adjacent parishes, the project shall be deemed to be located in the parish where the greatest number of unserved households are proposed to be served.

G. Percentage of Total Unserved Households Served. The office shall award points to projects that will provide broadband service based upon the percentage of the total unserved households within the eligible economically distressed parish that the project will newly and directly serve. Unserved households served as a result of other, non-GUMBO federal or state grant programs shall not be used in the calculation of this criterion. The number of unserved households shall be determined using the most recent data published by the Federal Communications Commission or the most reliable source of information available as of the close of the application period, as determined by the office. The Office shall also award points based upon the number of households newly and directly served, as a result of the project, with current service of less than 25:3 Mbps, as a percentage of the total number of households proposed to be served by the project. Points shall be awarded as follows.

Percent of Unserved Households Newly and Directly Served	Points
5 percent or less	1
6 percent to 10 percent	4
11 percent to 24 percent	6
25 percent to 49 percent	8
50 percent or more	10

NOTE: If a contiguous project area crosses from an eligible parish into one or more eligible adjacent parishes, the project shall be deemed to be located in the parish where the greatest number of unserved households are proposed to be served.

Percent of Households with Service of Less than 25:3 Mbps Newly and Directly Served by a Project, Relative to the Total Number of Households Proposed to be Served by a Project	Points
Less than 1 percent	0
1 percent to 24 percent	5
25 percent to 49 percent	25
50 percent to 74 percent	50

Percent of Households with Service of Less than 25:3 Mbps Newly and Directly Served by a Project, Relative to the Total Number of Households Proposed to be Served by a Project	Points
75 percent to 99 percent	75
100 percent	100

contributions and matching funds provided by local governments, irrespective of the number of local governments contributing to the project.

L. - N. ...

H. - I. ...

J. Consumer Price. The office shall award points based upon the ultimate price of broadband service to the consumer as a result of the proposed project and shall reference the average price of all broadband service packages offering transmission speeds that meet or exceed 100:20 Mbps offered to consumers by an applicant as the result of the proposed project. The office shall award points to the 10 applications with the lowest average price of all broadband service packages offering transmission speeds that meet or exceed 100:20 Mbps offered to consumers by an applicant as a result of the proposed project. Points shall be awarded as follows.

Consumer Price (Lowest Average Package Price)	Points
Lowest average price	20
2 nd lowest average price	18
3 rd lowest average price	16
4 th lowest average price	14
5 th lowest average price	12
6 th lowest average price	10
7 th lowest average price	8
8 th lowest average price	6
9 th lowest average price	4
10 th lowest average price	2
11 th lowest average price or higher	0

NOTE: An applicant that has offered broadband service to at least 1,000 consumers for a period of at least 5 consecutive years is required to offer broadband service at prices that are, at least, consistent with offers to consumers in other areas of the state.

K. ...

Local Government In-Kind and Matching	Points
No in-kind contribution or funding match	0
Each percentage point of total/infrastructure project cost provided by in-kind contributions or funding matches	1
Each increment of 5 percentage points of total/infrastructure project cost provided by in-kind contributions or funding matches	5 Bonus Points

NOTE: An applicant will receive 1 point for each percentage point of the total/infrastructure cost of a project provided by local government through in-kind contributions or matching funds. Additionally, an applicant will receive 5 bonus points for each increment of 5 percentage points of the total/infrastructure cost of a project provided by local government through in-kind contributions or matching funds. Points are awarded based upon the total percentage of in-kind

Summary	
Scored Section	Points
A-1. Experience (Years Providing Internet Service)	0 – 5
A-2. Experience (Households Provided Access)	0 – 5
A-3. Experience (Completed Internet Projects)	0 – 5
A-4. Experience (Penalties Paid)	0 – 5
A-5. Experience (Defendant in Criminal or Civil)	0 – 5
B-1. Technical Ability (Broadband Speeds)	1 – 10
B-2. Technical Ability (Scalability)	0 – 15
B-3. Technical Ability (Distance Between Broadband Recipients)	0 – 25
C-1. Financial Wherewithal (Cost Per Prospective Broadband Recipient)	0 – 10
C-2. Financial Wherewithal (GUMBO Cost Per Prospective Broadband Recipient)	0 – 20
C-3. Financial Wherewithal (Bankruptcy)	0 – 2
D. Provider Matching Funds	0 – 1 – 5+
E. Local Government Letters of Support	0 – 1 – 10
F. Number of Unserved Households in Parish	1 – 10
G-1. Percent of Total Unserved Households Now Served	1 – 10
G-2. Percent of 25:3 Mbps in Project	0 – 100
H. Unserved Businesses Now Served	1 – 5
I-1. Leverage of Existing Infrastructure (Percentage of Mileage of Preexisting Infrastructure)	0 – 5
I-2. Leverage of Existing Infrastructure (Timing of Construction Start Date)	1 – 5
I-3. Leverage of Existing Infrastructure (Timing of Wireline Construction Completion)	1 – 10
Or	
I-4. Leverage of Existing Infrastructure (Timing of Wireless Construction Completion)	1 – 5
J. Consumer Price	0 – 20
K. Local Government Matching	0 – 1 – 5+
L. Certified Hudson/Vet Initiative Grant Recipient	0 – 10
M. Certified Hudson/Vet Initiative Subcontractor	0 – 20
Total Possible Points:	6 – 322+

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1511 (June 2022), amended LR 48:

Chapter 5. Awards, Protests, and Grant Agreements §501. Award Announcements

A. All GUMBO applications shall be publicly available on the office's website for a period of at least 30 days prior to an award announcement. Following administrative review, evaluation, and scoring, as well as fulfilling the requirement that applications be publicly available for 30 days prior to award, the office may publicly announce award winners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:

§503. Protests

A. The protest process shall be conducted in accordance with R.S. 51:2370.4(C) and 2370.5, as well as this Chapter. The protest period shall not exceed 30 days following the announcement of awards.

B. Following an announcement of awards, any aggrieved party may submit a protest of any award, specific to whether a location or area is served or unserved by broadband service, which shall be the sole reason allowable for the submission of a protest. Also qualifying as served for the purposes of a protest are those locations or areas where construction of broadband infrastructure will begin within either 24 months as the result of public funding or 20 months as the result of private funding, respectively, as described in §201 of this Part and defined within the GUMBO grant program. Protests shall be submitted in writing in a manner determined by the office, and all protests shall be accompanied by all relevant supporting documentation.

C. Protests shall contain all relevant supporting documentation, including, but not limited to, the following:

1. a signed and notarized affidavit affirming the protest and attached information are true;
2. current Federal Communications Commission (FCC) reporting;
3. maximum speeds available in the proposed project area;
4. number of serviceable locations within the protested area, including the maximum speeds those serviceable locations are able to receive, and the technology used to deliver such transmission speeds;
5. street-level data of customers receiving service within the protested area, including speed test data;
6. referencing the data submitted by the applicant, shapefiles in GIS or kml file format, with accompanying excel and/or attribute table data including individual addresses, longitudinal and latitudinal coordinates, and any specific geolocator number or other specific identifier assigned by the federal government to location, that show each protested passing in the protested area, designated by a singular mapped point;
7. if applicable, heat maps indicating received signal strength indicator (RSSI) in the challenged area.

D. Upon the close of the application period, a blackout period shall be instituted. This blackout period shall remain in effect until an announcement of awards. During this blackout period, neither a protesting party nor an applicant shall initiate contact with the office, except as provided by this Section. The office reserves the right to initiate contact with a protesting party or applicant to seek clarification of an application, a protest, the data contained therein, or to request additional information.

E. Should a protest be granted in any manner, the office shall work with an awardee to amend an awarded application to reduce the number of unserved prospective broadband recipients and re-scope the awarded application. The office shall revise awarded application scores in accordance with amended data and information. Should an awarded application be amended as a result of a granted protest, it is possible that the revised score would subject such an awarded application to the removal of its priority status for an award. As a result of a granted protest and a reduction in the number of unserved prospective broadband recipients, an awardee shall also have the option to withdraw its awarded application.

F. Any applicant or protesting party receiving access to any other provider's proprietary or confidential information, through the required processes of the grant program and as defined within R.S. 51:2370-2370.16 and this Part and subject to confidential protection, shall not disclose such information to any other third party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:

§505. Grant Agreements [Formerly §603]

A. Following the close of the protest period, the office may issue grant agreements to eligible awardees not subject to an ongoing protest. An awardee shall have 30 days, from official issuance of the grant agreement, to negotiate, sign, and return the agreement. If the grant agreement is not signed by the awardee and returned to the office within 30 days from official issuance of the grant agreement, the office shall reserve the right to rescind the award and proceed to official issuance of a grant agreement to the next highest scored applicant with priority status for the awarding of a grant.

B. Construction start and completion dates shall be calculated for scoring, compliance, and failure to perform purposes and evaluations, beginning with the date the grant agreement is received by the office (following successful negotiation, if any, and with proper and legal signature affixed).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1514 (June 2022), amended LR 48:

Chapter 6. Compliance §601. Speed and Cost Compliance [Formerly §701]

A. The office shall require that grant recipients offer download and upload speeds of at least 100:20 Mbps. Slower speeds may be offered, but speeds that meet or exceed 100:20 Mbps must be offered. Additionally, speeds that meet or exceed 100:100 Mbps are expected to be offered, except in the rare case of a prohibitive barrier such as geography, topography, or excessive cost in deploying speeds that meet or exceed 100:100 Mbps. Should an applicant propose to offer a maximum available speed of less than 100:100 Mbps, a substantiating explanation, accompanied by corroborating evidence, shall be submitted to the office as a part of the application submission.

B. Grant recipients that have offered broadband service to at least one thousand consumers for a period of at least five consecutive years shall offer broadband service at prices consistent with offers to consumers in other areas of the state. Any other broadband provider shall ensure that the broadband service is priced to consumers at no more than the cost rate identified in the project application, for the duration of the five-year service agreement.

C. In calculating cost, the recipient may adjust annually, consistent with the annual percentage increase in the Consumer Price Index in the preceding year.

D. At least annually, a grant recipient shall provide to the office evidence consistent with Federal Communications Commission attestation, or future federal equivalent, that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement.

E. For the duration of the agreement, grant recipients shall disclose any changes to data caps.

F. Grant recipients shall be required to participate in federal programs that provide low-income consumers with subsidies on broadband internet access services. Grant recipients will be required to participate in the federal Affordable Connectivity Program, or future federal or state equivalent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022), amended LR 48:

§603. Reporting [Formerly §703]

A. Grant recipients shall submit to the office, no more than quarterly, unless otherwise required by federal statute or regulation, a report for each funded project for the duration of the agreement. The report shall include reporting requirements selected at the discretion of the office. Such reporting requirements, once selected, shall be consistently applied to all grant recipients of any grant program round and be effective for at least one program year. Reporting may be revised from program year to program year, at the discretion of the office.

B. Grant recipients, upon request from the office, shall provide:

1. project and expenditure reports, to include but not limited to: expenditures, project status, subawards, civil rights compliance, equity indicators, community engagement efforts, geospatial data, workforce plans and practices, and information about subcontracted entities; and

2. performance reports, to include but not limited to project outputs and outcomes.

C. Grant recipients shall submit to the office an annual report for each funded project for the duration of the agreement. The report shall include, but not be limited to, the following summary of the items contained in the grant agreement and the following details:

1. the number of residential and commercial locations that have broadband access as a result of the project;

2. percentage of households in the project area who have access to broadband service;

3. percentage of subscribers in the project area to the broadband service;

4. average monthly subscription rate for residential and commercial broadband service in the project area;

5. any right-of-way fees or permit fees paid to local government, state government, railroad, private entity, or person during the fulfillment of the grant awarded;

6. any delays encountered when obtaining a right-of-way permission.

D. The office, at its sole discretion and at any time, shall reserve the right to request any additional data and reporting information that the office deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022), amended LR 48:

§605. Disbursement and Reimbursement [Formerly §705]

A. The Division of Administration shall be the designated agency for receipt and disbursement of state and federal funds intended for the state for broadband expansion or allocated by the state for broadband expansion.

B. All federal grant funds received by the state for the purpose of broadband expansion shall be disbursed in accordance with the GUMBO program.

C. Funding in accordance with completion shall be distributed to a grantee once the grantee has demonstrated, to the satisfaction of the office, that a project has reached the following percentile completion thresholds, which shall be defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project:

1. 10 percent;
2. 35 percent;
3. 60 percent;
4. 85 percent;
5. 100 percent.

D. The final 15 percent payment shall not be paid without an approved completion report. Invoice for final payment shall be submitted within 90 days of completion date. All invoices are subject to audit for three years from the completion date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022), LR 48:

§607. Failure to Perform [Formerly §707]

A. A grant recipient shall forfeit the amount of the grant received if it fails to perform, in material respect, the obligations established in the agreement.

B. Grant recipients that fail to provide advertised connection speeds and costs shall forfeit any matching funds, up to the entire amount received through the GUMBO program.

C. The office shall use its discretion to determine the amount forfeited.

D. A grant recipient that forfeits amounts disbursed under this Part is liable for up to the amount disbursed plus interest.

E. The number of subscribers that subscribe to broadband services offered by the provider in the project area shall not be a measure of performance under the agreement for the purposes of this Section.

F. A grant recipient shall not be required to forfeit the amount of the grant received if it fails to perform due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, the failure to obtain access to private or public

property or any government permits under reasonable terms, such claims that shall be evaluated to the satisfaction of the office, or such other occurrence over which the grant recipient has no control, as evaluated to the satisfaction of the office.

G. If a grant recipient fails to complete a project, in a material respect, the grant recipient, at the discretion of the office, may be required to reimburse the state the actual cost to finish the project. The actual cost to finish the project shall be determined by the office, in consultation with the grant recipient. The Office shall not require a grant recipient that it deems has made a good faith effort to complete a project to reimburse the state an amount greater than the remaining GUMBO cost per prospective broadband recipient as set forth in the grant recipient's application.

H. If a grant recipient fails to perform and fails to return the full forfeited amount required, the ownership and use of the broadband infrastructure funded by the GUMBO program shall revert to the Division of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1516 (June 2022), amended LR 48:

§609. State and Federal Oversight, Civil Rights Compliance, and Other Applicable Federal Law [Formerly §709]

A. Grant recipients are subject to audit or review by the state and federal government.

B. Grant recipients shall not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities:

1. Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d-1 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 22;

2. Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794;

3. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 28; and

4. Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 23.

C. Grant recipients and all proposed projects must comply with all applicable federal environmental laws. Additionally, grant recipients and all proposed projects must comply with the following federal laws and regulations:

1. the 2019 National Defense Authorization Act (NDAA);

2. 2 C.F.R. Part 200; and

3. the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations 29 C.F.R. Part 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1516 (June 2022), amended LR 48:

Chapter 7. Applicability of Amended Rule

§701. Applicability of Amended Rule

A. Any application received through the GUMBO grant program prior to August 1, 2022, or any protest, appeal, or other filing, including any judicial filing arising from an application submitted prior to August 1, 2022, shall be subject to Act 477 of the 2021 Regular Legislative Session and the final rule published on June 20, 2022. Any application received through the GUMBO grant program on or following August 1, 2022, or any protest, appeal, or other filing, including any judicial filing arising from an application submitted on or following to August 1, 2022, shall be subject to Act 288 of the 2022 Regular Legislative Session and the Emergency Rule published on August 20, 2022.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:

Jay Dardenne
Commissioner

2207#025

**DECLARATION OF EMERGENCY
Office of the Governor
Office of Homeland Security
and Emergency Preparedness**

Disbursement of Public Resources (LAC 55:XXI.Chapter 7)

In accordance with the provisions of R.S. 29:726(E)(30) and the Administrative Procedure Act (APA), R.S. 49:962 et seq., the Office of Homeland Security and Emergency Preparedness enacts emergency rules to establish procedures and processes for political subdivisions to request and receive public resources during a state of emergency or disaster. It is mandated by R.S. 29:726(E)(30) that emergency rulemaking be used in order to expedite implementation of the provisions of Act 690 (Regular Session, 2022). This Emergency Rule effective August 1, 2022, will remain in effect for the maximum period allowed in the APA.

**Title 55
PUBLIC SAFETY**

Part XXI. Homeland Security and Emergency Preparedness

Chapter 7. Disbursement of Public Resources

§701. Definitions

A. As used in this Chapter:

EOC—the Emergency Operations Center.

GOHSEP—the Governor's Office of Homeland Security and Emergency Preparedness, the state agency responsible for coordinating resources in preparation of and response to emergencies and disasters in the state of Louisiana.

Governing Authority—the body that exercises the legislative functions of the political subdivision. This includes a parish police jury, a parish council, or a municipal council.

Intergovernmental Agreement—a contractual agreement between a local jurisdiction and the federal government, a state government, or another local jurisdiction.

Local Jurisdiction—a political subdivision such as a parish, municipality, or special district.

Local Resources—the assets that a local jurisdiction possesses through ownership, lease, or intergovernmental agreement.

Parish OHSEP—a parish’s Office of Homeland Security and Emergency Preparedness, the parish agency responsible for coordinating resources in preparation of and response to emergencies and disasters in that parish.

Public Resources—assets belonging to the federal government, state government, or other local jurisdictions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:726(E)(30).

HISTORICAL NOTE: Promulgated by the Office of Homeland Security and Emergency Preparedness, LR 48:

§703. Eligibility and Process for Request of Public Resources

A. In the event of an emergency or disaster, a local jurisdiction must first utilize its own local resources in response to the event. Once a local jurisdiction exhausts all local resources for a particular need, the local jurisdiction may request public resources from GOHSEP.

B. Public resource requests must be submitted through a parish’s OHSEP, which is responsible for establishing its own procedures for receipt and disbursement of those resources throughout the parish. Any municipality or special district within a parish must coordinate with the parish OHSEP to request public resources.

C. A parish OHSEP must submit public resource requests through GOHSEP’s web-based emergency management software. A public resource request must include all of the following:

1. a copy of the local parish or municipal declaration of emergency;
2. a detailed description of the public resource that is being requested;
3. a point of contact with a valid telephone number and email address. This point of contact must be a person with knowledge of the individual resource request who can answer questions about the request. If GOHSEP is unable to communicate with the point of contact listed in the public resource request in order to obtain additional information, that request will be placed on hold until communication can be established;
4. a valid address to which the public resource may be delivered; and
5. if the parish OHSEP needs to change the address or point of contact information, that change must be made through a comment within the original public resource request. Once a change is made, the parish OHSEP must check the “significant comment” box to notify GOHSEP of the change.

D. If the public resource requested by the parish OHSEP is a consumable that does not need to be returned, the request will be closed once the consumable is delivered. If the public resource is an asset that must be returned, the public resource request will remain open until the parish OHSEP notifies GOHSEP that the asset is no longer needed and it is returned. The parish OHSEP is responsible for

updating GOHSEP on the continued need of the public resource.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:726(E)(30).

HISTORICAL NOTE: Promulgated by the Office of Homeland Security and Emergency Preparedness, LR 48:

§705. Emergency Alternative Process for Request of Public Resources

A. If the emergency or disaster disrupts internet connectivity within the parish OHSEP, the following methods of submitting public resource requests will be allowed during that period of disruption:

1. via telephone call to the state EOC;
2. via fax to the state EOC;
3. via radio call to the state EOC through the Louisiana Wireless Information Network on the GOHSEP hailing channel; or
4. via the Regional Coordinator or Area Manager serving that parish.

B. After receiving public resource requests through one of these methods, GOHSEP will enter the request into the web-based emergency management software on the parish OHSEP’s behalf. Once internet connectivity at the parish OHSEP is restored, the parish OHSEP must notify GOHSEP. At that point, the parish OHSEP will be responsible for monitoring and updating its public resource requests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:726(E)(30).

HISTORICAL NOTE: Promulgated by the Office of Homeland Security and Emergency Preparedness, LR 48:

Casey Tingle
Director

2208#002

DECLARATION OF EMERGENCY

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

Early and Periodic Screening, Diagnosis and Treatment
Health Services
EarlySteps Reimbursement Rate Increase
(LAC 50:XV.7107)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XV.7101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 199 of the 2022 Regular Session of the Louisiana Legislature appropriated funds to the Department of Health to increase reimbursement rates paid for certain services rendered to infants and toddlers in the EarlySteps Program within the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. In compliance with Act 199,

the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing EPSDT EarlySteps services in order to increase reimbursement for certain services.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$6,325,652 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing the Office for Citizens with Developmental Disabilities amend the provisions governing EPSDT EarlySteps services in order to increase reimbursement for certain services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 71. Health Services

§7107. EarlySteps Reimbursement

A. Effective for dates of service on or after January 1, 2011, the reimbursement for certain Medicaid-covered health services rendered in the EarlySteps Program shall be reduced by 2 percent of the rate in effect on December 31, 2010.

1. The following services rendered in the natural environment shall be reimbursed at the reduced rate:

- a. audiology services;
- b. speech pathology services;
- c. occupational therapy;
- d. physical therapy; and
- e. psychological services.

2. Services rendered in special purpose facilities/inclusive child care and center-based special purpose facilities shall be excluded from this rate reduction.

B. Effective for dates of service on or after July 1, 2022, the reimbursement for Medicaid covered health services rendered in the EarlySteps Program (Part C of IDEA) shall be increased by 30 percent of the rate in effect on January 1, 2011.

1. The increased rate shall be applied to services provided in the following settings:

- a. natural environment that includes a child's home and settings in the community where children of the same age with no disabilities or special needs participate;
- b. special purpose facility/inclusive child care that includes settings such as a child care center, nursery schools, or preschools where at least 50 percent of the children have no disabilities or developmental delays, and
- c. center-based special purpose facility that is a facility where only children with disabilities or developmental delays are served.

2. The following services shall be reimbursed at the increased rate:

- a. audiology services;
- b. speech language pathology services;
- c. occupational therapy;
- d. physical therapy; and
- e. psychological services.

C. - C.2. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:800 (April 2004), amended LR 31:2030 (August 2005), LR 35:69 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1599 (June 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#009

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
Adult Day Health Care Waiver
Direct Support Worker Wages and Bonus Payments
(LAC 50:XXI.Chapter 29)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.Chapter 29 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

House Concurrent Resolution 127 (HCR 127) of the 2021 Regular Session of the Louisiana Legislature requested the department make adjustments in the state Medicaid budget for the purpose of increasing funding more equitably to providers throughout the disabilities services system. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing adult day health care (ADHC) services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan.

In compliance with HCR 127, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions governing reimbursement in the Adult Day Health Care (ADHC)

Waiver in order to establish a direct wage floor and workforce retention bonus payments for direct support workers at ADHC centers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$409,500 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions governing reimbursement in the ADHC Waiver to establish a wage floor and workforce retention bonus payments for direct support workers.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 3. Adult Day Health Care Waiver

Chapter 29. Reimbursement

§2901. Adult Day Health Care (ADHC) Direct Support Worker Wages, Other Benefits, and Workforce Retention Bonus Payments

A. Establishment of ADHC Direct Support Worker Wage Floor and Other Benefits

1. ADHC providers that were providing ADHC services on or after October 1, 2021 and employing ADHC direct support workers will receive a rate increase. The ADHC reimbursement rates shall be rebased resulting in an average increase of \$4.31 per hour (rates differ based on facility specific transportation rate).

2. For direct support workers employed at the ADHC centers on or after October 1, 2021, 70 percent of the ADHC provider rate increases shall be passed directly to the ADHC direct support workers in the form of a minimum wage floor of \$9 per hour and in other wage and non-wage benefits.

3. All ADHC providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the ADHC direct support worker in various forms. These forms include a minimum wage floor of \$9 per hour and wage and non-wage benefits. This wage floor and wage and non-wage benefits are effective for all affected ADHC direct support workers of any working status, whether full-time or part-time.

4. The ADHC provider rate increases, wage floor, and/or wage and non-wage benefits will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

5. The Department of Health (LDH) reserves the right to adjust the ADHC direct support worker wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Support Worker Workforce Retention Bonus Payments

1. ADHC providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each ADHC direct support worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the ADHC direct

support worker works with participants and is still employed with that agency.

2. The ADHC direct support worker providing services on or after April 1, 2021 that worked with participants must receive at least \$125 of this \$150 monthly bonus payment paid to the provider. This bonus payment is effective for all affected ADHC direct support workers of any working status, whether full-time or part-time.

3. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the direct support worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

C. Audit Procedures for ADHC Direct Support Worker Wage Floor, Other Benefits, and Workforce Retention Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to ADHC providers shall be subject to audit by LDH.

2. ADHC providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the ADHC direct support worker wage floor, wage and non-wage benefits, and/or bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, copies of unemployment insurance files, etc.

4. ADHC providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement, wage and non-wage benefits and bonus payments were paid directly to ADHC direct support workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

D. Sanctions for ADHC Direct Support Worker Wage Floor, Other Benefits and Workforce Retention Bonus Payments

1. The ADHC provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend on the following factors:

a. failure to pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments;

b. the number of employees identified that the ADHC provider has not passed 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#010

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
Children's Choice Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.12101)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.12101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing Children's Choice Waiver services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing reimbursement in the Children's Choice Waiver in order to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is

estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$4,972,968 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing reimbursement in the Children's Choice Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based

Services Waivers

Subpart 9. Children's Choice Waiver

Chapter 121. Reimbursement Methodology

§12101. Unit of Reimbursement

A. ...

1. Establishment of Support Coordination Workforce Retention Bonus Payments

a. Support coordination providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each support coordination worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the support coordination worker works with participants and is still employed with that agency.

b. The support coordination worker that worked with participants on or after April 1, 2021 must receive at least \$125 of this \$150 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

c. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the support coordination workers as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

2. Audit Procedures for Support Coordination Workforce Retention Bonus Payments

a. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

b. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Support coordination providers shall produce the requested documentation upon request and within the time frame provided by LDH.

e. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

i. sanctions; or

ii. disenrollment from the Medicaid Program.

3. Sanctions for Support Coordination Workforce Retention Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

- i. failure to pay support coordination workers the \$125 monthly bonus payments;
- ii. the number of employees identified as having been paid less than the \$125 monthly workforce retention bonus payments;
- iii. the persistent failure to pay the \$125 monthly bonus payments; or
- iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

B. - B.3. ...

4. Direct Service Worker Wages and Workforce Retention Bonus Payments

a. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

i. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

ii. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community-based waiver services provided beginning October 1, 2021.

iii. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

iv. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time or part-time.

v. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

b. Establishment of Direct Service Worker Workforce Retention Bonus Payments.

i. Providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each direct service worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the direct service worker works with participants and is still employed with that agency.

ii. The direct service worker providing services on or after April 1, 2021 that worked with participants must receive at least \$125 of this \$150 bonus payment paid to providers. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

iii. Bonus payments will end March 31, 2025 or when the state's funding authorized under Section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

iv. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

v. - v.(b). Repealed.

c. Audit Procedures for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

i. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

(a). - (d). Repealed.

ii. Providers shall provide to the LDH or its representative all requested documentation to verify that they are in compliance with the direct service wage floor and bonus payments.

iii. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

iv. Providers shall produce the requested documentation upon request and within the time frame provided by the LDH.

v. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to the direct service workers may result in the following:

(a). sanctions; or

(b). disenrollment from the Medicaid Program.

d. Sanctions for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

i. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

(a). failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments;

(b). the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$125 monthly bonus;

(c). the persistent failure to pay the floor minimum \$9 per hour and/or the \$125 monthly bonus payments; or

(d). failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1987 (September 2002), LR 33:1872 (September 2007), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:324 (February 2010), LR 36:2280 (October 2010), LR 37:2157 (July 2011), LR 39:2504 (September 2013), LR 40:68 (January 2014), LR 41:128 (January 2015), LR 42:896 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:40 (January 2022), LR 48:1544 (June 2022), LR 48:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#011

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
Community Choices Waiver
Direct Support/Service Worker Wages and Bonus Payments
(LAC 50:XXI.Chapter 95)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.Chapter 95 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

House Concurrent Resolution 127 (HCR 127) of the 2021 Regular Session of the Louisiana Legislature requested the department make adjustments in the state Medicaid budget for the purpose of increasing funding more equitably to providers throughout the disabilities services system. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing personal assistance services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan.

In compliance with HCR 127, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions governing reimbursement in the Community Choices Waiver (CCW) in order to establish a wage floor and workforce retention bonus payments for direct support workers and personal assistance service providers along with audit procedures and sanctions.

This action is being taken to promote health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$18,519,072 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions governing reimbursement in the CCW to establish a wage floor and workforce retention bonus payments for direct support workers.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services

Waivers

Subpart 7. Community Choices Waiver

Chapter 95. Reimbursement

§9503. Direct Support/Service Worker Wages, Other Benefits, and Workforce Retention Bonus Payments

A. Establishment of Direct Support/Service Worker Wage Floor and Other Benefits

1. Personal assistance service (PAS) providers that were providing services on or after October 1, 2021 and employing direct service workers (DSWs) will receive the equivalent of a \$5.50 per hour rate increase.

2. DSWs providing self-direction PAS on or after July 31, 2022 shall be paid a minimum wage floor of \$9 per hour.

3. Adult day health care (ADHC) providers that were providing ADHC services on or after October 1, 2021 and employing ADHC direct support workers will receive a rate increase. The ADHC reimbursement rates shall be rebased resulting in an average increase of \$4.31 per hour (rates differ based on facility specific transportation rate).

4. All PAS and ADHC providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the direct support/service worker in various forms. These forms include a minimum wage floor of \$9 per hour and other wage and non-wage benefits. This wage floor and wage and non-wage benefits are effective for all affected direct support/service workers of any working status, whether full-time or part-time.

5. The rate increase, wage floor and/or wage and non-wage benefits will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

6. The Department of Health (LDH) reserves the right to adjust the direct support/service worker wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Support/Service Worker Workforce Retention Bonus Payments

1. PAS and ADHC providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each direct support/service worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the direct support service worker works with participants and is still employed with that agency.

2. The PAS and ADHC direct support/service workers providing services on or after April 1, 2021 that worked with participants must receive at least \$125 of this \$150 monthly bonus payment paid to the provider. This bonus payment is effective for all affected direct support/service workers of any working status, whether full-time or part-time.

3. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the

American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the direct support/service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

C. Audit Procedures for Direct Support/Service Worker Wage Floor, Other Benefits, and Workforce Retention Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to providers shall be subject to audit by LDH.

2. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct support/service worker wage floor, wage and non-wage benefits, and/or bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, copies of unemployment insurance files, etc.

4. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancements, wage and non-wage benefits and/or bonus payments were paid directly to direct support/service workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

D. Sanctions for Direct Support/Service Worker Wages, Other Benefits, and Workforce Retention Payments

1. Providers will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend on the following factors:

a. failure to pass 70 percent of the PAS and ADHC provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments;

b. the number of employees identified that the PAS and ADHC provider has not passed 70 percent of the provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments;

d. the persistent failure to not pass 70 percent of the PAS and ADHC provider rate increases directly to the direct support/service workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments; or

e. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#012

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
New Opportunities Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.14301)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing New Opportunities Waiver (NOW) services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing reimbursement in the NOW in order to establish workforce retention bonus payments for direct service workers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$56,079,816 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing reimbursement in the NOW in order to establish workforce retention bonus payments for direct service workers along with audit procedures and sanctions.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers

Subpart 11. New Opportunities Waiver

Chapter 143. Reimbursement

§14301. Unit of Reimbursement

A. - E. ...

F. Direct Service Worker Wages and Bonus Payments

1. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

a. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

b. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community based waiver services provided beginning October 1, 2021.

c. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

d. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time, or part-time.

e. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

2. Establishment of Direct Service Worker Workforce Retention Bonus Payments

a. Providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each direct service worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the direct service worker works with participants and is still employed with that agency.

b. The direct service worker providing services on or after April 1, 2021 that worked with participants must receive at least \$125 of this \$150 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

e. - e.ii. Repealed.

3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

a. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

i. - iv. Repealed.

b. Providers shall provide to the LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to direct service workers may result in:

i. sanctions; or

ii. disenrollment from the Medicaid Program.

4. Sanctions for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

a. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments;

ii. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments;

iii. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments; or

iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 39:1049 (April 2013), LR 40:80 (January 2014), LR 42:898 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:58 (January 2018), LR 45:44 (January 2019), LR 46:1682 (December 2020), LR 48:41 (January 2022), LR 48:1558 (June 2022), LR 48:

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

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this

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

Dr. Courtney N. Phillips
Secretary

2208#013

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
Residential Options Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.16903 and 16905)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.16903 and adopt §16905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing Residential Options Waiver (ROW) services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend and adopt provisions governing reimbursement in the ROW in order to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$3,601,026 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend and adopt provisions governing reimbursement in the ROW in order to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 13. Residential Options Waiver

Chapter 169. Reimbursement

§16903. Direct Service Worker Wages and Bonus Payments

A. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community Based Services for Intellectual and Developmental Disabilities

1. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

2. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community based waiver services provided beginning October 1, 2021.

3. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

4. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time or part-time.

5. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Louisiana Administrative Procedure Act.

B. Establishment of Direct Service Worker Workforce Retention Bonus Payments

1. Providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each direct service worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the direct service worker works with participants and is still employed with that agency.

2. The direct service worker providing services on or after April 1, 2021 that worked with participants must receive at least \$125 of this \$150 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

3. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

5. - 5.b.Repealed.

C. Audit Procedures for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

1. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

a. - d. Repealed.

2. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to direct service workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

D. Sanctions for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

1. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

- a. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments;
- b. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments;
- c. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments; or
- d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2169 (October 2015), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:42 (January 2022), LR 48:

§16905. Support Coordination

A. Establishment of Support Coordination Workforce Retention Bonus Payments

1. Support coordination providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each support coordination worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the support coordination worker works with participants and is still employed with that agency.

2. The support coordination worker that worked with participants on or after April 1, 2021 must receive at least \$125 of this \$150 bonus payment paid to the provider. This

bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

3. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the support coordination workers as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Audit Procedures for Support Coordination Workforce Retention Bonus Payments

1. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

2. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Support coordination providers shall produce the requested documentation upon request and within the timeframe provided by the LDH.

5. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

C. Sanctions for Support Coordination Workforce Retention Bonus Payments

1. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

- a. failure to pay support coordination workers the \$125 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$125 monthly bonus payments;
- c. the persistent failure to pay the \$125 monthly bonus payments; or
- d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:

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

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this

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

Dr. Courtney N. Phillips
Secretary

2208#014

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
Support Coordination Workforce Retention Bonus Payments
(LAC 50:XXI.553)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.553 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing support coordination services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions in order to establish workforce retention bonus payments for support coordination agencies along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$557,700 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions governing workforce retention bonus payments for agencies providing support coordination services to HCBS waiver participants.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 1. General Provisions

Chapter 5. Support Coordination Standards for Participation for Office of Aging and Adult Services Waiver Programs

Subchapter C. Provider Responsibilities

§553. Workforce Retention Bonus Payments

A. Establishment of Support Coordination Workforce Bonus Payments

1. Support coordination agencies providing services on or after April 1, 2021 shall receive bonus payments of

\$150 per month for each support coordinator that worked with participants for that month. These payments will remain in effect for each month thereafter that the support coordinator worked with participants and is still employed with the agency.

2. The support coordinator that worked with participants on or after April 1, 2021 must receive at least \$125 of this \$150 bonus payment paid to the agency. This bonus payment is effective for all affected support coordinators of any working status, whether full-time or part-time.

3. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-02) is exhausted.

4. The Department of Health (LDH) reserves the right to adjust the amount of the bonus payments paid to the support coordinator as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Audit Procedures for Support Coordination Workforce Retention Bonus Payments

1. The bonus payments reimbursed to support coordination agencies shall be subject to audit by LDH.

2. Support coordination agencies shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordinator bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Support coordination agencies shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the bonus payments were paid directly to support coordinators may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid program.

C. Sanctions for Support Coordination Workforce Retention Bonus Payments

1. The support coordination agencies will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action shall depend upon the following:

- a. failure to pay support coordinators the \$125 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$125 monthly bonus payments; or
- c. the persistent failure to pay the \$125 monthly bonus payments; or
- d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#015

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
Supports Waiver
Direct Service Worker Wages and Bonus Payments
(LAC 50:XXI.6101)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.6101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing Supports Waiver services to home and community-based services (HCBS) waiver participants under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing reimbursement in the Supports Waiver in order to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by providing increased pay to direct service workers. It is anticipated that this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$1,457,752 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing reimbursement in the Supports Waiver to establish workforce retention bonus payments for direct service workers and support coordination providers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

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

Subpart 5. Supports Waiver

Chapter 61. Reimbursement

§6101. Unit of Reimbursement

A. - G. ...

H. Direct Service Worker Wages and Bonus Payments

1. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

a. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

b. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community-based waiver services provided beginning October 1, 2021.

c. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

d. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status whether full-time or part-time.

e. The Department of Health (LDH) reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

2. Establishment of Direct Support Worker Workforce Retention Bonus Payments

a. Providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each direct service worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the direct service worker works with participants and is still employed with that agency.

b. The direct service worker providing services on or after April 1, 2021 that worked with participants must receive at least \$125 of this \$150 bonus payment paid to the provider. This bonus payment is effective for all affected direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. 117-002) is exhausted.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

e. - e.ii. Repealed.

3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

a. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

i. - iv. Repealed.

b. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payment were paid directly to direct service workers may result in the following:

i. sanctions; or

ii. disenrollment from the Medicaid program.

4. Sanctions for Direct Service Worker Wage Floor and Workforce Retention Bonus Payments

a. The provider will be subject to sanctions or penalties for failures to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such an action will depend upon the following factors:

i. failure to pay I/DD HCBS direct service workers the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments;

ii. the number of employees identified as having been paid less than the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments;

iii. the persistent failure to pay the floor minimum of \$9 per hour and/or the \$125 monthly bonus payments; or

iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

I. ...

1. Establishment of Support Coordination Workforce Retention Bonus Payments

a. Support coordination providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each support coordination worker that worked with participants for that month. These payments will remain in effect for each month thereafter that the support coordination worker works with participants and is still employed with that agency.

b. The support coordination worker that worked with participants on or after April 1, 2021 must receive at least \$125 of this \$150 bonus payment paid to the provider. This bonus payment is effective for all affected support coordination workers of any working status, whether full-time or part-time.

c. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the support coordination workers as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

2. Audit Procedures for Support Coordination Workforce Retention Bonus Payments

a. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

b. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Support coordination providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

i. sanctions; or

ii. disenrollment from the Medicaid Program.

3. Sanctions for Support Coordination Workforce Retention Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. failure to pay support coordination workers the \$125 monthly bonus payments;

ii. the number of employees identified as having been paid less than the \$125 monthly bonus payments;

iii. the persistent failure to pay the \$125 monthly bonus payments; or

iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:2281(October 2010), LR 37:2158 (July 2011), LR 39:1050 (April 2013), LR 40:82 (January 2014), LR 40:2587 (December 2014), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43 (January 2022), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43(January 2022), LR 48:1579 (June 2022), LR 48:

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

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box

91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2208#016

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for Persons
with Intellectual Disabilities
Dedicated Program Funding Pool Payments
(LAC 50:VII.32917)

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32917 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 199 of the 2022 Regular Session of the Louisiana Legislature appropriated funds to the Department of Health for supplemental payments to non-state, non-public providers for intermediate care facilities for persons with intellectual disabilities (ICFs/IID). In compliance with Act 199, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement to ICFs/IID in order to allow a one-time, lump sum payment from the dedicated funding pool.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by \$27,974,178 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement to ICFs/IID in order to provide a one-time, lump sum payment from the dedicated funding pool.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long-Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32917. Dedicated Program Funding Pool Payments

A. - B.5. ...

C. Effective for providers active and Medicaid certified as of July 1, 2022, a one-time, lump sum payment will be made to non-state, non-public intermediate care facilities for individuals with intellectual disabilities (ICFs/IID).

1. Methodology

a. Payment will be based on each provider's specific pro-rated share of an additional dedicated program funding pool totaling \$27,974,178.

b. The pro-rated share for each provider will be determined utilizing the provider's percentage of program Medicaid days for dates of service in a three consecutive month period selected by the department occurring between January 1, 2022 and December 31, 2022.

c. If the additional dedicated program funding pool lump sum payments exceed the Medicare upper payment limit in the aggregate for the provider class, the department shall recoup the overage using the same means of distribution in §32917.C.1.b above.

d. The one-time payment will be made on or before June 30, 2023.

e. All facilities receiving payment shall be open and operating as an ICF/IID at the time the payment is made.

f. Payment of the one-time, lump sum payment is subject to approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:28 (January 2020, amended LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#017

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Pediatric Day Health Care Program
Reimbursement Rate Increase (LAC 50:XV.28101)

The Department of Health, Bureau of Health Services Financing amends LAC 50:XV.28101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 199 of the 2022 Regular Session of the Louisiana Legislature appropriated funds to the Department of Health to increase reimbursement rates for pediatric day health care

(PDHC) centers. In compliance with Act 199, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement in the PDHC Program in order to increase daily, hourly, and transportation rates for PDHC centers.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$5,252,932 for state fiscal year 2022-2023.

Effective August 8, 2022, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement for pediatric day health care centers in order to increase reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 19. Pediatric Day Health Care Program

Chapter 281. Reimbursement Methodology

§28101. General Provisions

A. - B. ...

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1558 (July 2010), amended LR 39:1286 (May 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 43:83 (January 2017), LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#037

DECLARATION OF EMERGENCY

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

Personal Care Services
Long-Term Direct Service Worker Wages
and Bonus Payments
(LAC 50:XV.12917 and 12921)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.12917 and adopt §12921 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This

Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

House Concurrent Resolution 127 (HCR 127) of the 2021 Regular Session of the Louisiana Legislature requested the department make adjustments in the state Medicaid budget for the purpose of increasing funding more equitably to providers throughout the disabilities services system. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing long term -personal care services (LT-PCS) under section 9817 of the American Rescue Plan.

In compliance with HCR 127, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend and adopt provisions governing LT-PCS in order to establish a direct wage floor and workforce retention bonus payments for direct service workers along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$34,408,376 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions governing LT-PCS in order to establish a wage floor and workforce retention bonus payments for direct service workers along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129 Long Term Care

§12917. Reimbursement

A. Reimbursement for personal care services shall be a prospective flat rate for each approved unit of service that is provided to the participant. One quarter hour (15 minutes) is the standard unit of service for personal care services. Reimbursement shall not be paid for the provision of less than one quarter hour (15 minutes) of service. Additional reimbursement shall not be available for transportation furnished during the course of providing personal care services.

B. The state has the authority to set and change LT-PCS rates and/or provide lump sum payments to LT-PCS providers based upon funds allocated by the legislature.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1901 (September 2009), LR 36:1251 (June 2010), LR 37:3267 (November 2011), LR 39:1780 (July 2013), LR 42:904 (June 2016), amended by the Department of Health, Bureau

of Health Services Financing and the Office of Aging and Adult Services, LR:47:594 (May 2021), LR 48:

§12921. Direct Service Worker Wages, Other Benefits, and Workforce Retention Bonus Payments

A. Establishment of Direct Service Worker Wage Floor and Other Benefits

1. Long term-personal care services (LT-PCS) providers that were providing LT-PCS on or after October 1, 2021 and employing direct service workers (DSWs) will receive the equivalent of a \$4.50 per hour rate increase.

2. This increase or its equivalent will be applied to all service units provided by DSWs with an effective date of service for the LT-PCS provided on or after October 1, 2021.

3. All LT-PCS providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the DSW in various forms. These forms include a minimum wage floor of \$9 per hour and wage and non-wage benefits. This wage floor and wage and non-wage benefits are effective for all affected DSWs of any working status, whether full-time or part-time.

4. The LT-PCS provider rate increases, wage floor and/or wage and non-wage benefits will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

5. The Department of Health (LDH) reserves the right to adjust the DSW wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Service Worker Workforce Retention Bonus Payments

1. LT-PCS providers providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for each DSW that worked with participants for that month. These payments will remain in effect for each month thereafter that the DSW works with participants and is still employed with that agency.

2. The DSW that provided services on or after April 1, 2021 that worked with participants must receive at least \$125 of this \$150 bonus payment paid to the provider. This bonus payment is effective for all affected DSWs of any working status, whether full-time or part-time.

3. Bonus payments shall end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the DSW as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

C. Audit Procedures for Direct Service Worker Wage Floor, Other Benefits, and Workforce Retention Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to LT-PCS providers shall be subject to audit by LDH.

2. LT-PCS providers shall provide the LDH or its representative all requested documentation to verify that they are in compliance with the DSW wage floor, wage and non-wage benefits, and/or bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. LT-PCS providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement, wage and non-wage benefits, and/or bonus payments were paid directly to DSWs may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid program.

D. Sanctions for Direct Service Worker Wage Floor, Other Benefits, and Workforce Retention Bonus Payments

1. The LT-PCS provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. failure to pass 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments;

b. the number of employees identified that the LT-PCS provider has not passed 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the LT-PCS provider rate increases directly to the LT-PCS DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$125 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#020

DECLARATION OF EMERGENCY

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

Programs and Services Amendments Due to the Coronavirus
Disease 2019 (COVID-19) Public Health Emergency
Home and Community-Based Services Waivers and
Long-Term Personal Care Services

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States, effective as of January 27, 2020, in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), the Office of Behavioral Health (OBH), and the Office for Citizens with Developmental Disabilities (OCDD) promulgated Emergency Rules which amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act (*Louisiana Register*, Volume 46, Number 4 and *Louisiana Register*, Volume 46, Number 7).

The department promulgated an Emergency Rule, adopted on August 25, 2020, to further amend the Adult Day Health Care (ADHC) Waiver and the Community Choices Waiver (CCW), and to amend the provisions governing long term-personal care services (LT-PCS) in order to ensure that these services continue uninterrupted throughout the COVID-19 public health emergency declaration. This Emergency Rule also clarified that the home and community-based services (HCBS) waiver provisions of the Emergency Rules published in the April 20, 2020 edition of the *Louisiana Register* which correspond to Louisiana's section 1915(c) Appendix K waiver will remain in effect for the duration of the Emergency Rules published in April 2020 or until the Appendix K waiver termination date of January 26, 2021, whichever is later (*Louisiana Register*, Volume 46, Number 9). This Emergency Rule is being promulgated in order to continue the provisions of the Emergency Rule adopted on August 25, 2020.

This Emergency Rule shall be in effect for the maximum period allowed under the Administrative Procedure Act or the duration of the COVID-19 public health emergency declaration, whichever is shorter.

Effective August 20, 2022, the Department of Health, Bureau of Health Services Financing, OAAS and OCDD hereby amend the provisions governing the ADHC Waiver, the CCW, and LT-PCS throughout the COVID-19 public health emergency declaration, and clarify that the HCBS waiver provisions which correspond to Louisiana's section 1915(c) Appendix K waiver will remain in effect for the duration of the Emergency Rules published in the April 20, 2020 *Louisiana Register* or until the Appendix K waiver termination date of January 26, 2021, whichever is later, in order to continue the provisions of the Emergency Rule adopted on August 25, 2020.

Services for Special Populations—Personal Care Services (LAC 50:XV.Subpart 9)

Due to the COVID-19 public health emergency declaration, the Office of Aging and Adult Services (OAAS) may also utilize the level of care eligibility tool (LOCET) to determine if an individual meets eligibility qualifications for long term-personal care services (LT-PCS) and to determine resource allocation while identifying his/her need for support in performance of activities of daily living (ADLs) and instrumental activities of daily living (IADLs).

The LOCET may also be used to generate a score that measures the recipient's degree of self-performance of late-loss activities of daily living during the period just before the assessment. Criteria used to generate the score will be consistent with criteria on the interRAI home care assessment tool currently used. This score will correspond with the same level of support category and allocation of weekly service hours associated with that level.

OAAS may use the LOCET until such time as the applicant/recipient is able to be assessed using the uniform interRAI home care assessment tool.

Home and Community-Based Services Waiver—Adult Day Health Care (LAC 50:XXI.Subpart 3)

During the COVID-19 public health emergency declaration, and with approval from the Centers for Medicare and Medicaid Services (CMS), the following options may be available through the Adult Day Health Care (ADHC) Waiver:

The State may allow ADHC providers to provide services telephonically to waiver participants that cannot attend the ADHC center to ensure continuity of services.

The State is adding the following services in the ADHC Waiver:

Home Delivered Meals. The purpose of home delivered meals is to assist in meeting the nutritional needs of an individual in support of the maintenance of self-sufficiency and enhancing the quality of life. Up to two nutritionally balanced meals per day may be delivered to the home of the participant. This service may be provided by the ADHC provider.

Assistive Devices and Medical Supplies. Assistive devices and medical supplies are specialized medical equipment and supplies that include:

Devices, controls, appliances or nutritional supplements specified in the Plan of Care that enable participants to increase their ability to perform activities of daily living (ADLs);

Devices, controls, appliances or nutritional supplements that enable participants to perceive, control or communicate

with the environment in which they live or provide emergency response;

Items, supplies and services necessary for life support, ancillary supplies, and equipment necessary to the proper functioning of such items;

Supplies and services to assure participants' health and welfare;

Other durable and non-durable medical equipment and necessary medical supplies that are necessary but not available under the Medicaid State Plan;

Personal Emergency Response Systems (PERS);

Other in-home monitoring and medication management devices and technology;

Routine maintenance or repair of specialized equipment; and

Batteries, extended warranties and service contracts that are cost effective and assure health and welfare.

This includes medical equipment not available under the Medicaid State Plan that is necessary to address participant functional limitations and necessary medical supplies not available under the Medicaid State Plan.

**Home and Community-Based Services
Waiver—Community Choices Waiver
(LAC 50:XXI.Subpart 7)**

During the COVID-19 public health emergency declaration, and with approval from the Centers for Medicare and Medicaid Services (CMS), the state may allow ADHC providers to provide services telephonically to waiver participants that cannot attend the ADHC center to ensure continuity of services.

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#056

DECLARATION OF EMERGENCY

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

Targeted Case Management
Reimbursement Methodology
EarlySteps Reimbursement Rate Increase
(LAC 50:XV.10701)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XV.10701 in the Medical Assistance Program as authorized by R.S. 36:254 and

pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 199 of the 2022 Regular Session of the Louisiana Legislature appropriated funds to the Department of Health to increase reimbursement rates paid for targeted case management services rendered in the EarlySteps Program. In compliance with Act 199, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing targeted case management services in order to increase reimbursement and utilize a flat rate reimbursement methodology for services in the EarlySteps Program.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$2,428,945 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing targeted case management services in order to increase reimbursement and utilize a flat rate reimbursement methodology for services in the EarlySteps Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 107. Reimbursement

§10701. Reimbursement

A. Reimbursement for case management services for the Infant and Toddler Program (EarlySteps):

1. Effective for dates of service on or after July 1, 2022, case management services provided to participants in the EarlySteps Program shall be reimbursed at a flat rate for each approved unit of service.

a. The standard unit of service is equivalent to one month and covers both service provision and administrative (overhead) costs.

b. Service provision includes the core elements in:

- i. §10301 of this Subpart;
- ii. the case management manual; and
- iii. EarlySteps practices.

A.2. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1040 (May 2004), amended LR 31:2032 (August 2005), LR 35:73 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1903 (September 2009), LR 36:1783 (August 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3302 (December 2013), LR 40:1700, 1701 (September 2014), LR 41:1490 (August 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:63 (January 2018), LR 47:1128 (August 2021), amended by the Department of Health,

Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#018

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Targeted Case Management
Reimbursement Methodology
Workforce Retention Bonus Payments
(LAC 50:XV.10704)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:XV.10704 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing case management services for the early and periodic screening, diagnosis, and treatment targeted population and for participants in the New Opportunities Waiver under section 9817 of the American Rescue Plan. The Department of Health, Bureau of Health Services Financing adopts the provisions governing targeted case management services in order to establish workforce retention bonus payments along with audit procedures and sanctions.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately \$815,100 for state fiscal year 2022-2023.

Effective July 31, 2022, the Department of Health, Bureau of Health Services Financing adopts provisions governing targeted case management services in order to establish workforce retention bonus payments along with audit procedures and sanctions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 101. General Provisions

§10704. Targeted Case Management Workforce

Retention Bonus Payments

A. Establishment of Targeted Case Management Workforce Retention Bonus Payments

1. Case management agencies for the early and periodic screening, diagnosis, and treatment targeted population and for participants in the New Opportunities Waiver providing services on or after April 1, 2021 shall receive bonus payments of \$150 per month for the case manager that worked with participants for that month. These payments will remain in effect for each month thereafter that the case manager works with participants and is still employed with that agency.

2. The case manager that worked with participants on or after April 1, 2021 must receive at least \$125 of this \$150 bonus payment paid to the agency. This bonus payment is effective for all affected case managers of any working status, whether full-time or part-time.

3. Bonus payments will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the case manager as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Audit Procedures for Targeted Case Management Workforce Retention Bonus Payments

1. The bonus payments reimbursed to case management agencies shall be subject to audit by LDH.

2. Case management agencies shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the targeted case management bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Case management agencies shall produce the requested documentation upon request and within the time frame provided by LDH.

5. Non-compliance or failure to demonstrate that the bonus payments were paid directly to case managers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

C. Sanctions for Targeted Case Management Workforce Retention Bonus Payments

1. The case management agency will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action will depend upon the following:

- a. failure to pay case managers the \$125 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$125 monthly bonus payments;

c. the persistent failure to pay the \$125 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 48:

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2208#019

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Consumable Hemp
(LAC 49:I.Chapter 5)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is promulgated specifically in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.) and Section 1 of Act 498 of the 2022 Regular Session.

The LDH/OPH finds it necessary to make changes to the *Louisiana Administrative Code* as a consequence of changes made to hemp regulations under Act No. 498 of the 2022 Louisiana Legislature. The following changes will authorize the LDH/OPH the ability to properly register these items, inspect firms that manufacture such items for human consumption, and conduct oversight of labeling, which could affect the health of Louisiana's citizens and visitors. Further, this Emergency Rule will provide the state health officer the ability to make critical decisions that protect human health. Accordingly, the following Emergency Rule, effective August 1, 2022, shall remain in effect for a maximum of 180 days, or until the final Rule is promulgated, whichever occurs first.

This Rule amends §501 and §§517-537 of Chapter 5 of Title 49, Public Health—Food, Drugs, and Cosmetics. §§517, 519 are recodified with new requirement language and the original §§531-533 are relocated to §§535-537. New language is implemented in the current §§531-533 to enact new requirements from the 2022 legislation. Changes to §501 amend existing definitions and add new definitions.

Title 49 PUBLIC HEALTH—FOOD, DRUGS, AND COSMETICS

Part I. Regulations

Chapter 5. Registration of Foods, Drugs, Cosmetics and Prophylactic Devices

§501. Definitions

[Formerly 49:2.2100]

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49 which are adopted or may be adopted, are defined for the purposes thereof as follows.

* * *

Adult-Use Consumable Hemp Product—any consumable hemp product that contains more than 0.5 milligrams of THC per package.

* * *

Package—container or wrapping in which any consumer commodity is enclosed for the purposes of display or delivery to retail purchasers.

* * *

Serving—total quantity of discrete units or of liquid in a package a processor recommends for consumption at one time.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), amended LR 47:479 (April 2021), amended, LR 48:1290 (May 2022), amended LR 48:

§517. Registration of Consumable Hemp Products

A. - B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for a consumable hemp product registration must provide (both initially and on or before July 1 of each year) the department with an application form, a cashier's check, or money order made payable to the department in the amount of \$50 per each separate and distinct product, specimen copies of labeling in paper or electronic format, laboratory accreditation verification documentation, a copy of the current grower or processor's license issued by the authority of competent jurisdiction for the firm responsible for hemp crop from which the products are derived, and a list of all products the applicant wishes to register with the department. If the packet meets these regulatory requirements, the department will issue to the applicant an FD-8a Certificate of Consumable Hemp Product Registration and the application information will be entered into the consumable hemp products database.

D. No person is authorized to distribute any consumable hemp products in the state of Louisiana unless that person has first obtained a certificate of consumable hemp product registration from the department, except that if a firm submits product labeling and supporting documentation for review to the department and does not receive a response in writing within 15 business days of that initial submission, the product may be sold after the fifteenth business day by any permitted wholesaler or retailer until the product in question is accepted or rejected in writing by the department for registration.

E. Any firm may apply with the department for the designation of its products as “Louisiana Hemp Products,” provided that those products are produced from hemp grown in Louisiana and are processed at a Louisiana-based manufacturer. These items will be designated with a special mark on the department’s list of registered products once they have been registered with the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:479 (April 2021), LR 48:1290 (May 2022), amended LR 48:

§519. Consumable Hemp Products Labeling Requirements: Certificate of Analysis

A. Consumable hemp products must bear labeling that includes a scannable bar code, QR code, or a web address linked to a document or website containing the certificate of analysis for that product.

B. - C.4. ...

5. a cannabinoid profile listing all major phytocannabinoid constituents by percentage of dry weight;

6. serving size for the product, total THC (as defined in R.S. 3:1481) per serving, number of servings per package, and total THC per package (expressed in terms of milligrams per gram)

7. the amount of any detected residual solvent in the product in the product in parts per million, except that this analyte will not be required for floral hemp material; detections may not meet or exceed the following amounts:

- a. butanes—800 ppm;
- b. heptanes—500 ppm;
- c. benzene—1 ppm;
- d. toluene—1 ppm;
- e. hexanes—10 ppm;
- f. xylenes—1 ppm;
- g. ethanol—5,000 ppm;

8. the amount of any detected pesticide residues in the product in parts per million; any detection above the limit of quantitation for a category I pesticide (see Table 1) is defined as an exceedance and a basis for rejection of the product by the department; category II pesticides have maximum contaminant levels as defined in Table 1 below.

9. the amount of any microbiological contaminants in the product in appropriate units; total yeast/mold may not meet or exceed 10,000 colony-forming units per gram and total pathogenic *Escherichia coli* bacteria or *Salmonella* spp. may not meet or exceed 1 colony-forming unit per gram;

10. the amount of any detected heavy metal traces in the product in parts per million; detections may not meet or exceed the following amounts:

- a. arsenic (As)—10 ppm;
- b. cadmium (Cd)—4.1 ppm;
- c. lead (Pb)—10 ppm;
- d. mercury (Hg)—2 ppm.

D. No consumable hemp product may contain more than 0.3 percent delta-9 THC or one percent total THC on a dry-weight basis. Except for floral hemp material, no consumable hemp product may contain more than eight milligrams of total THC per serving. Products registered prior to the effective date of this rule exceeding the per-serving threshold may be sold until January 1, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), amended by the Department of Health, Office of Public Health, LR 48:1290 (May 2022), amended by the Department of Health, Office of Public Health, LR 48:

§531. Consumable Hemp Products Labeling Requirements: Adult-Use Products

A. Any product meeting the definition of an *adult-use consumable hemp product* must bear a label statement to this effect.

B. Products registered prior to the effective date of this rule that do not bear the statement required by Subsection A may be sold until July 1, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§533. Consumable Hemp Products Labeling Requirements: Serving Sizes and THC Content

A. Labeling must clearly indicate the amount of THC per serving in a product, the serving size, and the number of servings per package.

B. Serving sizes must be delineated by means of one of the following acceptable methods:

- 1. provision of a measuring device with the packaging;
- 2. markings on the label or package that indicate the amount of a serving;
- 3. use of discrete units (e.g., tablets, capsules, gummies, et cetera)

C. Products registered prior to the effective date of this rule that do not meet the requirements of this Section may be sold until July 1, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§535. Penalties for Violations of Requirements to Register Consumable Hemp Products [Formerly §529 and §531]

A. Any person who violates the provisions requiring registration of industrial-hemp-derived cannabidiol products is subject to the penalties provided for by R.S. 3:1484 and other sanctions as provided for by the State Food, Drug, and Cosmetic Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:480 (April 2021), amended LR 48:1290 (May 2022), amended LR 48:

§537. Exemptions [Formerly §531 and §533]

A. Consumable hemp products that have been produced in accordance with R.S. 40: 1046 or that are Food and Drug Administration (FDA)-approved pharmaceuticals are not subject to the requirements of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:480 (April 2021), amended LR 48:1290 (May 2022), amended LR 48:

§539. Category I and II Pesticides

A. Table 1. Category I and II Pesticides

4489, Baton Rouge, LA 70821-4489. He is responsible for responding to inquiries regarding this Emergency Rule.

Dr. Courtney N. Phillips
Secretary

2208#008

DECLARATION OF EMERGENCY
Department of Health
Office of Public Health

List of Conditions that Shall Deem an
Unborn Child “Medically Futile”
(LAC 48:I.401)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the rulemaking authority granted by R.S. 14:87.1, hereby adopts the following emergency rule. This Emergency Rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) generally, and R.S. 49:962 specifically.

The LDH/OPH finds it necessary to promulgate an emergency rule effective August 1, 2022. This Emergency Rule is necessary to prevent imminent peril to the public health, safety, or welfare. Without the list provided by this rule, physicians will not have a list of anomalies, diseases, disorders, and other conditions that are deemed to be “medically futile” due to the unborn child having a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth, leading to potential imminent peril to the public health, safety or welfare. Accordingly, the following Emergency Rule, effective August 1, 2022, shall remain in effect for a maximum of 180 days, or until the final Rule is promulgated, whichever occurs first.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 1. General

Chapter 4. Medically Futile Pregnancies

§401. Conditions that shall deem an Unborn Child “Medically Futile”

A. Pursuant to Act 545 of the 2022 Regular Session of the Louisiana Legislature, the Department of Health establishes the following exclusive list of anomalies, diseases, disorders, and other conditions that shall deem an unborn child “medically futile” for purposes of R.S. Title 14, Chapter 1, Part V, Subpart A:

1. achondrogenesis;
2. anencephaly;
3. acardia;
4. body stalk anomaly;
5. campomelic dysplasia;
6. craniorachischisis;
7. dysencephalia splanchnocystica (Meckel-Gruber syndrome);
8. ectopia cordis;
9. exencephaly;
10. gestational trophoblastic neoplasia;
11. holoprosencephaly;
12. hydrops fetalis;
13. iniencephaly;

Name	Maximum Contaminant Level (MCL) in ppm
Category I (includes aldicarb, carbofuran, chlorpyrifos, coumaphos, daminozide, dichlorvos, dimethoate, ethoprop(hos), etofenprox, fenoxycarb, imazalil, methocarb, methyl parathion, mevinphos, paclobotrazol, propoxur, spiroxamine, and thiacloprid)	0
Category II	
Abamectin	0.3
Acephate	5
Acetamiprid	5
Acequinocyl	4
Azoxystrobin	40
Bifenazate	5
Bifenthrin	0.5
Boscalid	10
Captan	5
Carbaryl	0.5
Chlorantraniliprole	40
Clofentezine	0.5
Cyfluthrin	1
Cypermethrin	1
Diazinon	0.2
Dimethomorph	20
Etoxazole	1.5
Fenhexamid	10
Fenpyroximate	2
Flonicamid	2
Hexythiazox	2
Fludioxonil	30
Imidacloprid	3
Kresoxim-methyl	1
Malathion	5
Metalaxyl	15
Methomyl	0.1
Myclobutanil	9
Naled	0.5
Oxamyl	0.2
Pentachloronitrobenzene	0.2
Permethrin	20
Phosmet	0.2
Piperonylbutoxide	8
Prallethrin	0.4
Propiconazole	20
Pyrethrins	1
Pyradiben	3
Spinetoram	3
Spinosad	3
Spiromesifen	12
Spirotetramat	13
Tebuconazole	2
Thiamethoxam	4.5
Trifloxystrobin	30

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

Interested persons may submit written comments to Michael Vidrine, Director, Sanitarian Services, Office of Public Health, Louisiana Department of Health, P.O. Box

14. perinatal hypophosphatasia;
15. osteogenesis imperfecta (type 2);
16. renal agenesis (bilateral);
17. short rib polydactyly syndrome;
18. sirenomelia;
19. thanatophoric dysplasia;
20. triploidy;
21. trisomy 13;
22. trisomy 16 (full);
23. trisomy 18;
24. trisomy 22; and
25. a profound and irremediable congenital or chromosomal anomaly existing in the unborn child that is incompatible with sustaining life after birth in reasonable medical judgment as certified by two physicians that are licensed to practice in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:87.1

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

Interested persons may submit written comments to David McCay, Louisiana Department of Health, P.O. Box 3836, Baton Rouge, LA 70821-3836. He is responsible for responding to inquiries regarding this Emergency Rule.

Dr. Courtney N. Phillips
Secretary

2208#006

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Regulation of Medical Marijuana (LAC 51:XXIX.101-907)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is promulgated specifically in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.).

The LDH/OPH finds it necessary to make changes to the *Louisiana Administrative Code* as a consequence of changes made to medical marijuana statutes under Acts No. 491 and 492 of the 2022 Regular Session of the Louisiana Legislature, which collectively transferred regulation and oversight of the manufacture and distribution of medical marijuana in the state from the Department of Agriculture and Forestry (LDAF) to the Department of Health. The following changes will provide the LDH/OPH the authority and ability to effectively conduct said oversight, which is vital to the health of Louisiana's citizens and visitors. Lack of effective oversight and regulation could result in an imminent peril to the public health, safety, or welfare. Moreover, although Section 4 of Act 491 authorizes LDH to utilize the existing Rules promulgated by LDAF concerning the manufacture and distribution of medical marijuana, use thereof does not fully mitigate against such peril, because said rules are incompatible, at least in part, with Acts No. 491 and 492 and with existing rules, procedures, and polices

of LDH. Confusion over regulation could lead to cessation of the production of medical marijuana, upon which many residents of the state depend for treating applicable health conditions. LDH has additionally taken cognizance of Sections 3 and 4 of Act 491, both of which contemplate the possibility that LDH may need to undertake emergency rulemaking in connection with said Act. Further, this Emergency Rule will provide the state health officer the ability to make critical decisions that protect human health. Accordingly, the following Emergency Rule, effective August 1, 2022, shall remain in effect for a maximum of 180 days, or until the final Rule is promulgated, whichever occurs first.

This Rule adds a new Part, Part XXIX, to Title 51 of the *Louisiana Administrative Code*, consisting of nine Chapters enumerating the various provisions of the regulation of medical marijuana. Chapter 1 provides definitions that are unique to such regulation. Chapter 3 specifies the enabling legislation and notes that the products to be regulated herein are subject to applicable federal law. Chapter 5 describes the permitting process for contractors and the licensure process for the two statutorily-prescribed licensees. Chapter 7 lists the inspection requirements for medical marijuana facilities and the operational requirements for the firms. Chapter 9 specifies the requirements for medical marijuana testing laboratories.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIX. Medical Marijuana

Chapter 1. General Requirements

§101. Definitions

A. Except as may be otherwise defined in any provision of this Part, and unless the context or use thereof clearly indicates otherwise, the following words and terms used in this Part of the Sanitary Code are defined for the purposes thereof, and for purposes of any other Parts which are adopted or may hereafter be adopted, as follows.

Immature Plant—nonflowering medical marijuana (as defined below) plant that is no taller than eight inches produced from a cutting, clipping or seedling.

Licensee—as defined in R.S. 40:1046(H)(2)(a), the Louisiana State University Agricultural Center or the Southern University Agricultural Center.

Louisiana Medical Marijuana Tracking System (LMMTS)—the required seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the plant material is sold as a finished product to a licensed medical marijuana pharmacy or destroyed.

Medical Marijuana—any parts of the plant genus *Cannabis* and all derivatives of all strains of this genus, whether growing or not; the seeds thereof; the resin extracted therefrom; any compound, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC), cannabidiol (CBD), and all other naturally-occurring phytocannabinoids, whether produced directly or indirectly by extraction. This term does not include the mature stalks of such plant; fiber produced from such stalks; oil or cake made from the seeds of such plant; any other compound, salt, derivative, mixture, or preparation of such mature stalks (except for the resin

extracted therefrom); fiber, oil, or cake; or sterilized seed incapable of germination.

Medical Marijuana Waste—medical marijuana that is unusable or that cannot be processed into a useable form.

Permittee—contractor employed by the licensee to grow, cultivate, process, transport, and distribute medical marijuana.

Therapeutic Marijuana—see Medical Marijuana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

Chapter 3. Authority; Preemption

§301. Authority

A. The rules specified in this Part are promulgated under the authority of R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.).

B. In accordance with the provisions of 21 U.S.C. 812, medical marijuana remains classified as a Schedule I Controlled Dangerous Substance by the government of the United States. No Louisiana law or regulation may preempt or supersede federal law, and the products regulated in the rules described in this Part remain subject to such laws as are applicable to Schedule I substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

Chapter 5. Licensure and Permitting

§501. Licensure of Authorized Entities

A. The department shall issue a nontransferable license to the Louisiana State University Agricultural Center and to the Southern University Agricultural Center to produce medical marijuana. Such license shall be renewable annually on July 1. Requirements for renewal include the maintenance of a contractual relationship with a single permittee.

B. No other entity is authorized to receive a license for the production of medical marijuana.

C. Licensees shall comply with all applicable requirements of R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.), including payment of all fees, allowance of all inspections, and provision of all information required thereunder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§503. Permitting

A. Licensees shall contract with only one permittee, and this permittee shall apply to the department for an annual permit to engage in growing, cultivating, processing, transporting, and distributing medical marijuana.

B. Permits are nontransferable and subject to an application review process and a license fee of \$100,000. Permits expire on and shall be renewed annually on July 1.

C. Permittees shall comply with all applicable requirements of R.S. title 40, chapter 4, part X-E (R.S. 40:1046 et seq.), including payment of all fees, allowance of all inspections, and provision of all information required thereunder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§505. Application Process

A. Applications for permitting shall be made using documents supplied by the department for this purpose.

B. Applicants shall supply the following information as a condition of receiving a new permit:

1. detailed plans of the facility, including a site plan and plumbing, electrical, mechanical, HVAC, and drainage schedules as well as schedules of finishes for floors, walls, and ceilings in all areas;

2. plans including layouts and lists of equipment used for surveillance of the facility, including cameras, motion-sensing devices, locking mechanisms, points of secured entry and egress, and monitoring stations;

3. proposed hours of operation and approximate estimated staffing levels;

4. product safety plans, including the protocol for processing each kind of medical marijuana manufactured at the site, including procedures for identifying, monitoring, and controlling any relevant biological, physical, or chemical hazards reasonably likely to occur during the growth, cultivation and harvesting, and production and packaging phases of the operation;

5. lists of required per-batch production records used for the manufacture of medical marijuana, including relevant laboratory testing of raw materials, components, excipients, and other constituents;

6. a recall plan;

7. a document provided by the licensee affirming that all criminal background checks on contractor personnel required by R.S. 40:1047 have been completed to the licensee's satisfaction; and

8. any other information or plans required to be provided under R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.).

C. As a condition of renewal of a permit, the permittee shall supply the following additional information in writing to the department by January 10 of the renewal year:

1. the gross quantity of medical marijuana grown during the preceding calendar year;

2. a detailed report of associated production costs, including seed, fertilizer, labor, advisory services, construction and maintenance, and irrigation;

3. a detailed list of items for which subcontractors were employed and the associated costs for each service rendered by subcontractors;

4. the total quantity of medical marijuana generated as a finished product within that year and the quantity distributed to each licensed marijuana pharmacy;

5. costs paid to the licensee related to medical marijuana production; and

6. any other information or plans required to be provided under R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

Chapter 7. Inspections and Operational Requirements

§701. Inspections

A. Permittee facilities require a preoperational or initial inspection and this shall follow review and acceptance of the plans required in §505. Inspections are designed to ensure the following:

1. the facility is of solid construction and designed in such a way to secure the knowledge of the nature of its operations from a casual observer by means of odor control and secure enclosed spaces;

2. the facility, staff, and documents meet the necessary minimum standards to ensure the production of safe medical marijuana;

3. operational documents as described in §505.B are maintained on-premises;

4. the firm has current access to the Louisiana Medical Marijuana Tracking System (LMMTS);

5. the facility has adequate site and product security measures in place, including visitor logs and employee activity records;

6. the facility has an inventory tracking system as described in §703-705 of this Chapter in place;

7. the facility has complete personnel records in place;

8. compliance with the requirements of §715 of this Part; and

9. the facility complies with all applicable requirements of R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.).

B. As a condition of its permit, the permittee shall allow the state health officer or his/her designee(s) to review all records relevant to the operations and management of the permitted facility.

C. Routine inspections of permitted facilities to assess continued compliance shall occur no less frequently than twice per fiscal year. Complaint-based inspections may be conducted at any time during business hours and without prior notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§703. Product and Site Security

A. Permittee facilities shall maintain an onsite security system that includes, at a minimum, the following components:

1. secured locks on doors throughout the facility;

2. audible alarms and a system of video and audio surveillance cameras with recording capabilities that meets the following additional requirements:

a. video surveillance shall cover all points of entry and exit and restricted-access areas;

b. video surveillance shall have accurate date and time stamps;

c. video surveillance recordings shall be maintained for at least 30 days.

3. a “panic” device with the ability to contact law enforcement;

4. a “duress” device capable of contacting law enforcement by means of a “silent alarm” and;

5. restricted access to sensitive areas (where medical marijuana products are cultivated, extracted, processed, or stored).

B. Surveillance systems shall be monitored onsite between the hours of 8:00 and 17:00, but off-site monitoring may be provided during other hours.

C. Restricted-access areas shall be noted in the firm’s security plan and posted with suitable signage. These areas shall remain locked during all hours and access shall be controlled by means of employee badge scanners or similar devices.

D. Visitors shall be required to sign a log indicating their firm, purpose of visit, and date and time in and out of the facility. Visitors shall be allowed on the premises for official purposes only and shall be issued visitor badges for the duration of their visits. Visitors shall not remain in restricted-access areas unaccompanied by an authorized staff member unless no medical marijuana is present in the area at the time of the visit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§705. Louisiana Medical Marijuana Tracking System

A. Permittee facilities shall possess and maintain required hardware and software to connect to the Louisiana Medical Marijuana Tracking System.

B. Each plant and medical marijuana product originating at the facility shall be assigned a unique tag and identification number for tracking purposes.

C. Within 24 hours of the occurrence of one of the following events, it shall be documented in the LMMTS:

1. purchase or other acquisition of marijuana plants or seeds, including immature plants and seedlings;

2. sale, transfer, or transport of medical marijuana to another contractor, approved laboratory, or medical marijuana pharmacy;

3. disposal of medical marijuana waste.

D. All records relating to transactions referenced in Subsection C., above, must be maintained for at least the current calendar year as well as the three preceding calendar years (if applicable).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§707. Inventory Control

A. Permittee facilities shall maintain an inventory of medical marijuana, including medical marijuana waste, on their premises and update these records no less frequently than once per week.

B. Medical marijuana waste shall be tracked in the LMMTS and stored in a restricted-access area until it is incinerated or removed to a composting facility or landfill.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§709. Toxic Chemical Use and Storage

A. Permittee facilities shall handle and store any chemicals for direct or indirect contact with medical marijuana in accordance with its written operations plan and the manufacturer's directions.

B. Restricted-use pesticides shall only be handled by individuals with the required certifications.

C. Permittees shall maintain records of material safety data sheets (MSDS) for all chemicals currently in use at the facility.

D. When applying pesticides to a crop, the facility shall maintain the following records:

1. date and time of application;
2. name of the individual applying the pesticide;
3. batch numbers of all chemicals used; and
4. the amount and name of the chemicals used, including the EPA registration number, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§711. Transportation of Medical Marijuana

A. Permittee facilities shall generate an inventory manifest prior to transporting any medical marijuana to a licensed marijuana pharmacy, laboratory, contractor or disposal site. The manifest shall include the following items:

1. name of the originating firm;
2. name of the receiving facility;
3. quantity expressed in terms of weight measure or unit of each type of medical marijuana comprising the shipment;
4. the date and approximate departure and arrival times of the shipment;
5. the identity of the agents involved in the transportation; and
6. the make, model, and license plate number of the transport vehicle.

B. Prior to initiating transport, the originating facility shall supply a copy of the inventory manifest referenced in Subsection A to the receiving facility.

C. Upon receipt, the receiving facility shall update the relevant records in the LMMTS, except that the shipment shall be refused if unaccompanied by a valid, unaltered LMMTS inventory-manifest document.

D. Shipments that are refused under the provisions of Subsection C shall be returned to the originating facility at its expense and the appropriate documentation shall be generated and provided to the transporter and the receiving facility prior to returning the materials to the receiver. Updates to the material records in the LMMTS shall be made as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§713. Sampling Requirements

A. Permittees shall sample every batch of product to ensure compliance with the standards of quality outlined below. Permittees shall not release any batch of product for sale until the representative sample has been verified as compliant. Batches may be tested prior to portioning or packaging.

B. Sample verification shall be by means of the issuance of a certificate of analysis from the approved laboratory conducting the sample analysis issued to the Louisiana Department of Health and the originating facility no later than 24 hours after testing is complete.

C. Any batch with a sample failing one or more of the tests (by exceeding allowable limits for contaminants or residues) shall be remediated or destroyed, at the option of the permittee. A batch shall only be remediated once, and if subsequent sampling fails to correct the exceedance, the affected batch shall be destroyed.

D. Sample medical marijuana waste held at an approved laboratory shall be destroyed within 60 days of completion of testing.

E. Minimally-processed plant material shall be subject to all testing requirements below except testing for solvent residues.

F. Medical marijuana samples shall be required to meet the following standards of quality:

1. microbiological contaminants:
 - a. mold/yeast <10,000 CFU/g;
 - b. pathogenic Escherichia coli and Salmonella spp. < 1CFU/g;
 - c. aflatoxins < 20 ppb;
 - d. ochratoxins < 20 ppb.
2. solvent residues:
 - a. butanes < 800 ppm;
 - b. heptanes < 500 ppm;
 - c. benzene <1 ppm;
 - d. toluene <1 ppm;
 - e. hexanes < 10 ppm;
 - f. xylenes < 1ppm;
 - g. ethanol < 5,000 ppm.
3. heavy-metal contaminants:
 - a. arsenic < 10 ppm;
 - b. cadmium < 4.1 ppm;
 - c. lead < 10 ppm;
 - d. mercury < 2 ppm.
4. pesticide residues: see Table 1 for maximum contaminant levels for finished products; any pesticide not listed shall not have detectable residues in finished products.
5. homogeneity: each aliquot shall have a variance of no more than plus or minus 15 percent of the total average result for THC content.
6. potency: the product shall have a variance of no more than plus or minus 15 percent of the THC content specified on the product label.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§715. Basic Facility Requirements

A. Permittee facilities shall provide finishes to floors, walls, and ceilings that are durable, light in color, and easily cleanable.

B. Facilities shall be sufficient in size to allow space for the following:

1. orderly placement of equipment and materials to minimize the possibility of contamination;
2. receipt, storage, and withholding from use components pending sampling (if required), identification and release by quality assurance personnel;

3. holding of rejected components or finished products pending disposal or rework;

4. storage of containers, packaging and labeling;
5. manufacturing and processing operations;
6. packaging and labeling operations; and
7. storage of finished products.

C. Facilities shall provide lighting, ventilation, and screening as needed to do the following:

1. prevent contamination of products with extraneous adulterants;
2. minimize dissemination of microorganisms from one area to another.

D. Facilities shall provide locker rooms for storage of employee personal equipment and belongings.

E. Facilities shall provide a plumbing system designed and installed in accordance with the Louisiana State Uniform Construction Code. Additionally, the system shall include the following:

1. no cross-connections between any potable and non-potable water supply;
2. where all equipment is not clean-in-place, at least one three-compartment sink with compartments adequate in size to submerge the largest utensil used in manufacturing operations;
3. an adequate number of hand lavatories supplied with hot-and-cold running water through a mixer-type faucet and hand soap and paper towels located convenient to manufacturing operation areas;
4. at least one utility sink for the disposal of mop wastes;
5. adequate means of sanitary disposal of wastewater.

F. Facilities shall provide adequate means of conveyance, storage, and disposal of refuse and non-medical marijuana waste products so as to minimize the development of odors, prevent waste products from becoming an attractant to and harborage for vermin, and prevent contamination of components, finished products, facility surfaces, grounds or water supplies.

G. Facilities shall provide toilet rooms in accordance with the Louisiana State Uniform Construction Code. Additionally toilet rooms shall be maintained in proper working order and in a sanitary condition. Toilet rooms shall have self-closing doors and shall not open directly into manufacturing areas. Toilet rooms shall include signs directing employees to wash hands with soap and water after using the toilet.

H. Facilities shall be located on premises that are maintained free of the following:

1. disused equipment, waste, debris or other materials that may serve as harborages for or attractants to vermin;
2. overgrowth of vegetation;
3. poorly-drained areas; and
4. excessively-dusty areas.

I. Equipment used in manufacturing operations shall not be additive, reactive, or absorptive to any product or its components and shall be installed in such a manner as to facilitate cleaning and not to contribute to potential cross-contamination of finished products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

Chapter 9. Approved Laboratories for Testing Medical Marijuana

§901. General Requirements

A. Permittee facilities shall only utilize approved laboratories, as defined in this Section, for testing of medical marijuana.

B. Prior to testing medical marijuana to verify compliance, a laboratory shall apply for and receive a medical marijuana laboratory license from the Louisiana Department of Health.

C. A laboratory holding or seeking a medical marijuana laboratory license shall comply with all applicable requirements of R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§903. Application Process

A. Applications for initial licensure and renewal of licensure shall be made using documents supplied by the department for this purpose.

B. Applicants shall be required to supply the following documentation as part of the application process:

1. proof of accreditation through the National Institute on Drug Abuse (NIDA), the National Environmental Laboratory Accreditation Conference (NELAC), or the International Organization for Standardization (ISO); or proof of operation of a licensed or permitted medical marijuana testing laboratory in another state for the previous 12 months, and accreditation or pending accreditation through ISO;

2. an affidavit that representatives of the State Health Officer shall be granted access to all areas of the facility utilized for medical marijuana testing upon request; and

3. documentation indicating that the firm is currently able to access and utilize the Louisiana Medical Marijuana Tracking System (LMMTS).

C. Approved medical marijuana testing laboratory licenses shall be renewable annually every December 31. Applications for renewal shall be submitted to the Louisiana Department of Health no later than October 31; applicants shall provide copies of current accreditation-verification and permit documents in order for a new license to be issued to the facility.

D. Failure to renew in a timely fashion shall trigger a requirement to destroy all medical marijuana located at the facility after midnight on December 31. Any product remaining on the premises at that time shall be subject to seizure under the provisions of R.S. 40:632 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§905. Exemptions

A. The Agricultural Chemistry Laboratory of the Louisiana Department of Agriculture and Forestry is exempt from the requirements of §901 and §903.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§907. Records

A. Laboratories shall maintain all records related to testing of medical marijuana for no less than three years. Such records shall be made available for review to representatives of the State Health Officer upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

§911. Category I and II Pesticide Residue Maximum Contaminant Levels

A. Table 1. Category I and II Pesticide Residue Maximum Contaminant Levels (MCL) in Parts per Million (PPM) by Dosage Form

Name	Ingested	Inhaled
Thiamethoxam	4.5	5
Trifloxystrobin	30	0.1

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Department of Health, Office of Public Health, LR 48:

Interested persons may submit written comments to Michael Vidrine, Director, Sanitarian Services, Office of Public Health, Louisiana Department of Health, P.O. Box 4489, Baton Rouge, LA 70821-4489. He is responsible for responding to inquiries regarding this Emergency Rule.

Joseph Kanter, MD, MPH
 State Health Officer
 and
 Dr. Courtney N. Phillips
 Secretary

2208#007

DECLARATION OF EMERGENCY

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

2022 Recreational Greater Amberjack Season Closure

Louisiana’s recreational greater amberjack season was previously opened on May 1, 2022 and closed on June 1, 2022. The recreational greater amberjack season was scheduled to reopen on August 1, 2022 and remain open through October 31, 2022. The regional administrator of NOAA Fisheries has informed the secretary that the 2022 recreational season for the harvest of greater amberjack will remain closed for the month of August and will reopen on September 1, 2022 and close on October 31, 2022 in the federal waters of the Gulf of Mexico. Data indicate that the stock is overfished and a quota reduction is necessary to avoid overfishing in the 2022/2023 fishing year. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

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

The season for the recreational harvest of greater amberjack in Louisiana state waters shall remain closed through 11:59 p.m. on August 31, 2022. The season for the recreational harvest of greater amberjack shall reopen at 12:01 a.m. on September 1, 2022 and remain open until 11:59 p.m. on October 31, 2022, at which time the season will close and remain closed until the scheduled reopening of the 2022/2023 season. Effective with this closure, no

Name	Ingested	Inhaled
Category I (includes aldicarb, carbofuran, chlorpyrifos, coumaphos, daminozide, dichlorvos, dimethoate, ethoprop(hos), etofenprox, fenoxycarb, imazalil, methocarb, methyl parathion, mevinphos, paclobutrazol, propoxur, spiroxamine, and thiacloprid)	0	0
Category II		
Abamectin	0.3	0.1
Acephate	5	0.1
Acetamiprid	5	0.1
Acequinocyl	4	0.1
Azoxystrobin	40	0.1
Bifentzate	5	0.1
Bifenthrin	0.5	3
Boscalid	10	0.1
Captan	5	0.7
Carbaryl	0.5	0.5
Chlorantraniliprole	40	10
Clofentezine	0.5	0.1
Cyfluthrin	1	2
Cypermethrin	1	1
Diazinon	0.2	0.1
Dimethomorph	20	2
Etoazole	1.5	0.1
Fenhexamid	10	0.1
Fenpyroximate	2	0.1
Fonicamid	2	0.1
Fludioxonil	30	0.1
Hexythiazox	2	0.1
Imidacloprid	3	5
Kresoxim-methyl	1	0.1
Malathion	5	0.5
Metalaxyl	15	2
Methomyl	0.1	1
Myclobutanil	9	0.1
Naled	0.5	0.1
Oxamyl	0.2	0.5
Pentachloronitrobenzene	0.2	0.1
Permethrin	20	0.5
Phosmet	0.2	0.1
Piperonylbutoxide	8	3
Prallethrin	0.4	0.1
Propiconazole	20	0.1
Pyrethrins	1	0.5
Pyradiben	3	0.1
Spinetoram	3	0.1
Spinosad	3	0.1
Spiromesifen	12	0.1
Spirotetramat	13	0.1
Tebuconazole	2	0.1

person shall recreationally harvest or possess greater amberjack whether within or without Louisiana waters.

Jack Montoucet
Secretary

2208#003

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2022 Recreational Red Grouper Season Closure

Louisiana's private recreational red grouper season was previously opened on January 1, 2022. The regional administrator of NOAA Fisheries has informed the secretary that the recreational season for red grouper in the federal waters of the Gulf of Mexico will close at 12:01 a.m. on August 30, 2022. Data indicate that the 2022 recreational annual catch target of 1,840,000 pounds gutted weight has been projected to be met and a closure is necessary to prevent overfishing.

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

The season for the recreational harvest of red grouper in Louisiana state waters shall close at 12:01 a.m. on Tuesday, August 30, 2022 and shall remain closed until the scheduled opening of the 2023 season on January 1, 2023. Effective with this closure, no person shall recreationally harvest or possess red grouper whether within or without Louisiana waters.

Jack Montoucet
Secretary

2208#076

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Chronic Wasting Disease Control Zone and Associated Regulations

In accordance with the emergency provisions of R.S. 49:962 and under the authority of R.S. 56:115 and 116, the Wildlife and Fisheries Commission and the secretary of the Department of Wildlife and Fisheries (LDWF) hereby adopt the following emergency rule to amend the prior emergency

rule adopted on August 3, 2022 prohibiting export of cervids and establishing a supplemental feed ban, as it relates to Tensas and Madison Parishes and portions of Franklin Parish.

On January 28, 2022, the Louisiana Animal Disease Diagnostic Laboratory at LSU detected Chronic Wasting Disease (CWD) in a sample submitted by the Louisiana Department of Wildlife and Fisheries (LDWF) from a hunter-harvested adult buck in Tensas Parish. The sample was submitted to the National Veterinary Services Laboratory (NVSL) for confirmation. NVSL confirmed the detection of CWD in the sample submitted.

In response to receiving a positive CWD test result on a deer harvested in Louisiana, the Wildlife and Fisheries Commission took emergency action on February 3, 2022 to prohibit the export of any cervid carcass or part of a cervid carcass originating within Franklin, Madison, and Tensas Parishes, establish a supplemental feeding ban in those three parishes and authorize the secretary to extend, modify, or rescind the emergency rule. That emergency rule was extended and modified to exclude portions of Franklin Parish by the secretary on August 3, 2022. The secretary now seeks to modify the current emergency rule to provide that the designated CWD Control Area will be defined by publication on LDWF's website and to amend the supplemental feed ban to be consistent with the proposed Rules and Regulations for Chronic Wasting Disease Control Areas.

Therefore, the export of any cervid, cervid carcass, or part of a cervid carcass originating within the CWD Control Area is prohibited, except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts and cleaned cervid teeth.

Baiting, placement of bait, or hunting over bait is prohibited within a LDWF designated CWD Control Area. It is the responsibility of hunters to check their hunting area for bait prior to each hunt. A baited area is an area on which salt, grain, or other feed has been placed, exposed, deposited, distributed or scattered, if that salt, grain, or other feed could serve as a lure or attractant for wild quadrupeds or wild birds via ingestion. The use of approved bait not normally ingested by deer for feral hog trapping will still be allowed.

The CWD Control Area for purposes of this emergency rule is defined as LDWF designated area consisting of the CWD infectious zone and buffer zone where mitigation measures and regulations are applied to curb further spread of the disease. The Control Area shall be listed on the LDWF website.

This Declaration of Emergency shall become effective August 10, 2022, and will supersede the existing emergency rule and any other rule or regulation that may conflict with the substance of this emergency rule. It will remain in effect for the maximum period allowed under the Administrative Procedure Act unless rescinded or modified by the Secretary. The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of

the Commission to promulgate and effectuate this Declaration of Emergency, and to modify, rescind, or extend it upon notification of the Chairman of the Wildlife and Fisheries Commission.

Jack Montoucet
Secretary

2208#047

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Deer Carcass Export and Feeding Ban,
Portions of Franklin, Madison and Tensas Parishes

In accordance with the emergency provisions of R.S. 49:962 and under the authority of R.S. 56:115 and 116, the Wildlife and Fisheries Commission and the secretary of the Department of Wildlife and Fisheries hereby adopt the following emergency rule to extend the prior emergency rule adopted on February 3, 2022 establishing the cervid carcass export and supplemental feed ban as it relates to Tensas and Madison Parishes and modifying the prior rule to reduce the portion of Franklin Parish to which the rule applies.

On January 28, 2022, the Louisiana Animal Disease Diagnostic Laboratory at LSU detected Chronic Wasting Disease (CWD) in a sample submitted by the Louisiana Department of Wildlife and Fisheries (LDWF) from a hunter-harvested adult buck in Tensas Parish. The sample was submitted to the National Veterinary Services Laboratory (NVSL) for confirmation. NVSL confirmed the detection of CWD in the sample submitted.

In response to receiving a positive CWD test result on a deer harvested in Louisiana, the Wildlife and Fisheries Commission took emergency action on February 3, 2022 to prohibit the export of any cervid carcass or part of a cervid carcass originating within Franklin, Madison, and Tensas Parishes; establish a supplemental feeding ban in those three parishes and to direct LDWF to implement its CWD Management Plan to monitor and curb the spread of CWD in Louisiana. That emergency rule expires today and requires extension until the permanent Rules and Regulations for Chronic Wasting Disease Control Areas becomes final.

Therefore, the export of any cervid carcass or part of a cervid carcass originating within the CWD Control Area is prohibited, except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts, and cleaned cervid teeth.

All supplemental feeding, including mineral or salt licks, is prohibited in the CWD Control Areas. The purpose of this feeding ban is to reduce the potential for the spread of CWD in Louisiana by reducing the risk of exposure when deer are concentrated around feeding sites. The use of approved bait not normally ingested by deer for feral hog trapping will still be allowed. All bait must be placed and contained within the trap itself. Backyard bird feeders are also exempt from this supplemental feeding prohibition.

The CWD Control Areas for purposes of this emergency rule is defined as follows:

All of Madison and Tensas Parishes. A portion of Franklin Parish east of LA Highway 15 originating at the Franklin & Catahoula parish line to the junction with LA Highway 128, east of LA Highway 128 to its junction with LA Highway 4, east of LA Highway 4 to its junction with LA Highway 578, east of LA Highway 578 to its junction with LA Highway 17, then east of LA Highway 17 to the Franklin Parish line. The prior emergency rule is hereby rescinded for all portions of Franklin Parish that is not included within the CWD Control Areas.

This Declaration of Emergency shall become effective August 3, 2022, and will remain in effect for the maximum period allowed under the Administrative Procedure Act unless rescinded or modified by the Secretary, or until the final adoption of Rules and Regulations for Chronic Wasting Disease Control Areas. The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and to modify, rescind, or extend it upon notification of the Chairman of the Wildlife and Fisheries Commission.

Jack Montoucet
Secretary

2208#026

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Fall Inshore Shrimp Season Opening Dates

The Wildlife and Fisheries Commission received information regarding biological sampling for white shrimp in state inshore waters. The Department of Wildlife and Fisheries (LDWF) provided the commission with data that projected the date when white shrimp will reach marketable size. After considering biological information and public input, the Commission took action to set the fall shrimp season within state inshore waters. Notice of any opening, delaying or closing of a season by the Wildlife and Fisheries Commission will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries Commission does hereby set the 2022 Fall Shrimp Season in Louisiana state waters to open as follows:

That portion of state inside waters from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River to open at 6:00

a.m., August 8, 2022 except for the area as described below which will open at 6:00 a.m., August 15, 2022:

From a point at the intersection of the eastern shore of the MRGO and the Shell Beach Cut at 29 degrees 51 minutes 29.40 seconds north latitude, 89 degrees 40 minutes 37.99 seconds west longitude; thence northerly to a point where Shell Beach Cut and the south shore of Lake Borgne intersect (29 degrees 52 minutes 00.35 seconds north latitude, 89 degrees 40 minutes 25.33 seconds west longitude); thence easterly and northerly following the southern shore of Lake Borgne and the western shore of the Biloxi Marsh to Pointe Aux Marchettes (29 degrees 59 minutes 26.87 seconds north latitude, 89 degrees 34 minutes 44.91 seconds west longitude); thence northeasterly to Malheureax Point (30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude); thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes 00.00 seconds north latitude, 89 degrees 22 minutes 23.00 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.50 seconds north latitude, 89 degrees 11 minutes 15.50 seconds west longitude), which is a point on the double-rig line as described in R.S. 56:495.1(A)2; thence southerly following the double-rig line to where it intersects with the MRGO (29 degrees 40 minutes 40.11 seconds north latitude, 89 degrees 23 minutes 07.71 seconds west longitude); thence northwesterly along the eastern shore of the MRGO to the point of origin.

That portion of state inside waters from the eastern shore of South Pass of the Mississippi River westward to the Atchafalaya River Ship Channel at Eugene Island as delineated by the red Channel Buoy Line to open at 6:00 p.m., August 8, 2022; and

That portion of state inside waters from the Atchafalaya River Ship Channel at Eugene Island as delineated by the red Channel Buoy Line westward to the Louisiana/Texas state line to open at 6:00 a.m., August 8, 2022 except for the

area as described below which will open at 6:00 a.m., August 15, 2022:

From a point on the shrimp inside/outside line and the western shore of the Mermentau River at 29 degrees 43 minutes 46.14 seconds north latitude, 93 degrees 00 minutes 40.50 seconds west longitude; thence northerly following the western shore of the Mermentau River to its intersection with Catfish Locks 29 degrees 52 minutes 47.31 seconds north latitude, 92 degrees 50 minutes 57.25 seconds west longitude; thence southeasterly following Catfish Locks to its intersection with the eastern shore of the Mermentau River (29 degrees 51 minutes 44.20 seconds north latitude, 92 degrees 50 minutes 52.98 seconds west longitude); thence southerly following the eastern shore of the Mermentau River to the point where it intersects the shrimp inside/outside line (29 degrees 43 minutes 46.33 seconds north latitude, 93 degrees 00 minutes 31.71 seconds west longitude); thence westerly along the shrimp inside/outside line to the point of origin.

The commission also hereby grants authority to the secretary of LDWF to delay or advance these opening dates if biological and/or technical data indicate the need to do so, and; to close any portion of Louisiana's inside or outside waters to protect small juvenile white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

The secretary is further granted the authority to open any area, or re-open any previously closed area, and to open and close special shrimp seasons in any portion of state waters.

Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Joe McPherson
Chairman

2208#027

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Industrial Hemp (LAC 7:XIII.1303)

Editor's Note: Section 1303 is being repromulgated to correct a submission error. The original Rule may be viewed in its entirety on pages 1743-1745 of the July 20, 2022 *Louisiana Register*.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1461 et seq., the Department of Agriculture and Forestry ("Department"), through the Office of Agricultural and Environmental Sciences, has amended LAC 7:XIII.1303, 1315, 1319, 1321, 1327, 1329, 1332, 1335, 1337, and 1341 of the Industrial Hemp Rules and Regulations. The amendments are being made in accordance with and in relation to: adding additional definitions, clarifying statutory references, adding a USDA form to documentation requirements and notification of analysis release, adding approved varieties and prohibited varieties to approval requirements, adding prohibited variety to prohibitions, adding more categories to production reports, clarifying THC level for negligent violations, adding the USDA platform system for LDAF reporting and clarifying which industrial hemp plants are subject to destruction. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 13. Industrial Hemp

Subchapter A. General Provisions

§1303. Definitions

A. ...

B. The following words and terms shall have the following meanings.

Approved Variety—industrial hemp variety or strain that has been tested a minimum of three years in Louisiana and all official LDAF test results have shown the variety or strain at or below the compliant THC level.

Farm Service Agency (FSA) Lot ID—a unique number generated by the USDA Farm Service Agency consisting of the farm number, tract number, field number, and subfield number. This unique number is generated from the submittal of the FSA 578 Form.

Growing Season—the calendar year in which an industrial hemp crop is produced.

Industrial Hemp Greens—hemp leaves from immature plants germinated from seed in which the plants are no more than ten (10) inches tall and which are also not yet flowering.

Industrial Hemp Microgreens—immature hemp seedlings intended for human consumption that are:

- a. cut off above the soil or substrate;
- b. harvested prior to flowering;
- c. not more than 14 days after germination; and
- d. not taller than 5 inches.

Industrial Hemp Transplants—hemp seedlings, rooted cuttings, or immature plants produced from tissue culture or other means of reproduction, which are not harvested, but transplanted into a larger container or field to allow for maturing and harvesting.

Prohibited Variety—an industrial hemp variety or strain that meets one or more of the following:

- a. ...
- b. an official LDAF sample test result that is greater than 1.0 percent total THC;
- c. ...

Remediate or Remediation—the process of rendering non-compliant cannabis compliant by removing and destroying, in the presence of and by a method approved by LDAF, all flower material, while retaining stalk, stems, leaf material, and seeds, or by shredding the entire plant into a biomass-like material. All hemp plant material that has undergone remediation shall be sampled and retested for THC compliance.

School—a public or private institution or that portion of a public or private institution which provides teaching for any grade from kindergarten through twelfth grade.

Variety Designation List—a list of industrial hemp varieties published by LDAF that, based on official LDAF test results, designates the varieties in the following categories: not yet tested, non-designated, variety of concern, approved or prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462 and R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:170 (February 2020), LR 47:438 (April 2021), amended LR 47:1833 (December 2021), LR 48:1743 (July 2022), repromulgated LR 48:2083 (August 2022).

Mike Strain, DVM
Commissioner

2208#005

RULE

Department of Agriculture and Forestry Office of Forestry

Prescribed Burner Certification (LAC 7:XXXIX.907 and 909)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:17, notice is hereby given that the Department of Agriculture and Forestry through the Office of Forestry, has amended LAC 7:XXXIX.907-909 relative to the certification of prescribed burners to clarify the requirements for obtaining said certification and for renewing the same. The Department of Agriculture and Forestry has amended LAC 7:XXXIX.907 and 909 to clarify the requirements for obtaining a prescribed burner certification and for renewing the same. The amendments remove the requirement that the department offer workshops for the certification of prescribed burners, changing the language from a mandate that the department do so, to a permissive statement that the department "may" offer such workshops. This reflects the reality that applicants for certification attend workshops offered by third parties, rather than by the department. The department has not offered workshops in recent years. The amendments also change the requirement that applicants submit an affidavit attesting to certain application prerequisites to merely a signed statement attesting to the same, thereby eliminating the requirements for applicants to have the statement notarized. The amendments also add the requirement that applicants must complete all requirements for certification within five years of submitting their prescribed burner certification application and further provide that failure to complete all requirement within the five year period shall result in the revocation of the applicant's certified prescribed burner application, after which all program requirements must be repeated in order to be considered for certification.

The amendments add provisions for the renewal of the prescribed burner certification, requiring certified burners to renew their certification every five years by completing a refresher course and producing proof their attendance via a submission of a certificate of completion or, if no certificate of completion is available, a signed statement attesting to their attendance. The amendments provide that the failure to complete a certified prescribed burner refresher course and submit proof thereof every five years shall result in the revocation of prescribed burner certification and all program requirements must be repeated in order to regain certification. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 9. Prescribed Burning

§907. Prescribed Burner Certification; Prerequisites and Training

A. The department may offer workshops for the certification of prescribed burners.

B. The department shall certify qualified individuals as certified burners who meet the following requirements:

1. complete a university-sponsored prescribed-burn continuing education course or other program approved by the department;
2. attend a certification workshop conducted or approved by the department;
3. score a passing grade on a certification test administered or approved by the department;
4. participate in a minimum of five prescribed burns as the person in charge of the execution of the burns;
5. submit a completed application on a form provided by the department; and
6. submit a signed statement indicating that:
 - a. the applicant has participated in a minimum of five prescribed burns as the person in charge of the execution of those burns; and
 - b. the applicant has completed a university-sponsored prescribed-burn continuing education course or other program approved by the department.

C. Applicants seeking certification shall have five years from the completion of the prescribed burning course to complete all other requirements for certification under the Louisiana Certified Prescribed Burner Program:

1. the required signed statement must be received by the department by December 31st of the fifth year following the applicant's final test date; and
2. any applicant who fails to complete all requirements within the five-year period shall have their application voided. Cancelled applicants shall have to repeat all program requirements in order to be considered for certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR 48:2084 (August 2022).

§909. Renewal of Prescribed Burner Certification

A. In order to maintain a valid certification, all certified prescribed burners shall renew their certification every five years.

B. A certified prescribed burner shall renew their certification by:

1. completing a certified prescribed burner refresher course every five years, prior to the end of each fifth year following certification; and
2. producing proof of completion of the course to the department, prior to the end of each fifth year following certification.

a. Proof of completion may consist of a certificate of completion or, if no certificate is provided by the course, submission of a signed statement attesting to attendance, including course name, date(s) attended, and provider of the course.

C. Failure to complete a certified prescribed burner refresher course and to provide proof of attendance prior to the end of each fifth year following certification shall result in the revocation of the prescribed burner certification and all program requirements must be repeated in order to regain certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR 48:2084 (August 2022).

Mike Strain, DVM
Commissioner

2208#068

RULE

Board of Elementary and Secondary Education

BESE/8(g) Operations—Advisory Councils (LAC 28:I.503 and 505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:I. *BESE/8(g) Operations*. The revisions codify the MFP Task Force and provide for the membership structure and operating procedures of the council. The revisions establish and align advisory councils across all bulletins, in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 5. Organization

§503. Advisory Councils

A. ...

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the number of persons to be appointed by the board; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of terms.

C. - C.3.d.ii. ...

D. Officers. Unless otherwise provided by state or federal law or board policy, each advisory council shall select from among its membership in attendance a chair and a vice-chair. Elections shall be held annually at the first meeting in a fiscal year, and the councils shall report election results to the board.

E. Membership

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of their recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority. A council member may be removed without cause by the board member recommending the appointment, by the board member's successor, or by the recommending agency at any

time. Appointees must maintain employment/qualifications appropriate to the organizational category being represented. Once a member retires, becomes employed in a different capacity, or otherwise fails to maintain eligibility, the member shall become ineligible to continue to serve and shall be replaced. In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may remain in place until a replacement is recommended or approved by the appointing authority and subsequently ratified by the board.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of his/her term. Appointments to fill vacancies shall be considered interim appointments.

3. Expenses. Members of advisory councils may be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

4. Quorum. Unless otherwise provided, a quorum is a majority of the appointed membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum being present. When it is known beforehand that a quorum is unlikely, the council chair shall be so notified and the meeting shall be canceled.

5. Action/Quorum. Official council action requires that any matter be submitted to the council by motion duly seconded. The chair states the motion and calls for discussion, after which the council may act on such matter following repetition of the motion by the chair. All official action of the council shall require the favorable vote of a majority of the total appointed membership (i.e. quorum). Proxies cannot be included for the purpose of establishing a quorum.

6. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as that member's proxy if the appointing authority does not object. To receive reimbursement for travel and other expenses, a proxy must be properly designated by the active member and recorded in the minutes as being present. If the proxy is representing an advisory council member who is prohibited by board policy from receiving reimbursement for travel expenses, the proxy is likewise prohibited from receiving reimbursement. Proxies do not retain voting privileges.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded for the record. A roll call vote must be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last in order or not voting. Proxies do not retain voting privileges

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the

council chair or the executive director one week prior to the meeting and a proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and his/her seat declared vacant if he/she is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the organization or agency he/she was appointed to represent, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating nonattendance of the appointee. The notification should include:

- i. name of the council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

F. Meetings

1. Each advisory council shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by call of the board, and emergency meetings may be called at the discretion of the executive director.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the executive director or the executive director's designee.

3. Agendas of council meetings shall be distributed to council members by the board staff at least seven days in advance of a meeting, calendar permitting. All council meetings shall be conducted in accordance with the Louisiana open meetings law (R.S. 42:11 et seq.). In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

5. In all particulars, except for those listed in these rules and procedures, the business in advisory councils shall be conducted according to *Robert's Rules of Order*.

6. Every motion passed by an advisory council, whether or not made as a recommendation, shall be made as a main motion and must be seconded. All motions must be voted on and roll call votes may be requested by any of the membership in attendance at a meeting.

a. Requests from advisory councils for data/reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

7. The minutes and reports of each advisory council shall be presented to the board's executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee(s). A committee, after consideration of the recommendations of the advisory council, shall report its recommendations to the board for final action.

8. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:1995 (November 2018), LR 45:1444 (October 2019), LR 48:412 (March 2022); LR 48:2086 (August 2022).

§505. Special Advisory Councils/Task Forces/Commissions/Study Groups

A. Special advisory groups may be created by the board with a limited charge and scope to study a specific topic as referred by the board. Such groups shall adhere to all advisory council officers, membership, and meetings policies, as described for BESE Advisory Councils. The following are created:

1. MFP Task Force. The Task Force will be convened upon, annually and/or as needed, by the BESE chair of the Administration and Finance Committee and BESE President in order to advise BESE in the development of the MFP formula as it applies to the distribution of funding of public schools.

- a. authority—per BESE policy;
- b. membership—28 members consisting of the following:
 - i. six ex-officio representatives as follows:
 - (a). AF committee chair (serves as task force chair);
 - (b). two AF committee members;
 - (c). state superintendent of education;
 - (d). member of the house;
 - (e). member of the senate;
 - ii. four designated (non-voting) representatives as follows:
 - (a). nonpublic school council representative;
 - (b). Louisiana Association of Special Education Administrators;
 - (c). Teachers Retirement System of Louisiana;
 - (d). Louisiana School Employees' Retirement System;
 - iii. eleven designated representatives as follows:
 - (a). governor's representative;
 - (b). Louisiana School Boards Association;
 - (c). Associated Professional Educators of Louisiana;
 - (d). Louisiana Association of Educators;
 - (e). Louisiana Federation of Teachers;
 - (f). Council for a Better Louisiana;
 - (g). Louisiana Association of Business and Industry;
 - (h). Public Affairs Research Council of Louisiana;
 - (i). Louisiana Association of School Business Officials;
 - (j). Stand for Children;

(k). Early Childhood Advisory Council representative; and

- iv. seven BESE appointments as follows:
 - (a). superintendent (large district);
 - (b). superintendent (small district);
 - (c). charter schools representative;
 - (d). principal representative;
 - (e). K12 public school classroom teacher;
 - (f). public school parents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2086 (August 2022).

Shan N. Davis
Executive Director

2208#086

RULE

Board of Elementary and Secondary Education

BESE/8(g) Operations—Student Transfer Appeals (LAC 28:I.1313 and 1315)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:I. *BESE/8(g) Operations*. The revisions codify procedures for compliance with Act 420, R.S. 17:4035.1 of the 2021 Regular Legislative Session. This statute requires each local education agency (LEA) to adopt a policy governing student transfers, post such policy on the LEA website, and to annually report compliance to the LDE Office of School System Relations. Further, this statute requires BESE to consider appeal requests from student transfer request denials. The revisions promulgate rules regarding the process and procedures for submitting an appeal to BESE. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 13. Regulatory Documents

Subchapter C. Student Transfer Appeals

§1313. Local Education Agency (LEA) Student Transfer Appeals

A. In accordance with R.S. 17:4035.1, if an LEA denies the student enrollment request of a prospective student for an intradistrict transfer, the parent or legal custodian of the student may request that BESE review the denied transfer request.

B. Requests for appeal shall be submitted by the parent or legal guardian, by certified, and addressed to:

Board of Elementary and Secondary Education
Attn: Operating Manager
P.O. Box 94064, Capital Station
Baton Rouge, LA 70804

C. A copy of the form to request an appeal can be obtained:

1. from BESE's website;
2. by requesting a copy sent through the U.S. Mail; or
3. by means of facsimile.

D. Forms will be accepted annually, beginning April 1 and no later than July 31, unless the LEA transfer period extends beyond the deadline established in statute, and shall be accompanied by a copy of the LEA student transfer denial letter.

E. BESE will not consider a student transfer appeal in the following instances:

1. The student transfer request would result in the school or classroom exceeding enrollment capacity;
2. The student transfer request is submitted outside of the deadlines, outlined by the LEA policy regarding student transfer;
3. The student transfer request is not eligible based on the LEA transfer policy; or
4. The student transfer request violates the order of a court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2087 (August 2022).

§1315. Processing a Student Transfer Form

A. Upon receipt, the LEA student transfer request shall be reviewed for completeness. If found complete, the BESE agency will immediately forward a letter of acknowledgment and the appeal shall be processed in accordance with this Section.

B. Within 90 days of receipt of the student transfer appeal request, the executive director, after consulting with the board's officers, shall review and evaluate the request to determine if the original LEA transfer request was processed in accordance with school and/or district policy, as well as determine a recommendation for consideration of the board at the next scheduled meeting of BESE.

C. In the event that the executive director, after consulting with the board officers, can process the transfer request administratively, a report will be provided to the board at the next scheduled meeting.

D. BESE shall notify the petitioner in writing, stating the reason(s) for the denial,

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2087 (August 2022).

Shan N. Davis
Executive Director

2208#087

RULE

Board of Elementary and Secondary Education

Bulletin 106—Agriculture Education Content Standards Curriculum Framework—Advisory Councils (LAC 28:LXV.109)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education

has amended LAC 28:LXV in *Bulletin 106—Agriculture Education Content Standards Curriculum Framework*. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:185, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION

Part LXV. Bulletin 106—Agriculture Education Content Standards Curriculum Framework

Chapter 1. General

§109. Agricultural Education Commission

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Agricultural Education Commission (AEC) Established

1. Authority per R.S. 17:185.4 and BESE policy.

2. Function and Responsibilities:

a. Program Evaluation. Assist the state superintendent of education in the ongoing evaluation of agricultural education programs in elementary and secondary schools.

b. State Plan Review. Review the state action plan for agricultural education and provide recommendations to BESE regarding revisions to policy or curricula necessary for state agricultural education programs and initiatives to remain responsive to the needs of students and the agricultural community.

c. Delivery System. Continually review the state agricultural education delivery system to provide guidance and recommendations to the LDE regarding content standards, curricula, agriculture focused IBCs, educator professional development, and strategies to promote agricultural literacy and student awareness of educational and career opportunities in agricultural fields.

d. Facilitate the development of partnerships and collaboration with agriculture-based industries and stakeholders.

e. Provide guidance and support toward the development and establishment of agriculture immersion programs in elementary and secondary schools that allow students to master an understanding of the importance of agriculture, related fields, and occupations to the state, nation, and world.

3. The membership of the AEC shall consist of 17 ex-officio representatives from K-12 and postsecondary education, state agencies, and organizations related to agriculture, and agriculture education, or a designee, as follows:

- a. state superintendent of education.
- b. commissioner of higher education.
- c. Louisiana Community and Technical College System, president.
- d. LSU College of Agriculture, vice-president.
- e. Southern University Agricultural Center, chancellor.
- f. Louisiana Cooperative Extension Service, director.
- g. Louisiana Department of Agriculture and Forestry, commissioner.
- h. Louisiana Agriscience Teachers Association, president.
- i. Louisiana FFA, president.
- j. Louisiana FFA, state executive director.
- k. Louisiana 4-H Foundation, chairman of the board of trustees.
 - l. Louisiana Farm Bureau Federation, president.
 - m. Louisiana Department of Economic Development, secretary.
 - n. Louisiana Workforce Commission, secretary.
 - o. Louisiana Association of Business and Industry, president.
 - p. Louisiana Association of Educators, president.
 - q. Louisiana Federation of Teachers, president.

D. General Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed to the commission shall serve at the pleasure of the recommending authority. A commission member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term. Appointments to fill temporary vacancies shall be considered interim appointments. Interim appointments may be made by the superintendent of education or the BESE president.

3. Expenses. Members shall not be entitled to reimbursement for travel expenses.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as the member proxy, contingent upon the consent of the appointing authority, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6. Action/Quorum. Official commission action requires that matters submitted by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the group shall require the favorable vote of a simple majority of the members present. Proxies are not included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE staff liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A commission member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the commission chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of commission member and commission on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Chair

1. The AEC shall have one chairperson and one vice-chair annually nominated and voted upon by the membership at the first convening meeting of the fiscal year.

2. The appointed chair shall preside at all meetings of the AEC, shall perform such duties as may be required by the commission and shall be a voting member. The vice-chair shall serve in the absence of the chair.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board and emergency meetings may be called at the discretion of the executive director and LDE.

2. Regular meeting dates shall be scheduled to convene one year in advance and shall be determined by the

executive director, LDE, or a designee of either. The commission shall schedule meetings upon the call of the chairperson, but not less than once quarterly.

3. Agendas of regularly scheduled commission meetings shall be distributed to the members by the LDE staff at least 7 calendar days in advance of a meeting. All meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be duly seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data or reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2088 (August 2022).

Shan N. Davis
Executive Director

2208#077

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State
Accountability System—Advisory Councils
(LAC 28:XI.103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The revisions codify the accountability council and provide for the membership structure and operating procedures of the council. The revisions establish and align advisory councils across all bulletins, in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each

individual council and standardizes operational guidelines. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District and State Accountability System

Chapter 1. General Provisions

§103. Accountability Council (formerly Accountability Commission)

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Accountability Advisory Council (Formerly the Accountability Commission) Established.

1. Authority-per BESE policy;
2. Referrals and responsibilities:
 - a. advise the board regarding accountability issues and the state Every Student Succeeds Act (ESSA) Plan;
 - b. consider all matters referred by the board or the LDE; and
 - c. function as follows:
 - i. serve as the state Committee of Practitioners to conform to requirements in Title I of the Elementary and Secondary Education Act (ESEA) and to perform such duties of the committee to review, before publication, proposed or final State rule or regulation pursuant to Title 1;
 - ii. review rules and regulations that govern federal programs in Louisiana, noting that members shall be advised of substantial revisions in the federal programs supported through Louisiana's ESEA waiver; and
 - iii. advise the LDE on policy development of the state, district, and school accountability system.
 - d. The majority of the Accountability Advisory Council (AAC) membership must be representatives of local educational agencies and shall consist of no fewer than nineteen voting members, all subject to approval or ratification of the board, as follows:
 - i. BESE appointments
 - (a). Educator, nominated by BESE president.
 - (b). BESE member, nominated by BESE President.
 - (c). LEA Administrator, appointed by BESE from list provided by State Superintendent of Education.

(d). Nonpublic School Representative, nominated by BESE President.

(e). Local Educational Agency Representative, appointed by BESE from list provided by State Superintendent of Education.

(f). Parent, nominated by BESE president.

(g). Postsecondary Education Representative, appointed by BESE from list provided by State Superintendent of Education.

(h). School Board Member, nominated by BESE president.

(i). Community Representative, nominated by BESE president.

(j). Community Representative, nominated by BESE president.

ii. State Superintendent of Education appointments

(a). Educator.

(b). LEA Administrator.

(c). Charter School Representative.

(d). District Superintendent.

(e). Pupil Appraisal Representative.

(f). Principal Representative.

iii. Association nominations

(a). Associated Professional Educators of Louisiana Representative, nominated by association leadership.

(b). Louisiana Association of Educators Representative, nominated by association leadership.

(c). Louisiana Federation of Teachers Representative, nominated by association leadership.

D. General Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of the recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority and ratified by the board. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced. In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may serve as an interim member until a replacement is recommended or approved by the appointing authority, and subsequently ratified by the board.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term.

3. Expenses. Members shall be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a

person to attend as proxy, if the appointing authority does not object, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled.

6. Action/Quorum. Official council action requires that matters submitted to the council by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the council shall require the favorable vote of a majority of the members present. Proxies cannot be included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the executive director one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Chair

1. The AAC shall have one Chairperson appointed by the State Superintendent of Education and ratified by the Board.

2. The appointed Chair shall preside at all meetings of the ACC, shall perform such duties as may be required by the council, and shall be a nonvoting member.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the executive director and LDE.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the executive director, LDE, or a designee of either.

3. Agendas of regularly scheduled council meetings shall be distributed to council members by the board staff at least seven calendar days in advance of a meeting. All council meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation. Meeting cancellation shall be posted on the BESE website.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data/reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. The minutes and reports of each advisory council shall be presented to the BESE executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee(s). A committee, after consideration of the recommendations of the advisory council, shall report recommendations to the board for final action.

9. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2090 (August 2022).

Shan N. Davis
Executive Director

2208#078

RULE

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and
Education Network—Advisory Councils
(LAC 28:CLXVII.1101)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXVII in *Bulletin 140*—Louisiana

Early Childhood Care and Education Network. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:407.51, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council, and standardizes operational guidelines. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 11. Early Childhood Care and Education Advisory Council

§1101. Early Childhood Care and Education Advisory Council

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of its policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of the advisory council are determined by the establishing law or policy. The advisory council deals exclusively with matters referred by the board or the LDE. Matters referred to advisory councils require external input regarding funding decisions, policy matters that need to be reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

1. The council shall provide input and guidance to the board and the LDE on matters pertaining to the development and implementation of rules, regulations, bulletins, policies, or standards for publicly-funded early care and education programs, including early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant, the Child Care Assistance Program, Early Head Start, and Head Start.

2. Prior to board consideration of any rule or standard regarding early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant, or the Child Care Assistance Program, the department shall consult with and provide a draft of the proposed rules to the council, and provide an opportunity for the council to make recommendations.

3. Prior to submission to the United States Department of Health and Human Services, LDE shall consult and provide a draft of the state plan for the Child Care and Development Fund and budget, and any amendments to the state plan including budget revisions, and provide an opportunity for the council to make recommendations. Recommendations made by the council shall be submitted to BESE.

4. The council shall produce required quarterly and annual reports.

B. Composition. The council shall consist of no fewer than seventeen voting members as follows:

1. Two representatives of Type III early learning centers, selected by the state superintendent of education.

2. One representative of a Type II early learning center, selected by the state superintendent of education;

3. One representative of a Type I early learning center; selected by state superintendent of education.

4. Two representatives of Head Start programs, one of which shall be operated by a local education agency and selected by BESE, and one of which shall be operated by a nonlocal education agency and selected by the state superintendent of education from a list of three persons nominated by the Louisiana Head Start Association;

5. Two representatives of local education agencies operating publicly funded early childhood programs other than Head Start, selected by BESE.

6. Two representatives of Louisiana nonprofit advocacy organizations having a focus on early childhood education, selected by the state superintendent.

7. Two representatives of approved nonpublic schools with publicly funded early childhood care and education programs, selected by BESE.

8. One professional or faculty member having child development or early childhood education expertise from a Louisiana post-secondary education institution, selected by the commissioner of higher education.

9. The president of the Louisiana Chapter of the American Academy of Pediatrics, or designee.

10. One representative of an advocacy or service organization that focuses on serving children with disabilities, selected by the state superintendent of education.

11. One representative of a Louisiana business or community organization, selected by BESE.

12. One parent of a child currently enrolled in a publicly-funded early learning center or prekindergarten program, selected by BESE.

C. The council shall include an additional thirteen nonvoting ex-officio members, or designee, who may advise and contribute to discussions pertaining to early childhood care and education, including but not limited to the following:

1. The chairpersons of the House Committee on Education, Senate Committee on Education, House Committee on Health and Welfare, and Senate Committee on Health and Welfare.

2. The secretary of the Department of Children and Family Services.

3. The state director of the Louisiana State Head Start Collaboration Project.

4. A representative of the state agency responsible for programs under Section 619 or Part C of the Individuals with Disabilities Education Act (20 25 U.S.C. 1419, 1431 et seq.).

5. The director of the Maternal and Child Health Program at the Department of Health and Hospitals.

6. The director of the Child and Adult Care Food Program at the LDE.

7. The Louisiana State Fire Marshal.

8. A representative from the office of sanitarian services at the Department of Health and Hospitals.

9. A representative from the Louisiana Workforce Commission.

10. A representative from the Louisiana State Police Bureau of Criminal Identification and Information.

D. General Council Membership Information

1. Terms. Members shall serve a term of three years at the pleasure of the appointing authority. Persons appointed by organizations and agencies other than BESE shall be ratified by the board. A council member may be removed without cause by the recommending agency at any time. Appointees must maintain employment and qualifications appropriate to the organizational category being represented. Once a member retires, becomes employed in a different capacity, or otherwise fails to maintain eligibility, the member shall become ineligible to continue to serve and shall be replaced. A current council appointee, whose term has expired, may remain in place until a replacement is recommended or approved by the appointing authority and subsequently ratified by BESE.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of the term. Appointments to fill vacancies shall be considered interim appointments. Interim appointments shall be made by the superintendent of education or the BESE president. At the conclusion of a membership term, LDE and BESE shall publish a request for applications and select nominees for the subsequent term from the pool of applicants.

3. Expenses. Council members shall not receive compensation or a per diem for services or attendance at council meetings.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy, contingent upon consent of the appointing authority, and shall notify the council chair and the LDE council liaison.

5. Quorum. A quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum. When it is known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled. Proxies cannot be included for the purpose of establishing a quorum.

6. Action/Quorum. Official council action requires that matters submitted to the council by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the council shall require the favorable vote of a majority of the members present.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE council liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and his/her seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the organization or agency appointed to represent, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating nonattendance of the appointee. The notification should include:

- i. name of the council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Chair

1. The council shall have one chair and one vice-chair annually elected by the voting members of the council at the first convening meeting of the fiscal year.

2. The chair shall preside at all meetings of the council and perform such duties as may be required by the council. The elected vice-chair shall serve in the absence of the chair and perform other duties as assigned by the chair.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by call of the board, and emergency meetings may be called at the discretion of the LDE council liaison.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the LDE council liaison.

3. Agendas of council meetings shall be distributed to council members by the LDE council liaison at least seven days in advance of a meeting. All council meetings shall be conducted in accordance with the Louisiana open meetings law R.S. 42:11 et seq.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be duly seconded. All motions must be voted upon, and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data or reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. The minutes and reports of each advisory council shall be presented to the BESE executive director for referral

to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee. A committee, after consideration of the recommendations of the advisory council, shall report recommendations to the board for final action.

9. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:407.51

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2092 (August 2022).

Shan N. Davis
Executive Director

2208#079

RULE

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Ready Start Network
(LAC 28:CLXVII.309, 310, and 311)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXVII in *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The aforementioned revisions update policy language reflecting the existence and purpose of Ready Start Networks, enable Ready Start Networks to become a fully established component of *Bulletin 140* and ensure their existence, beyond that of limited initiative, by solidifying these networks and the associated responsibilities as necessary components of Louisiana’s early childhood care and education system. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 3. Early Childhood Care and Education Network

§309. Community Network Lead Agency

A. A community network lead agency is either a state agency, a local public school system, or a non-profit having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, that is approved by BESE and that:

1. serves as the fiscal agent of the community network;
2. coordinates the duties and responsibilities of the community network; and
3. acts as the liaison between the community network and the department.

B. - G.6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2583 (December 2015), amended LR 48:2094 (August 2022).

§310. Ready Start Network Lead Agency

A. A Ready Start Network lead agency is either a state agency, a local public school system, or a non-profit having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, which is approved by BESE and that:

1. carries out the duties and responsibilities of the Ready Start Network;
2. acts as the liaison between the Ready Start Network and the department; and
3. is responsible for coordinating with the fiscal agent.

B. Duties and Responsibilities

1. The Ready Start Network lead agency shall be responsible for:

a. Working with designated community network lead agencies in meeting the requirements of §307.B.1. Any such agreements will be memorialized in an MOU.

b. Developing a coalition of local stakeholders that shall include representation from the community network and shall seek to include representation from partners such as parents, local government, non-profits, businesses, research and education entities, faith-based organizations, and/or philanthropic entities. A list of coalition members shall be submitted to the department annually.

c. Establishing a Ready Start Network advisory council that advises the Ready Start Network lead agency, assists in establishment of by-laws and meeting protocols, and collaborates to develop and maintain a blueprint, which is a strategic document outlining the community network’s current state, mission, vision, and goals. A list of the advisory council members and the blueprint shall be submitted to the department annually.

d. Creating, maintaining, and updating a funding plan, which is a document that identifies the Ready Start Network’s current funding sources and outlines the Ready Start Network’s plans for seeking additional funding to support early care and education initiatives implemented at the local level. The funding plan shall be submitted to the department annually.

C. Selection and Approval

1. Ready Start Network lead agencies shall be approved by BESE.

2. The department shall identify potential Ready Start Network lead agencies through a competitive process and submit them to BESE for approval.

3. Applicants for Ready Start Network lead agency shall seek support from publicly-funded programs within its designated community network by obtaining signatures and submitting them to the department in the competitive process.

4. By June 30 of each year, the department shall recommend the identified Ready Start Network lead agencies to BESE for approval.

5. If BESE has not approved a lead agency for a particular Ready Start Network by July 1, that lead agency shall not be considered a Ready Start Network.

6. Ready Start Network lead agencies approved by BESE shall serve for the fiscal year beginning July 1 and ending June 30.

7. Ready Start Network lead agencies adhere to a renewal process with the department every two years.

D. Contracts

1. Ready Start Network lead agencies approved by BESE shall enter into a Ready Start Network lead agency agreement with the department.

2. The Ready Start Network lead agency may enter into a contract or agreement with an individual or entity for performance of specific tasks within the duties and responsibilities of the Ready Start Network lead agency, but the Ready Start Network lead agency remains responsible for satisfactory completion of the tasks.

E. Funding

1. Subject to available funding, the department will make recommendations to BESE for annual funding of Ready Start Network lead agencies to carry out the responsibilities included in §310.

a. Ready Start Network lead agencies shall be notified of the total Ready Start Network funding for the following fiscal year by June 30.

b. Ready Start Network lead agencies shall use funding solely to fulfill the duties and responsibilities specific to the Ready Start Network lead agency as provided in this bulletin.

F. Audit

1. BESE may request a financial audit of the Ready Start Network lead agency's use of funds allocated to it.

2. Audits shall be at the department's expense.

3. If a Ready Start Network lead agency improperly uses its allocated funds, the Ready Start Network lead agency may be required to repay the improperly used amount.

G. Termination of Ready Start Network Lead Agency Approval

1. If a Ready Start Network lead agency fails to satisfactorily and timely comply with the duties and responsibilities contained in this bulletin or with any additional duties and responsibilities established in writing during the competitive process, the department shall notify the Ready Start Network lead agency, and all publicly-funded programs within the community network, in writing and specify any corrective actions that may be required.

2. Within 30 calendar days of receiving such notice, the Ready Start Network lead agency shall submit in writing to the department certification that the corrective actions have been taken or are in the process of being taken and submit a timely implementation schedule for department approval.

3. If the Ready Start Network lead agency does not respond in writing in a timely or satisfactory manner or adhere to the implementation schedule approved by the department, either or both of the following actions may occur.

a. The department may withhold Ready Start Network funds from the Ready Start Network lead agency for any Ready Start Network work not yet performed.

b. The department may make a recommendation to BESE that the status of the Ready Start Network lead agency be terminated.

4. The department shall notify all publicly-funded programs in a Ready Start Network of any change in that Ready Start Network lead agency's status.

5. If a Ready Start Network lead agency's approval is terminated:

a. The entity shall be ineligible to serve as lead agency for the Ready Start Network from which its approval was terminated for a minimum period of 24 months.

b. If the entity serves as lead agency for more than one Ready Start Network, the entity may continue to serve as lead agency for any Ready Start Network for which approval has not been terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:407.23 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2094 (August 2022).

§311. Complaints

A. Any program or individual may submit a written complaint to the department regarding the action or inaction of the lead agency in its community network or Ready Start Network.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015), amended LR 48:2095 (August 2022).

Shan N. Davis
Executive Director

2208#080

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Advisory Councils (LAC 28:CXV.1319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:253, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

Title 28
EDUCATION

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 13. Discipline

**§1319. Advisory Council on Student Behavior and
Discipline**

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Advisory Council on Student Behavior and Discipline (ACSBD) Established

1. Authority per R.S. 17:253 and BESE policy.

2. Function and responsibilities:

a. Provide guidance and recommendations to BESE and LDE regarding best practices in providing support to public school local governing agencies (LEA) in the adoption and implementation of the school master plan for student behavior and discipline in accordance with R.S. 17:252.

b. Members of the council shall annually elect a new chair and vice-chair from among the membership by the first convening meeting of the fiscal year.

c. Staff to support the ACSBD shall be provided by the LDE.

d. The council shall meet at least three times annually, and meetings shall be called and agendas set by the chair.

3. The membership of the ACSBD shall consist of 29 members.

a. Ex-officio representatives or a designee:

- i. state superintendent of education;
- ii. Secretary of Louisiana Department of Health;
- iii. Families and Friends of Louisiana's Incarcerated Children, executive director;
- iv. Urban League of Louisiana, president;
- v. MetroMorphosis, president;
- vi. Louisiana Psychological Association, president;
- vii. Louisiana School Counselors Association, president.

- b. Appointed representatives:
 - i. Louisiana Association of Principals, principal or assistant principal, one each from:
 - (a). elementary level;
 - (b). middle school level;
 - (c). high school level.
 - ii. Louisiana Association of School Superintendents, one each from:
 - (a). LEA superintendent;
 - (b). child welfare and attendance officer;
 - (c). safe and drug-free schools coordinator;
 - (d). pupil appraisal coordinator.
 - iii. Louisiana Developmental Disabilities Council,
 - (a). Three members, parent of a child who presents challenging behavior, two of whom shall be a parent of a child with exceptionalities, other than gifted and talented; and
 - (b). One additional member.
 - iv. Louisiana Advocacy Center;
 - v. Louisiana School Boards Association;
 - vi. Louisiana Council of Juvenile and Family Court Judges;
 - vii. Louisiana Federation of Teachers, classroom teacher;
 - viii. Louisiana Association of Educators, classroom teacher;
 - ix. Associated Professional Educators of Louisiana, classroom teacher;
 - x. Southern Poverty Law Center;
 - xi. Louisiana Association of Public Charter Schools;
 - xii. Louisiana Center for Children's Rights;
 - xiii. Louisiana Parent Teacher Association;
 - xiv. Louisiana Association of Special Education Administrators, director of special education.

4. The advisory council shall annually submit a report to the Senate Committee on Education, the House Committee on Education, and BESE regarding the results and recommendations with respect to the implementation of school master plans for improving student behavior and discipline as provided in R.S. 17:252.

D. General Council Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed to the council shall serve at the pleasure of the recommending authority. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term. Appointments to fill temporary vacancies shall be considered interim appointments. Interim appointments may be made by the superintendent of education or the BESE president.

3. Expenses. Members shall not be entitled to reimbursement for travel expenses.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as the proxy, contingent upon the consent of the appointing authority, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6. Action/Quorum. Official council action requires that matters submitted by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the group shall require the favorable vote of a simple majority of the members present. Proxies are not included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE staff liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the BESE executive director and LDE.

2. Regular meeting dates shall be scheduled to convene one year in advance and shall be determined by the executive director, LDE, or a designee of either. The council

shall schedule meetings upon the call of the chairperson, but not less than once quarterly.

3. Agendas of regularly scheduled council meetings shall be distributed to the members by the LDE staff at least 7 calendar days in advance of a meeting. All meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be duly seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data or reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:253.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2096 (August 2022).

Shan N. Davis
Executive Director

2208#081

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School
Administrators—Dual Enrollment
(LAC 28: CXV.2318)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions add Dual Enrollment (DE) Psychology to expand coursework opportunities for students in social studies. Advanced Placement (AP) Psychology can already be used to meet graduation requirements; this revision allows schools who may not have the staff to offer AP Psychology to offer a psychology course that counts toward the Taylor Opportunity Program for Students (TOPS) core curriculum requirements. This Rule is hereby adopted on the day or promulgation.

**Title 28
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

**Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula**

§2318. The TOPS University Diploma

A. - C.2.j. ...

3. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

a. - d.iii.(f). ...

(g). African American history;

(h). Dual Enrollment Psychology.

C.3.e. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), LR 48:2098 (August 2022).

Shan N. Davis
Executive Director

2208#082

RULE

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for
Nonpublic School Administrators—Dual Enrollment
(LAC 28:LXXIX.2109)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The aforementioned revisions add Dual Enrollment (DE) Psychology to expand coursework opportunities for students in social studies. Advanced Placement (AP) Psychology can already be used to meet graduation requirements; this revision allows schools who may not have the staff to offer AP Psychology to offer a

psychology course that counts toward the Taylor Opportunity Program for Students (TOPS) core curriculum requirements. This Rule is hereby adopted on the day or promulgation.

**Title 28
EDUCATION**

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana
Handbook for Nonpublic School Administrators**

**Chapter 21. Curriculum and Instruction
Subchapter C. Secondary Schools**

§2109. High School Graduation Requirements

A. - C.7. ...

D. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

1. - 4.c.x. ...

xi. African American history;

xii. dual enrollment psychology.

D.5. - F.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:38 (January 2019), LR 45:1456 (October 2019), LR 46:1084 (August 2020), amended LR 48:34 (January 2022), LR 48:2098 (August 2022).

Shan N. Davis
Executive Director

2208#083

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of
School Personnel—Mentor Teacher Certification
(LAC 28:CXXXI.553)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI. in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions extend the mentor teacher waiver for the 2022-2023 school year to address the on-going lack of credentialed mentor teachers in specific content areas and geographic regions. Waivers are granted by the LDE on a case-by-case basis at the recommendation of the principal of the mentor teacher in order to provide professional guidance and supervision to undergraduate residents and post-baccalaureate candidates. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

RULE

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 5. Teaching Credential, Licenses, and Certifications

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel
(LAC 28:CXXXI.303, 1349, 1360, 1505, and 1543)

§553. Mentor Teacher (MT) Ancillary Certifications

A. - F.2. ...

G. For the 2020-2021, 2021-2022, and 2022-2023 school years, the requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the ancillary mentor teacher certificate, the ancillary provisional mentor teacher certificate, or the Supervisor of Student Teaching certificate, is waived with the following contingencies:

G.1. - G.2.f. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), LR 48:442 (March 2022), LR 48:2099 (August 2022).

Shan N. Davis
Executive Director

2208#084

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions include technical updates to reflect revised testing codes for certification exams and add a geometry endorsement opportunity for existing certificate holders, in addition to other technical revisions. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 3. Initial Teacher Certification
Subchapter B. Testing Required for Certification
§303. Certification Exams and Scores

A. - B. ...

* * *

- C. Certification Areas
 - 1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Agriculture	Agriculture (0700) Prior to 6/8/14	510	---	---	157
	Agriculture (5701) Effective 6/8/14	147			
Algebra I	Algebra I (5162) Effective 8/14/18	157			
	Middle School Mathematics (5169) Effective 1/1/14-8/31/2022	165			
	Middle School Mathematics (5164) Effective 9/1/2021	157			
American Sign Language	American Sign Language Proficiency Interview (ASLPI-0634)	3+170	World Languages Pedagogy 0841 (Score 158)		
Biology	Biology: Content Knowledge (0235 or 5235) Effective 9/1/2012-8/31/2023	150	---	---	157
	Biology Content Knowledge (5236) Effective 9/1/2022	154			
Business	Business Education: Content Knowledge (0101 or 5101)	154	---	---	157
Chemistry	Chemistry: Content Knowledge (0245 or 5245) Effective 9/1/2012-8/31/2023	151			157
	Chemistry: Content Knowledge (5246) Effective 9/1/2022	146			

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Chinese	Chinese (Mandarin): World Language (5665)	164	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
English	English Language, Literature, and Composition: Content Knowledge (0041 or 5041) Pedagogy (0043) Prior to 1/1/14	160 130	---	---	- -
	English Language Arts: Content and Analysis (5039) Effective 1/1/14	168			157
Family and Consumer Sciences	Family and Consumer Sciences (0121 or 5121) Prior to 6/8/14	141	---	---	157
	Family and Consumer Sciences (5122) Effective 6/8/14	153			
French	French: World Language (5174)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
General Science	General Science: Content Knowledge (0435 or 5435) Effective 9/1/2012-8/31/2023	156	---	---	157
	General Science: Content Knowledge (5436) Effective 9/1/2022	141			
Geometry	Geometry (5163)	148	---	---	157
German	German: World Language (5183)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
Mathematics	Mathematics: Content Knowledge (0061 or 5061) Effective 6/1/10-12/31/13	135	---	---	157
	Mathematics: Content Knowledge (5161) Effective 1/1/14-8/31/2022	160			
	Mathematics: Content Knowledge (5165) Effective 9/1/2021	159			
Physics	Physics: Content Knowledge (0265 or 5265) Effective 9/1/2012-8/31/2023	141 145			157
	Physics: Content Knowledge (5266) Effective 9/1/2022				
Social Studies	Social Studies: Content and Interpretation (0086 or 5086)	*153	---	---	157
Spanish	Spanish: World Language (5195)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World languages Pedagogy 0841 (Score 158)		
Speech	Speech Communications (0221 or 5221)	146	---	---	157
Technology Education	Technology Education (0051 or 5051)	159	---	---	157
Computer Science Earth Science Environmental Science Journalism Latin Marketing	At this time, a content area exam is not required for certification in Louisiana.	---	---	---	157

NOTE: * The passing score for tests taken prior to January 1, 2020 is 160.

2. All-Level K-12 Certification

* * *

D. Special Education Areas

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

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
Educational Leader—Level 1	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective until 7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)
	Louisiana Leadership Assessment Series	“Demonstrated” (for at least 9 assessments within the series) Effective April 1, 2020
Educational Leader—Level 3	School Superintendent Assessment (6021)	160 (Effective until 7/31/20)
	School Superintendent Assessment (6991)	162 Current-
School Counselor K-12	Professional School Counselor (0421 or 5421) Effective 7/1/2015-8/31/2023	156
	School Counselor (5422) Effective 9/1/2022	159
School Librarian	Library Media Specialist (0311 or 5311) Effective 9/1/2012-8/31/2023	136
	School Librarian (5312) Effective 9/1/2022	154

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), LR 48:2099 (August 2022).

Chapter 13. Endorsements to Existing Certificates

Subchapter C. All Other Teaching Endorsement Areas

§1349. Counselor K-12 (Counselor in a School Setting)

A. - B.2. ...

3. practicum/internship requirements:

a. complete a practicum in counseling from a CACREP-accredited program to include 100 contacts hours; ~~or~~ and

b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting; and

4. completion of the Praxis examination in school guidance and counseling.

C. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:462 (March 2022), LR 48:2102 (August 2022).

§1360. Geometry

A. Eligibility requirements:

1. valid standard, professional level Louisiana teaching certificate or higher; and

2. pass the geometry content exam.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2102 (August 2022).

Chapter 15. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§1505. Educational Leader Certificate Level 1 (EDL 1)

A. The EDL 1 certificate is needed for school and district educational leadership positions such as assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, special education supervisor, or comparable school/district leader positions. The EDL certificate is issued upon the request of the LEA upon employment to serve as an educational leader. An EDL 1 certificate may be obtained through either a graduate degree pathway or through one of three alternate pathways.

1. Graduate Degree Pathway. To receive an entry-level EDL 1, the candidate must:

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience;

1.b. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), LR 48:2102 (August 2022).

§1543. Supervisor of School Libraries—Eligibility Requirements

A. - A.2. ...

3. graduate degree in library science from an institution accredited in accordance with 34 CFR 602, including 12 semester hours of graduate training in library science and a minimum of 21 semester hours of credit in library science.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:473 (March 2022), LR 48:2102 (August 2022).

Shan N. Davis
Executive Director

2208#085

RULE

Department of Health Board of Pharmacy

Marijuana Pharmacies
(LAC 46:LIII.2447, 2449, 2451 and 2457)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §§2447, 2449, 2451, and 2457 of its rules relative to marijuana pharmacies to reduce regulatory restrictions on pharmacy personnel working in marijuana pharmacies and to provide patient access to product testing results prior to the dispensing of the marijuana product. The changes in §2447 remove the requirement for pharmacy personnel working in a marijuana pharmacy to obtain an additional credential issued by the board. The changes in §2449 eliminate the separate therapeutic marijuana designation credential currently issued by the board and repeals the associated credentialing procedures. The changes in §2451 remove the restriction against pharmacy technician candidates working in a marijuana pharmacy and clarify the requirements for the dispensing process. The changes in §2457 remove the restrictions on licensed pharmacy personnel working in a marijuana pharmacy, and further, require the pharmacist to comply with a patient request to review product testing results for the marijuana product prior to dispensing that product. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2447. Licensing Procedures

A. - C.2. ...

D. Maintenance of Marijuana Pharmacy Permit

1. - 2. ...

3. Prior to making any change in the marijuana pharmacy's name or trade name, the owner of the permit shall notify the board and request approval of the contemplated name or trade name. The board shall reasonably accommodate such requests, unless there is cause not to do so (e.g., duplicative or misleading names). The marijuana pharmacy shall not change its name or trade name until approved by the board.

4. Prior to any modification, remodeling, expansion, reduction, or other physical, non-cosmetic alteration of the marijuana pharmacy, the owner of the permit shall notify the board and request approval of the contemplated change(s). The board shall reasonably accommodate such request, unless there is cause not to do so (e.g., inconsistent with operating requirements). The marijuana pharmacy shall not make such changes until approved by the board.

5. Prior to any change in the location of a marijuana pharmacy, the owner of the permit shall submit an application form for that purpose supplied by the board and pay the appropriate fee authorized in R.S. 37:1184. The board may require an inspection of the new location prior to the issuance of the permit for the new location. No marijuana pharmacy shall commence operation in a new location until approved by the board.

6. The owner of the pharmacy permit shall notify the board no later than 30 days following a change in the pharmacist-in-charge for the marijuana pharmacy permit.

7. The owner of the pharmacy permit shall notify the board no later than 30 days following a change in the owner's managing officer for the marijuana pharmacy permit.

8. In the event a marijuana pharmacy contemplates permanent closure, the pharmacist-in-charge shall notify the board in accordance with the rules governing the permanent closure of a pharmacy as described in Chapter 11 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1544 (August 2017), amended LR 46:577 (April 2020), LR 48:2102 (August 2022).

§2449. Marijuana Pharmacy Personnel

A. ...

B.1. The PIC shall insure and document the initial and continuing competency of the entire professional staff to provide the pharmacy care services rendered at the marijuana pharmacy. At a minimum, the PIC shall provide access to education and training in the following domains:

a. policies and procedures of the pharmacy, especially those relating to the tasks and functions that employee is expected to perform;

b. professional conduct, ethics, and patient confidentiality; and

c. developments in the therapeutic use of marijuana.

2. Further, the PIC shall document such education and training, provide such records to the board when requested, and retain such records for at least two years after the employee disassociates with the pharmacy.

C. The PIC shall comply with the professional supervision rules and ratios found in Chapter 7 (pharmacy interns) and Chapter 9 (pharmacy technicians) of this Part.

D. In addition to the scope of practice limitations found in Chapter 9 of this Part, pharmacy technicians practicing in a marijuana pharmacy shall not:

1. consult with a patient or the patient's caregiver regarding marijuana or other drugs, either before or after marijuana has been dispensed, or regarding any medical information contained in a patient medication record;

2. consult with the physician who issued the recommendation/prescription/order for marijuana to the patient, or the physician's agent, regarding a patient or any medical information pertaining to the patient's marijuana or any other drug the patient may be taking;

3. interpret the patient's clinical data or provide medical advice;

4. perform professional consultations with physicians, nurses, or other health care professionals or their authorized agents; or

5. determine whether a different brand or formulation of marijuana should be dispensed for the marijuana product or formulation recommended/prescribed/ordered by the physician or requested by the patient or his caregiver.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1546 (August 2017), amended LR 48:2103 (August 2022).

§2451. Operation of Marijuana Pharmacy

A. - E. ...

F. Only a pharmacist may dispense marijuana, however, other licensed pharmacy personnel may assist the pharmacist in the dispensing process. The sale of dispensed marijuana products may be accomplished by any pharmacy employee.

G. - U. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1547 (August 2017), amended LR 46:1227 (September 2020), LR 47:590 (May 2021), LR 48:2103 (August 2022).

§2457. Standards of Practice

A. - A.6. ...

B. Minimum Staffing Requirements

1. There shall be at least one pharmacist on duty at all times the pharmacy is open for business.

2. Every pharmacist practicing in the pharmacy shall possess a Louisiana pharmacist license in active status as well as access privileges to the state prescription monitoring program.

3. A pharmacy intern, pharmacy technician or pharmacy technician candidate may assist the pharmacist in the prescription department, but only when in possession of valid credentials issued by the board. The supervising pharmacist may establish a delegate credential in the state prescription monitoring program for any licensed pharmacy personnel affiliated with that pharmacy.

4. Additional clerical personnel may also be present at the pharmacy.

C. - D.5. ...

E. Professional Practice Standards

1. - 1.e. ...

2. Upon request by the patient or caregiver and prior to dispensing any marijuana product to a patient, the pharmacist shall provide product testing results available to the pharmacist for the product contemplated for dispensing.

3. Dispensing Marijuana Products

a. Prior to dispensing any marijuana product to a patient, the pharmacist shall review the patient's records in the state prescription monitoring program. The pharmacist shall resolve any concerns identified in that review by consultation with the recommending physician.

b. Dispensing Limitations

i. A pharmacist shall not dispense more than two and one-half ounces, or 71 grams, of raw or crude marijuana every 14 days to any person.

ii. Subject to the above limitation on dispensing raw or crude marijuana products, a pharmacist may dispense marijuana products on multiple occasions as indicated by the physician and needed by the patient until the request expires; however, the pharmacist shall not dispense more than a 90-day supply of marijuana product at one time nor more than a one-year supply pursuant to a single request

4. Labeling of Marijuana Product Dispensed

a. The pharmacist shall not dispense any marijuana product that does not bear the producer label required by the LDAF, and further, the pharmacy dispensing label shall not overlay or obscure the producer label in any way.

b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:

i. name and address of the pharmacy dispensing the product;

ii. telephone number or other contact information of the pharmacy dispensing the product;

iii. name of the recommending physician;

iv. name of the patient;

v. date the product was dispensed;

vi. prescription number, which shall be a unique identifier for that specific transaction;

vii. name of the marijuana product, including any concentration, strength, or other identifiers of the marijuana product;

viii. quantity of marijuana dispensed;

ix. directions for use of the product;

x. expiration date of the product, which shall not exceed the expiration date determined by the producer of the product; and

xi. other information selected by the dispensing pharmacist to inform the patient as to the best use of the product for the intended purpose.

5. The pharmacist shall comply with the rules on drug utilization review and patient counseling in Chapter 5 of this Part.

6. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with the reporting requirements as found in Chapter 29 of this Part.

7. Disposal of Marijuana Product

a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is determined to

be misbranded, adulterated, expired, deteriorated, undesired, excess, unauthorized, or unfit for dispensing.

b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the product shall be removed from active dispensing stock and quarantined in the pharmacy pending its disposal

c. The pharmacist-in-charge shall render the waste unusable by grinding and incorporating the waste with other ground materials so the resulting mixture is at least 50 percent non-marijuana waste by volume. Material used to grind with the waste may include:

i. yard waste;

ii. paper waste;

iii. cardboard waste;

iv. plastic waste; or

v. soil or sand.

d. Waste shall be rendered unusable prior to leaving the pharmacy. Waste rendered unusable shall be disposed of by delivery to an approved solid waste facility for final disposition.

i. Examples of acceptable permitted solid waste facilities include:

(a). compost; anaerobic digester;

(b). landfill, incinerator; or

(c). waste-to-energy facility.

e. The pharmacist-in-charge shall prepare a record of each disposal, and that record shall contain, at a minimum, the following information:

i. brand name and other specific identifiers of the marijuana product disposed;

ii. quantity of product disposed;

iii. manner of disposal; and

iv. signatures of the pharmacist-in-charge disposing the product plus at least one witness who is either a credentialed staff member of that pharmacy or an agent of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:1473 (October 2019), LR 47:246 (February 2021), LR 47:1111 (August 2021), LR 48:2103 (August 2022).

Malcolm J. Broussard
Executive Director

2208#032

RULE

**Department of Health
Board of Pharmacy**

Pharmacy Benefit Managers
(LAC 46:LIII.3001 and 3005)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §§3001 and 3005 of its rules relative to pharmacy benefit managers to reduce the regulatory burden on pharmacy benefit manager permit applicants by

eliminating the requirement to provide an audited financial statement. The change in §3001 repeals the definition of audited financial statement and the change in §3005 removes the application requirement to provide a copy of an audited financial statement by the applicant. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 30. Pharmacy Benefit Managers

§3001. Definitions

A. The following terms shall have the meaning ascribed to them in this Section:

Audited Financial Statement—Repealed.

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

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

§3005. Permitting Procedures

A. Application for Initial Issuance of Permit

1. ...

2. The application shall include copies of the following documents:

a. - b. ...

c. Repealed.

A.3. - E.2. ...

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

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

Joe Fontenot
Executive Director-Designate

2022#033

RULE

**Department of Health
Board of Pharmacy**

Pharmacy Operations (LAC 46:LIII.1107)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §1107 of its rules relative to pharmacy operation to address consumer, licensee, and legislator complaints. The changes in Subsection A address complaints from consumers and pharmacists in regards to adequate pharmacy staffing levels to provide for patient safety. The changes in Subsection B, which are in response to requests from pharmacists and pharmacy permit holders, exempts specific pharmacy permit classifications from posting their hours of operation. The change in Subsection C further enforces the requirement of a rest break for credentialed persons and is in response to complaints by pharmacists. The new Subsection D, which is in response to consumer and legislator complaints, requires a pharmacy owner to develop plans, policies, and procedures to ensure business continuity as well as continuity of patient care in the event of a disaster

or emergency. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1107. Pharmacy Operations

A. The owner of the pharmacy shall employ an appropriate number of professional, technical, and clerical personnel commensurate with the nature and scope of the pharmacy practice. The owner of the pharmacy shall ensure there are a sufficient number of licensed personnel on site when the pharmacy is open to competently and safely perform patient care services and dispense prescriptions accurately.

B. Minimum Hours of Operation; Business Hours Posted

1. A pharmacy shall be open for business a minimum of 10 hours per week. A pharmacist shall be on duty at all times when the pharmacy is open for business, subject to the provision for the temporary absence of a pharmacist in Section 1109 of this Part.

2. The pharmacy shall post its hours of operation at the building entrance in full public view from outside the premises. Pharmacies holding permits classified as correctional, hospital, institutional, or nuclear shall be exempt from this posting requirement.

C. No person credentialed by the board may engage in the practice of pharmacy for a period of time longer than six hours without a rest break.

D. The owner of the pharmacy shall develop plans, policies and procedures to ensure business continuity in the event of natural or other disasters or emergencies. Such plans, policies, and procedures shall include provisions for continuity of patient care in the event the pharmacy is unable to open for business. The pharmacy shall provide access to such plans, policies, and procedures when requested by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, LR 34:1408 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 47:1643 (November 2021), LR 48:2105 (August 2022).

Joe Fontenot
Executive Director-Designate

2208#034

RULE

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

**Adult Day Health Care—Licensing Standards Admissions
(LAC 48:I.4273)**

The Department of Health, Bureau of Health Services Financing has amended the provisions of LAC 48:I.4273 as

authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 42. Adult Day Health Care

Subchapter H. Direct Service Management

§4273. Admissions

A. - A.5.k. ...

NOTE: A current version of the interRAI Home Care (iHC) assessment can be used in place of the nursing assessment summary.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2189 (October 2008), repromulgated LR 34:2635 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 48:2106 (August 2022).

Dr. Courtney N. Phillips
Secretary

2208#061

RULE

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

**Ambulatory Surgical Centers—Licensing Standards
(LAC 48:I.4541)**

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.4541 as authorized by R.S. 36:254 and R.S. 40:2131-2141. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 45. Ambulatory Surgical Center

Subchapter C. Admissions, Transfers and Discharges

§4541. Transfer Agreements and Patient Transfers

A. The ASC shall secure a written transfer agreement with at least one licensed hospital in the community. A transfer agreement shall serve as evidence of a procedure whereby patients can be transferred to a hospital should an emergency arise which would necessitate hospital admission.

1. - 2. Repealed.

B. The admitting physician of the ASC shall be responsible for effecting the safe and immediate transfer of patients from the ASC to a hospital when, in his/her medical opinion, hospital care is indicated.

C. The ASC is responsible for developing written policies and procedures for the immediate safe transfer of patients and coordination of admission into a licensed

inpatient hospital when patients require emergency medical care beyond the capabilities of the ASC. The written policy shall include, but is not limited to:

1. identification of the ASC personnel who shall be responsible for the coordination of admission into an inpatient facility;

2. procedures for securing inpatient services;

3. procedures for the procurement of pertinent and necessary copies of the patient's medical record that will be sent with the transferring patient so that the information may be included in the patient's inpatient medical record;

4. identification of a minimum of one licensed inpatient hospital, via a current written transfer agreement; and

5. a requirement that the ASC will periodically provide the local inpatient hospital facility with written notice of its operations and patient population served.

D. - D.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1742 (September 2017), amended LR 48:2106 (August 2022).

Dr. Courtney N. Phillips
Secretary

2208#062

RULE

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

**Free-Standing Birth Centers
Licensing Standards
(LAC 48:I.Chapter 67)**

The Department of Health, Bureau of Health Services Financing has repealed and replaced the provisions of LAC 48:I.Chapter 67 as authorized by R.S. 36:254. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 67. Free-Standing Birth Centers

Subchapter A. General Provisions

§6701. Introduction

A. These regulations contain the minimum licensing standards for free-standing birth centers (FSBCs). Free-standing birth centers are established for the purpose of rendering birthing procedures to its clients outside of a traditional hospital.

B. The care and services to be provided by an FSBC shall include:

1. birth-related procedures;

2. criteria for admission to, continuation in, and transfer out of, the birth center;

3. medications as needed for clinical procedures rendered;

4. services necessary to provide for the physical and emotional well-being of the clients served;

5. established consultation, assessment of emergency conditions, and transfer as needed; and

6. organized administrative structure and support services.

C. Each entity that meets the definition of an FSBC shall submit an initial licensing application and the required fee to the department within 90 days of the promulgation of these initial rules, regulations, and licensing standards. If the entity is not licensed within 120 days after submission of its initial licensing application and fee, the entity shall cease operations until such time as it is licensed as a free-standing birth center by the department.

D. FSBCs that apply for their initial FSBC license or receive plan review approval for initial construction or major renovations, or change their geographic address after the effective date of the promulgation of this Rule, shall be required to comply with all of the provisions herein.

E. Those FSBCs in operation on the effective date of the promulgation of this rule, shall be exempt only from the provisions of §6701.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services and Financing, LR 48:2106 (August 2022).

§6703. Definitions

Active Labor—rapid cervical dilation beginning at six centimeters dilation.

Administrator—the person responsible for the on-site, daily implementation and supervision of the overall free-standing birth center's operation commensurate with the authority conferred by the governing body.

Apgar Score—an accepted and convenient method for reporting the status of the newborn immediately after birth and the response to resuscitation if it is needed.

Board—the Louisiana State Board of Medical Examiners (LSMBE).

Certified Nurse Midwife (CNM)—a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Cessation of Business—center is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease, gift, or otherwise, of a licensed healthcare provider subject to this rule by a person, corporation, or other entity, which results in a change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity.

Client—an individual who is receiving services from a licensed free-standing birth center.

Department—the Louisiana Department of Health (LDH) or any of its sections, bureaus, offices or its contracted designee.

Division of Administrative Law (DAL)—the agency authorized to conduct fair hearings and take actions on appeals of departmental decisions as provided for in the Administrative Procedure Act, or its successor.

Employed—performance of a job or task for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position.

Family—individuals selected by the pregnant woman to be present and/or in attendance during her admission to the free-standing birth center.

Free-Standing Birth Center (FSBC)—a facility, place, center, agency, person, institution, corporation, partnership, unincorporated association, group, or other legal entity which provides FSBC services and at which a person is anticipated to have an uncomplicated vaginal delivery following a low-risk pregnancy. An FSBC does not include a hospital licensed pursuant to R.S. 40:2100 et seq., nor does it include the place of residence of the person giving birth.

Free-Standing Birth Center Services—peripartum care, including prenatal, labor, delivery, and postpartum, and services for people with low-risk pregnancies provided at free-standing birth centers. This includes any ancillary ambulatory service provided to a person at low risk for pregnancy complications, if such services are within the scope of practice of the individual providing the service.

Governing Body—the individual or group of individuals who are legally responsible for the operation of the FSBC, including management, control, conduct and functioning of the FSBC, also known as the governing authority.

Health Standards Section (HSS)—Department of Health, Office of the Secretary, Health Standards Section.

Intrapartum—the period beginning with active labor to the expulsion of the placenta.

Licensed Midwife—a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Licensed Healthcare Practitioner—a licensed physician or CNM, or a licensed midwife.

Lochia—the normal discharge from the uterus after childbirth occurring three to ten days after delivery.

Low-Risk Pregnancy—a normal, uncomplicated, singleton pregnancy that has vertex presentation and is at low risk for development of complications during labor and birth, as determined from an evaluation and examination conducted by a physician or other practitioner or individual acting within the scope of his or her practice.

Miscarried Child—the fetal remains resulting from a spontaneous fetal death that does not require compulsory registration pursuant to the provisions of R.S. 40:47.

National Standards—national standards for birth centers published or established by the American Association of Birth Centers, as well as requirements for accreditation published by the Commission for Accreditation of Birth Centers.

Non-Operational—when the FSBC is not open for business operations on designated days and hours as stated on the licensing application.

Office of the State Fire Marshal (OSFM)—an agency of the Department of Public Safety responsible for architectural and licensing plan review and inspections for life safety codes.

Perineal Laceration—a tear of the skin and other soft tissue structures which, in women, separate the vagina from

the anus. Perineal tears mainly occur in women as a result of vaginal childbirth and vary in severity.

Physician—a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Physician Evaluation and Examination—physician evaluation and examination as provided in R.S. 37:3244 to determine whether, at the time of such evaluation and examination, the individual is at low or normal risk of developing complications during pregnancy and childbirth.

Postmature—gestational age of greater than 42 weeks.

Postpartum—the period beginning immediately after childbirth in accordance with current standards of practice.

Practice of Midwifery—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.

Prenatal Care (Antepartum Care)—occurring or existing before birth. The prenatal period (also known as antenatal care) refers to the regular care recommended for women during pregnancy. Prenatal care is preventative care with the goal of providing regular check-ups that allow licensed healthcare practitioners to treat and prevent potential health problems throughout the course of pregnancy.

Preterm—prior to the thirty-seventh week of gestation.

Qualified Personnel—means that the individual is trained and competent in the services which he or she provides and is licensed or certified when required by statute or professional standard.

Scope of Practice—services that a licensed healthcare practitioner is deemed competent to perform and permitted to undertake, in keeping with the terms of their professional license.

Secretary—the secretary of LDH, or designee.

Standards—policies, procedures, rules, guidelines, and standards of current practice contained in this Part in addition to those rules and standards promulgated by LDH for the licensing and operation of free-standing birth centers.

Term—gestational age of greater or equal to 37 weeks but less than 42 weeks.

Transfer Agreement—a written agreement made with at least one receiving hospital in the community and with a local ambulance service for the timely transport of emergency clients to a licensed hospital that will provide obstetric/newborn acute care should an emergency arise which would necessitate hospital care and services.

Uterine Atony—a loss of tone in the uterine musculature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2180.21-2180.28, R.S. 37:1270 and R.S. 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2107 (August 2022).

§6705. General Requirements

A. All FSBCs shall be licensed by LDH. No facility, place, center, agency, person, institution, corporation, partnership, unincorporated association, group, or other legal entity providing FSBC services shall be established or

operated unless licensed as an FSBC by the department to perform such services.

B. A license issued to an FSBC shall be valid for one geographic location and issued to the entity or person and premises named in the license application.

C. A license issued pursuant to these regulations shall be valid for 12 months unless revoked or otherwise suspended prior to that date, commencing with the month of issuance.

D. Unless otherwise renewed or stayed in the rules promulgated by the department, a license issued pursuant to this Part shall expire on the last day of the twelfth month after the date of issuance.

E. A license issued pursuant to this Part shall be on a form prescribed by the department.

F. A license issued pursuant to this Part shall not be transferable or assignable.

G. A license issued to an FSBC shall be posted in a conspicuous place on the licensed premises.

H. Each FSBC shall be located within a 20 minutes' transport time from a general acute care hospital providing obstetric services which allows for an emergency cesarean delivery to begin within 30 minutes of the decision by a licensed obstetrician/gynecologist physician in the receiving facility that a cesarean delivery is necessary.

I. Each FSBC shall have agreements or written policies and procedures with other agencies, institutions, or individuals, for services to clients including, but not limited to:

1. laboratory and diagnostic services;
2. obstetric consultation services;
3. pediatric consultation services;
4. transport services;
5. obstetric/newborn acute care in hospitals; and
6. pharmaceutical services.

J. Each FSBC shall have an established consultation, collaboration, or referral system, for both emergency and non-emergency circumstances, that fall outside the scope of birth center practice, to meet the needs of a mother or the newborn.

K. Each FSBC shall have requirements and protocols for assessing, transferring, and transporting clients to a licensed hospital and arrangements with a local ambulance service for the transport of emergency clients to a licensed hospital.

L. Each FSBC shall have requirements for documentation of adequate prenatal care and for documentation and evidence that the delivery is expected to be low risk, singleton birth, and vertex presentation.

M. Each FSBC shall meet the national standards for birth centers published or established by the American Association of Birth Centers, as well as requirements for accreditation published by the Commission for Accreditation of Birth Centers.

N. Neither general nor epidural anesthesia services shall be administered at the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2108 (August 2022).

§6707. Licensing

A. The LDH HSS is the only licensing authority for FSBCs in the state of Louisiana.

B. Each FSBC license shall:

1. be issued only to the person or entity named in the license application;

2. be valid only for the FSBC to which it is issued and only for the specific geographic address of that FSBC;

3. be valid for one year from the date of issuance, unless revoked, suspended, modified or terminated prior to that date, or unless a provisional license is issued:

a. a provisional license shall be valid for a period not to exceed six months if the department determines that there is no immediate and serious threat to the health and safety of clients;

4. expire on the last day of the twelfth month after the date of issuance, unless timely renewed by the FSBC;

5. not be subject to sale, assignment, donation, or other transfer, whether voluntary or involuntary; and

6. be posted in a conspicuous place on the licensed premises at all times.

C. The FSBC shall abide by and adhere to any federal, state, and local laws, rules, policies, procedures, manuals, or memorandums applicable to such facilities.

D. A separately licensed FSBC shall not use a name which is the same as the name of another such FSBC licensed by the department as determined by the secretary of state.

E. Each existing entity that meets the definition of FSBC as defined in this Chapter shall submit an initial licensing application and fee to the department within 90 days of the promulgation of the initial rules, regulations, and licensing standards. If the existing entity is not licensed within 120 days after submission of its initial licensing application and fee, the existing entity shall cease operations until such time as it is licensed as a free-standing birth center by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2109 (August 2022).

§6709. Initial Licensure Application Process

A. An initial application for licensing as an FSBC shall be obtained from the department. A completed initial license application packet for an FSBC shall be submitted to, and approved by the department, prior to an applicant providing services.

B. The initial licensing application packet shall include:

1. a completed licensure application and the non-refundable licensing fee as established by statute;

2. a copy of the approval letter(s) of the architectural and licensing facility plans from the OSFM and any other office/entity designated by the department to review and approve the center's architectural and licensing plan review;

3. a copy of the on-site inspection report with approval for occupancy by the OSFM, if applicable;

4. a copy of the on-site health inspection report with approval for occupancy from the Office of Public Health (OPH);

5. proof of each insurance coverage as follows:

a. general liability insurance of at least \$300,000 per occurrence;

b. worker's compensation insurance as required by state law;

c. professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified healthcare provider with the Louisiana Patient's Compensation Fund (PCF):

i. if the FSBC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and

d. the LDH HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

6. proof of a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000;

7. disclosure of ownership and control information;

8. the usual and customary days and hours of operation;

9. an organizational chart and names, including position titles, of key administrative personnel and governing body;

10. fiscal intermediary, if applicable;

11. secretary of state's articles of incorporation;

12. clinical laboratory improvement amendments (CLIA) certificate or CLIA certificate of waiver, if applicable;

13. an 8.5 by 11-inch mapped floor plan; and

14. any other documentation or information required by the department for licensure.

C. If the initial licensing packet is incomplete, the applicant shall be notified of the missing information, and shall have 90 days from receipt of the notification to submit the additional requested information. If the additional requested information is not submitted to the department within 90 days, the application shall be closed. If an initial licensing application is closed, an applicant who is still interested in becoming an FSBC shall be required to submit a new initial licensing application packet with the required fee to start the initial licensing process.

D. Once the initial licensing application packet has been approved by the department, notification of such approval shall be forwarded to the applicant. Within 90 days of receipt of the approval of the application, the applicant shall notify the department that the FSBC is ready and is requesting an initial licensing survey. If an applicant fails to notify the department within 90 days, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a licensed FSBC shall be required to submit a new initial licensing packet with the required fee to start the initial licensing process.

E. Applicants shall be compliant with applicable federal, state, departmental or local statutes, laws, ordinances, rules, regulations, and fees before the FSBC will be issued an initial license to operate.

F. Fire Protection. All FSBCs required to be licensed by the law shall comply with the rules, established fire protection standards and enforcement policies as promulgated by the OSFM. It shall be the primary responsibility of the OSFM to determine if applicants are complying with those requirements. No license shall be issued to an applicant seeking licensure after the effective date of the promulgation of this rule or license renewed without the applicant furnishing a certificate from the OSFM stating that the applicant is complying with its provisions.

G. Sanitation and Client Safety. All FSBCs required to be licensed by the law shall comply with the Rules, *Sanitary Code* and enforcement policies as promulgated by the Office of Public Health (OPH). It shall be the primary responsibility of the OPH to determine if applicants are complying with those requirements. No initial license shall be issued to an applicant seeking licensure or license renewal after the effective date of the promulgation of this rule without the applicant furnishing a certificate from the OPH stating that the applicant is complying with its provisions.

H. For those existing facilities that get a conditional certificate from OPH/OSFM, a provisional license may be issued to the applicant if the OPH or the OSFM issues the applicant a conditional certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2109 (August 2022).

§6711. Initial Licensing Surveys

A. Prior to the initial license being issued, an initial on-site licensing survey shall be conducted to ensure compliance with the licensing laws and standards.

1. The initial licensing survey of an FSBC shall be an announced survey.

2. Follow-up surveys to the initial licensing surveys may be announced or unannounced surveys depending on the outcome of the initial survey.

B. The FSBC shall not provide services to any client until the initial licensing survey has been performed and the FSBC has been determined to be compliant with these licensing regulations and has received written approval from the HSS.

EXCEPTION: For FSBCs in operation at the time of the promulgation of this Rule, the requirement for non-admittance of clients prior to survey does not apply.

C. If the initial licensing survey finds that the FSBC is compliant with all licensing laws, regulations, and other required statutes, laws, ordinances, rules, regulations, and fees, the department shall issue a full license to the center. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

D. If the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required rules or regulations that present a potential threat to the health, safety, or welfare of the clients, the department shall deny the initial license.

E. In the event that the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required rules or regulations, but

the department in its sole discretion determines that the noncompliance does not present a threat to the health, safety or welfare of the clients, the department may issue a provisional initial license for a period not to exceed six months. The FSBC shall submit a plan of correction to the department for approval and shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license.

1. If all such noncompliance or deficiencies are corrected on the follow-up survey, a full license may be issued.

2. If all such noncompliance or deficiencies are not corrected on the follow-up survey, or new deficiencies affecting the health, safety, or welfare of a client are cited, the provisional license shall expire, and the facility shall be required to begin the initial licensing process again by submitting a new initial license application packet and the required licensing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2110 (August 2022).

§6713. Types of Licenses and Expiration Dates

A. The department shall have the authority to issue the following types of licenses.

1. Full Initial License. The department shall issue a full license to the FSBC when the initial licensing survey finds that the FSBC is compliant with all licensing laws and regulations, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

2. Provisional Initial License. The department may issue a provisional initial license for a period not to exceed six months to an FSBC when the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations or any other required statutes, laws, ordinances, rules, regulations or fees, but the department determines that the noncompliance does not present a threat to the health, safety or welfare of the clients. A provisional license may also be issued after an initial licensing survey to allow the FSBC to become accredited.

3. Full Renewal License. The department may issue a full renewal license to an existing licensed FSBC that is in substantial compliance with all applicable federal, state, departmental, and local statutes, laws, ordinances, rules, regulations, and fees. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

4. Provisional License. The department, in its sole discretion, may issue a provisional license to an existing licensed FSBC for a period not to exceed six months for any of the following reasons.

a. The existing FSBC has more than five deficient practices or deficiencies cited during any one survey.

b. The existing FSBC has more than three substantiated complaints in a 12-month period.

c. The existing FSBC has been issued a deficiency that involved placing a client at risk for serious harm or death.

d. The existing FSBC has failed to correct deficient practices within 60 days of being cited for such deficient practices or at the time of a follow-up survey.

e. The existing FSBC is not in substantial compliance with all applicable federal, state, departmental and local statutes, laws, ordinances, rules, regulations, and fees at the time of renewal of the license.

f. When the department issues a provisional license, the FSBC shall submit a plan of correction to the department for approval and shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license. The department shall conduct a follow-up survey, either on-site or by desk review, of the FSBC prior to the expiration of the provisional license.

g. If the follow-up survey determines that the FSBC has corrected the deficient practices and has maintained compliance during the period of the provisional license, the department may issue a full license for the remainder of the year until the anniversary date of the FSBC license.

h. If the follow-up survey determines that all noncompliance or deficiencies have not been corrected, or if new deficiencies that are a threat to the health, safety, or welfare of a client are cited on the follow-up survey, the provisional license shall expire, and the facility shall be required to begin the initial licensing process again.

i. If the follow-up survey determines that most but not all noncompliance or deficiencies have been corrected, or if new deficiencies that are not a threat to the health, safety, or welfare of a client are cited on the follow-up survey, a one-time extension of the provisional license may be granted at the discretion of the department.

j. The department shall issue written notice to the FSBC of the results of the follow-up survey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2110 (August 2022).

§6715. Changes in Licensee Information or Personnel

A. An FSBC license shall be valid only for the person or entity named in the license application and only for the specific geographic address listed on the license application.

B. Any permanent change regarding the entity FSBC's name, "doing business as" name, mailing address, telephone number, stated days and hours of operation, or any combination thereof, shall be reported in writing to the department within five business days of the change.

1. For any temporary closures of the FSBC greater than 24 hours, other than weekends or holidays, the FSBC shall notify HSS in advance.

2. At any time that the FSBC has an interruption in services or a change in the licensed location due to an emergency, the FSBC shall notify HSS no later than the next stated business day.

C. Any change regarding the FSBC's key administrative personnel shall be reported in writing to the department within 10 days of the change.

1. Key administrative personnel include the:

- a. administrator; and
- b. director of clinical midwifery services.

2. The FSBC's notice to the department shall include the individual's:

- a. name;
- b. address;
- c. hire date; and
- d. qualifications.

D. A CHOW of the FSBC shall be reported in writing to the department within five days of the change.

E. The license of an FSBC is not transferable or assignable and cannot be sold. The new owner shall submit the legal CHOW document, all documents required for a new license and the applicable licensing fee. Once all application requirements are completed and approved by the department, a new license shall be issued to the new owner.

1. An FSBC that is under license revocation, provisional licensure and/or denial of license renewal may not undergo a CHOW.

2. If the CHOW results in a change of geographic address, an on-site physical environment survey by the HSS, an on-site inspection by the OPH and the OSFM shall be required prior to issuance of the new license.

F. If the FSBC changes its name without a change in ownership, the FSBC shall report such change to the department in writing five days prior to the change. The change in the FSBC's name requires a change in the license and payment of the required fee for a name change and reissuance of a license.

G. Any request for a duplicate license shall be accompanied by the applicable required fee.

H. If the FSBC changes the physical address of its geographic location without a change in ownership, the FSBC shall report such change to the department in writing at least six weeks prior to the change. Because the license of an FSBC is valid only for the geographic location of that FSBC, and is not transferrable or assignable, the FSBC shall submit a new licensing application and the required fees, licensing inspection reports, and licensing plan reviews for the new location.

1. An on-site physical environment survey by the HSS, an on-site inspection by the OPH and the OSFM shall be required prior to the issuance of the new license.

2. The change in the FSBC's physical address results in a new anniversary date and the full licensing fee shall be paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2111 (August 2022).

§6717. Renewal of License

A. The FSBC shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet shall include the:

1. license renewal application;
2. non-refundable license renewal fee;
3. stated days and hours of operation;
4. current State Fire Marshal report;
5. current OPH inspection report;
6. proof of each insurance coverage as follows:
 - a. general liability insurance of at least \$300,000 per occurrence;
 - b. worker's compensation insurance of at least \$100,000 as required by state law;

c. professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified healthcare provider with the PCF:

i. if the FSBC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate;

d. the LDH HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

7. proof of a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000; and

8. any other documentation required by the department, if applicable.

B. The department may perform an on-site survey and inspection upon annual renewal of a license.

C. Failure to submit a completed license renewal application packet prior to the expiration of the current license will result in the voluntary non-renewal of the FSBC license. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the FSBC.

D. If an existing licensed FSBC has been issued a notice of license revocation, suspension or termination, and the FSBC's license is due for annual renewal, the department shall deny the license renewal application and shall not issue a renewal license.

1. Subject to the provisions in D.2 of this section, if a timely administrative appeal has been filed by the FSBC regarding the license revocation, suspension, or termination, the administrative appeal shall be suspensive, and the FSBC shall be allowed to continue to operate and provide services until such time as the administrative tribunal or department issues a decision on the license revocation, suspension, or termination.

2. If the secretary of the department determines that the violations of the FSBC pose an imminent or immediate threat to the health, welfare, or safety of a client, the imposition of such action may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the FSBC will be notified in writing.

3. The denial of the license renewal application does not affect in any manner the license revocation, suspension, or termination.

E. The renewal of a license does not in any manner affect any sanction, civil monetary penalty, or other action imposed by the department against the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2111 (August 2022).

§6719. Deemed Status

A. A licensed FSBC may request deemed status once the center becomes accredited by an LDH authorized accreditation organization, or if the applicant has achieved accreditation prior to initial licensure and becomes licensed.

B. The department may approve the deemed status request and accept accreditation in lieu of periodic licensing surveys when the provider provides documentation to the department that shows:

1. the accreditation is current and was obtained through an LDH authorized accreditation organization;

2. all FSBC services provided under the FSBC license are accredited; and

3. the accrediting organization's findings.

C. If deemed status is approved, accreditation will be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic re-licensure surveys. Accreditation will not replace annual renewal of licensure. The FSBC shall annually apply to renew the provider license and meet licensure requirements.

D. To maintain deemed status, the center shall submit a copy of current accreditation documentation with its annual license renewal application.

E. The department may conduct unannounced complaint investigations on all FSBCs including those with deemed status.

F. The department may rescind deemed status and conduct a licensing survey for the following:

1. a valid complaint is received within the preceding 12 months;

2. the FSBC begins offering additional services;

3. a CHOW occurs;

4. a provisional license has been issued within the preceding 12-month period;

5. deficiencies have been identified within the preceding 12-month period that placed clients at risk for harm;

6. a treatment or service results in death or serious injury; or

7. a change in geographic location occurs.

G. The center shall notify HSS upon change in accreditation status within two business days.

H. The department shall rescind deemed status when the center loses its accreditation.

I. An FSBC approved for deemed status is subject to and shall comply with all provisions of this Chapter, except §6709.F and §6709.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2112 (August 2022).

§6721. Survey Activities

A. The department may conduct periodic licensing surveys and other surveys as deemed necessary to ensure compliance with all laws, rules, and regulations governing FSBCs and to ensure client health, safety, and welfare. These surveys may be conducted on-site or by administrative review and shall be unannounced.

B. The department may require an acceptable plan of correction from the FSBC for any survey where deficiencies have been cited, regardless of whether the department takes other action against the FSBC for the deficiencies cited in the survey. The acceptable plan of correction shall be submitted for approval to the department within the prescribed timeframe.

C. A follow-up survey may be conducted for any survey where deficiencies have been cited to ensure correction of the deficient practices.

D. The department may issue appropriate sanctions for noncompliance, deficiencies and violations of law, rules, and regulations. Sanctions may include, but are not limited to:

1. civil fines;
2. directed plans of correction;
3. denial of license renewal; and/or
4. license revocation.

E. LDH surveyors and staff shall be:

1. given access to all areas of the FSBC and all relevant files and other documentation as necessary or required to conduct the survey:

a. for any records or other documentation stored on-site, such shall be provided within one to two hours of surveyor request; and

b. for any records or other documentation stored off-site, such shall be provided to the surveyor for review no later than 24 hours from the time of the surveyor's request.

2. allowed to interview any facility staff, client or other persons as necessary or required to conduct the survey; and

3. allowed to photocopy any records/files requested by surveyors during the survey process.

F. The department shall conduct complaint surveys in accordance with R.S. 40:2009.13 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2112 (August 2022).

§6723. Statement of Deficiencies

A. Any statement of deficiencies issued by the department to an FSBC shall be available for disclosure to the public 30 days after the FSBC submits an acceptable plan of correction to the deficiencies or 90 days after the statement of deficiencies is issued to the FSBC, whichever occurs first.

B. Unless otherwise provided in statute or in these licensing provisions, the FSBC shall have the right to an informal reconsideration of any deficiencies cited as a result of a survey or investigation.

1. Correction of the violation, noncompliance, or deficiency shall not be the basis for the reconsideration.

2. The informal reconsideration of the deficiencies shall be requested in writing within 10 calendar days of receipt of the statement of deficiencies, unless otherwise provided in these standards.

3. The request for informal reconsideration of the deficiencies shall be made to HSS and will be considered timely if received by HSS within 10 calendar days of the FSBC's receipt of the statement of deficiencies.

4. If a timely request for an informal reconsideration is received, the department shall schedule and conduct the informal reconsideration. The FSBC shall be notified in writing of the results of the informal reconsideration.

5. Except as provided for complaint surveys pursuant to R.S. 40:2009.13 et seq., and as provided in these licensing provisions for initial license denials, license revocations, and denial of license renewals, the decision of the informal

reconsideration team shall be the final administrative decision regarding the deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2113 (August 2022).

§6725. Denial of Initial License, Revocation of License, Denial of License Renewal

A. The department may deny an application for an initial license or a license renewal, or the department may revoke a license in accordance with the provisions of the Administrative Procedure Act.

B. Denial of an Initial License.

1. The department shall deny an initial license if the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required statutes or regulations that present a potential threat to the health, safety, or welfare of the clients.

2. The department shall deny an initial license for any of the reasons that a license may also be revoked or denied renewal pursuant to these licensing provisions.

3. If the department denies an initial license, the applicant for an FSBC license shall not render services to clients.

C. Voluntary Non-Renewal of a License. If the FSBC fails to timely renew its license, the license expires on its face and is considered voluntarily surrendered. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the facility.

D. Revocation of License or Denial of License Renewal. An FSBC license may be revoked or denied renewal for any of the following reasons, including but not limited to:

1. failure to be in substantial compliance with the FSBC licensing laws, rules, and regulations;

2. failure to be in substantial compliance with other required statutes, laws, ordinances, rules, or regulations;

3. failure to uphold client rights whereby deficient practices result in harm, injury, or death of a client;

4. failure to protect a client from a harmful act by an FSBC employee or other client on the premises including, but not limited to:

a. any action which poses a threat to client or public health and safety;

b. coercion;

c. threat or intimidation;

d. harassment;

e. abuse; or

f. neglect;

5. failure to notify the proper authorities, as required by federal or state law or regulations, of all suspected cases of the acts outlined in §6725.D.4.a-f;

6. failure to employ qualified personnel;

7. failure to submit an acceptable plan of correction for deficient practices cited during an on-site survey within the stipulated timeframes;

8. failure to submit the required fees, including but not limited to:

a. fees for address or name changes;

b. any fine assessed by the department; or

- c. fee for a CHOW;
- 9. failure to allow entry into the FSBC or access to requested records during a survey;
- 10. failure to protect clients from unsafe care by an individual employed by the FSBC;
- 11. when the FSBC staff or owner knowingly (or with reason to know) makes a false statement of a material fact in any of the following:
 - a. the application for licensure;
 - b. data forms;
 - c. clinical records;
 - d. matters under investigation by the department;
 - e. information submitted for reimbursement from any payment source; or
 - f. advertising;
- 12. conviction of a felony or entering a plea of guilty or nolo contendere to a felony by an owner, administrator, or director of clinical midwifery services, as evidenced by a certified copy of the conviction;
- 13. failure to comply with all reporting requirements in a timely manner as requested by the department;
- 14. failure to comply with the terms and provisions of a settlement agreement with the department or an educational letter;
- 15. failure to repay an identified overpayment to the department or failure to enter into a payment agreement to repay such overpayment; or
- 16. failure to timely pay outstanding fees, fines, sanctions, or other debts owed to the department.

E. In the event an FSBC license is revoked, renewal is denied, or the license is surrendered in lieu of an adverse action, any owner, officer, member, manager, director, or administrator of such FSBC is prohibited from owning, managing, directing, or operating another FSBC for a period of two years from the date of the final disposition of the revocation, denial action, or surrender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2113 (August 2022).

§6727. Notice and Appeal of Initial License Denial, License Revocation, or Denial of License Renewal

A. Notice of an initial license denial, license revocation, or denial of license renewal shall be given to the FSBC in writing.

B. The FSBC has a right to an administrative reconsideration of the initial license denial, license revocation, or denial of license renewal. There is no right to an informal reconsideration of a voluntary non-renewal or surrender of a license by the FSBC.

1. The request for the administrative reconsideration shall be submitted within 15 days of the receipt of the notice of the initial license denial, license revocation, or denial of license renewal. The request for administrative reconsideration shall be in writing and shall be forwarded to HSS.

2. The request for administrative reconsideration shall include any documentation that demonstrates that the determination was made in error.

3. If a timely request for an administrative reconsideration is received by HSS, an administrative reconsideration shall be scheduled, and the FSBC will receive written notification of the date of the administrative reconsideration.

4. The FSBC shall have the right to appear in person at the administrative reconsideration and may be represented by counsel.

5. Correction of a violation or deficiency which is the basis for the initial license denial, revocation, or denial of license renewal shall not be a basis for reconsideration.

6. The administrative reconsideration process is not in lieu of the administrative appeals process.

7. The FSBC will be notified in writing of the results of the administrative reconsideration.

C. The FSBC has a right to an administrative appeal of the initial license denial, license revocation, or denial of license renewal. There is no right to an administrative appeal of a voluntary non-renewal or surrender of a license by the FSBC.

1. The FSBC shall request the administrative appeal within 30 days of the receipt of the results of the administrative reconsideration.

a. The FSBC may forego its rights to an administrative reconsideration, and if so, shall request the administrative appeal within 30 days of the receipt of the notice of the initial license denial, license revocation, or denial of license renewal.

2. The request for administrative appeal shall be in writing and shall be submitted to the DAL. The request shall include any documentation that demonstrates that the determination was made in error and shall include the basis and specific reasons for the appeal.

3. Subject to the provisions in C.3.a. of this Section, if a timely request for an administrative appeal is received by the DAL, the administrative appeal of the license revocation or denial of license renewal shall be suspensive, and the FSBC shall be allowed to continue to operate and provide services until such time as the department issues a final administrative decision.

a. If the secretary of the department determines that the violations of the FSBC pose an imminent or immediate threat to the health, welfare, or safety of a client, the imposition of the license revocation or denial of license renewal may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the FSBC will be notified in writing.

4. Correction of a violation or a deficiency which is the basis for the denial of initial licensure, revocation, or denial of license renewal shall not be a basis for an administrative appeal.

D. If an existing licensed FSBC has been issued a notice of license revocation, and the FSBC's license is due for annual renewal, the department shall deny the license renewal application. The denial of the license renewal application does not affect, in any manner, the license revocation.

E. If a timely administrative appeal has been filed by the FSBC on an initial license denial, denial of license renewal,

or license revocation, the DAL shall conduct the hearing in accordance with the Administrative Procedure Act.

1. If the final decision is to reverse the initial license denial, denial of license renewal or license revocation, the FSBC's license will be reinstated or granted upon the payment of any licensing fees, outstanding sanctions, or other fees due to the department.

2. If the final decision is to affirm the denial of license renewal or license revocation, the FSBC shall stop rendering services to clients.

a. Within 10 days of the final decision, the FSBC shall notify HSS, in writing, of the secure and confidential location where the client records will be stored.

F. There is no right to an informal reconsideration or an administrative appeal of the issuance of a provisional initial license to a new FSBC or the issuance of a provisional license to an existing FSBC. An FSBC that has been issued a provisional license is licensed and operational for the term of the provisional license. The issuance of a provisional license is not considered to be a denial of initial licensure, a denial of license renewal, or a license revocation.

G. An FSBC with a provisional initial license or an existing FSBC with a provisional license that expires due to noncompliance or deficiencies cited at the follow-up survey shall have the right to an informal reconsideration and the right to an administrative appeal of the validity of the deficiencies cited at the follow-up survey.

1. The correction of a violation, noncompliance, or deficiency after the follow-up survey shall not be the basis for the informal reconsideration or for the administrative appeal.

2. The informal reconsideration and the administrative appeal are limited to whether the deficiencies were properly cited at the follow-up survey.

3. The FSBC shall request the informal reconsideration in writing, which shall be received by the HSS within five calendar days of receipt of the notice of the results of the follow-up survey from the department.

4. The FSBC shall request the administrative appeal within 15 days of receipt of the notice of the results of the follow-up survey from the department. The request for administrative appeal shall be in writing and shall be submitted to the DAL.

5. An FSBC with a provisional initial license or an existing FSBC with a provisional license that expires under the provisions of this Chapter shall cease providing services to clients unless the DAL issues a stay of the expiration.

a. The stay may be granted by the DAL upon application by the FSBC at the time the administrative appeal is filed and only after a contradictory hearing is held, and the FSBC shows that there is no potential harm to the clients being served by the FSBC.

6. If a timely administrative appeal has been filed by the FSBC with a provisional initial license that has expired, or by an existing FSBC whose provisional license has expired under the provisions of this Chapter, the DAL shall conduct the hearing in accordance with the Administrative Procedure Act.

a. If the final decision is to remove all deficiencies, the FSBC's license will be reinstated upon the payment of any outstanding sanctions and licensing or other fees due to the department.

b. If the final decision is to uphold the deficiencies thereby affirming the expiration of the provisional license, the FSBC shall cease rendering services to clients.

i. Within 10 days of the final decision, the FSBC shall notify HSS in writing of the secure and confidential location where the client records will be stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2114 (August 2022).

§6729. Cessation of Business

A. Except as provided in §6787 and §6789 of these licensing regulations, a license shall be immediately null and void if an FSBC ceases to operate.

B. A cessation of business is deemed to be effective the date on which the FSBC stopped offering or providing services to the community.

C. Upon the cessation of business, the FSBC shall immediately return the original license to the department.

D. Cessation of business is deemed to be a voluntary action on the part of the FSBC. The FSBC does not have a right to appeal a cessation of business.

E. The FSBC shall notify the department in writing 30 days prior to the effective date of the closure or cessation. In addition to the notice, the FSBC shall submit a written plan for the disposition of client clinical records for approval by the department. The plan shall include the following:

1. the effective date of the closure;
2. provisions that comply with federal and state laws on storage, maintenance, access and confidentiality of the closed provider's clients' clinical records; and
3. appointed custodian(s) who shall provide the following:

a. access to records and copies of records to the client or authorized representative, upon presentation of proper authorization(s); and

b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss, and destruction;

4. public notice regarding access to records, in the newspaper with the largest circulation near the closing provider, at least 15 days prior to the effective date of closure.

F. If an FSBC fails to follow these procedures, the owners, managers, officers, directors, and administrators may be prohibited from opening, managing, directing, operating, or owning an FSBC for a period of two years.

G. Once the FSBC has ceased doing business, the center shall not provide services until the FSBC has obtained a new initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2115 (August 2022).

Subchapter B. Administration and Organization

§6735. Governing Body

A. An FSBC shall have an identifiable governing body with responsibility for, and authority over, the policies and activities of the FSBC, which shall include all contracts. The governing body is the ultimate governing authority of the FSBC and shall adopt bylaws which address its responsibilities. No contract or other arrangements shall limit or diminish the responsibilities of the governing body.

B. An FSBC shall have documents identifying the following information regarding the governing body:

1. names and addresses of all members;
2. terms of membership;
3. officers of the governing body; and
4. terms of office for any officers.

C. The governing body shall be comprised of one or more persons and shall hold formal meetings at least twice a year. There shall be written minutes of all formal meetings, and the bylaws shall specify the frequency of meetings and quorum requirements.

D. The governing body of an FSBC shall:

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

2. ensure that the FSBC is adequately funded and fiscally sound which entails:

a. verification of sufficient assets equal to \$100,000 or the cost of three months of operation, whichever is less; or

b. a letter of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000 or the cost of three months of operation, whichever is less;

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

4. designate a person to act as the administrator and delegate enough authority to this person to manage the day-to-day operations of the FSBC;

5. annually evaluate the administrator's performance;

6. have the authority to dismiss the administrator;

7. formulate and annually review, in consultation with the administrator, written policies and procedures concerning the FSBC's philosophy, goals, current services, personnel practices, job descriptions, fiscal management, and contracts:

a. the FSBC's written policies and procedures shall be maintained within the FSBC and made available to all staff during hours of operation;

8. determine, in accordance with state law, which licensed healthcare practitioners are eligible candidates for appointment to the FSBC staff;

9. ensure and maintain quality of care, inclusive of a quality assurance/performance improvement process that measures client, process, and structural (e.g. system) outcome indicators to enhance client care;

10. ensure that birthing procedures shall not be performed in areas other than the birthing rooms;

11. ensure that birthing procedures are initiated in accordance with acceptable standards of practice;

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

13. inform the department, or its designee, prior to initiating any substantial changes in the services provided by the FSBC; and

14. ensure that pursuant to R.S. 40:1191.2, prior to the final disposition of a miscarried child, but not more than 24 hours after a miscarriage occurs in an FSBC, the FSBC shall notify the client, or if the client is incapacitated, the spouse of the client, both orally and in writing, of both of the following:

a. the parent's right to arrange for the final disposition of the miscarried child using the notice of parental rights form as provided for in R.S. 40:1191.3; and

b. the availability of a chaplain or other counseling services concerning the death of the miscarried child, if such services are provided by the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2116 (August 2022).

§6737. Policies and Procedures

A. An FSBC shall develop, implement, and maintain written policies and procedures governing all services rendered at the FSBC. The FSBC shall comply with all federal and state laws, rules, and regulations in the development and implementation of its policies and procedures.

B. All policies and procedures shall be reviewed at least annually and revised as needed.

C. Direct care staff shall have access to information concerning clients that is necessary for effective performance of the employee's assigned tasks.

D. The FSBC shall have written policies and procedures for the maintenance and security of records, specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released.

E. The FSBC shall allow designated representatives of the department, in the performance of their mandated duties, to:

1. inspect all aspects of an FSBC's operations which directly or indirectly impact clients; and

2. interview any staff member or client.

F. An FSBC shall make any required information or records, and any information reasonably related to assessment of compliance with these provisions, available to the department.

G. An FSBC shall, upon request by the department, make available the legal ownership documents and any other legal contracts or agreements in place.

H. The FSBC shall have written policies and procedures approved by the governing body, which shall be implemented and followed, that address, at a minimum, the following:

1. confidentiality and confidentiality agreements;

2. security of files;

3. publicity and marketing, including the prohibition of illegal or coercive inducement, solicitation, and kickbacks;

4. personnel;

5. client rights;

6. grievance procedures;
7. emergency preparedness;
8. abuse and neglect;
9. incidents and accidents, including clinical emergencies;
10. universal precautions;
11. documentation, whether electronic or in paper form;
12. admission and discharge policies and procedures, inclusive of criteria for admission to, continuation in, and transfer out, of the FSBC;
13. hours outside of stated usual and customary operation, including, but not limited to early closures, extended business hours, and holidays; and
14. conditions for coverage, if applicable.

I. An FSBC shall have written personnel policies, which shall be implemented and followed, that include:

1. written job descriptions for each staff position, including volunteers;
2. policies which provide for staff, upon offer of employment, to have a health assessment as defined by the FSBC and in accordance with LAC Title 51, *Public Health—Sanitary Code* requirements;
3. policies which verify that all clinic employees, including contracted personnel, prior to, and at the time of employment and annually thereafter, shall be free of tuberculosis in a communicable state, in accordance with the current LAC Title 51, *Public Health—Sanitary Code*;
4. an employee grievance procedure;
5. abuse reporting procedures that require all employees to report any incidents of abuse or mistreatment, whether that abuse or mistreatment is done by another staff member, a family member, a client, or any other person;
6. a written policy to prevent discrimination; and
7. a written policy to address prohibited use of social media. The policy shall ensure that all staff, either contracted or directly employed, receive training relative to the restrictive use of social media and include, at a minimum, ensuring confidentiality of client information and preservation of client dignity and respect, including protection of client privacy and personal and property rights.

J. The FSBC shall maintain, in force at all times, the requirements for financial viability under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2116 (August 2022).

Subchapter C. Admissions, Transfers and Discharges

§6743. Prohibitions to Admission or Continued Care in an FSBC

A. The FSBC shall not knowingly accept or thereafter maintain 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 thromboembolism, deep vein thromboembolism, or pulmonary embolism;

4. is prescribed medication for diabetes, or has hypertension, Rh disease isoimmunization with positive titer, active tuberculosis, active syphilis, active gonorrhea, HIV positive or is otherwise immunocompromised, epilepsy, hepatitis, heart disease, kidney disease, or blood dyscrasia;

5. contracts primary genital herpes simplex during the pregnancy or manifests active genital herpes during 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 six-month period prior to pregnancy;

8. has been prescribed narcotics in excess of three months during the pregnancy or 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 37 weeks gestation at the onset of labor;

13. has a gestation beyond 42 weeks by dates;

14. has a fetus in any presentation other than vertex at the onset of labor;

15. has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention;

16. has preeclampsia;

17. has a parity greater than five;

18. is younger than 16 or a primipara older than 40;

19. has been taking medications known to cause Neonatal Abstinence Syndrome;

20. has history of congenital heart disease;

21. has history of cardiac surgery(ies); or

22. labors greater than the 12-18 hours after rupture of membranes with no cervical change.

B. A licensed healthcare practitioner shall not knowingly render FSBC services outside of their scope of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2117 (August 2022).

§6745. Admissions and Assessments

A. Each FSBC shall have written admission and assessment policies and criteria in accordance with the licensed healthcare practitioner's scope of practice. The FSBC shall have policies/procedures and written criteria for the evaluation of risk status, admission, transfer, discharge, and complications requiring medical or surgical intervention. The policies and procedures and written criteria shall be developed, implemented, enforced, monitored, and reviewed annually by the clinical staff and approved by the governing body.

B. An FSBC shall ensure that each client has the appropriate pre-natal and postpartum assessments completed, inclusive of suitability for less than 23-hour timeframe of client stay, ability of the FSBC to provide services needed in the postpartum period in accordance with

the prescribed plan of care, and discharge plans to home or another licensed facility setting.

C. The history and physical assessment prior to delivery shall specify that the client is clinically cleared for delivery in an FSBC and meets the requirements for FSBC services and this Chapter pursuant to applicable state statutes.

D. Upon admission, each client shall have a perinatal assessment completed by qualified personnel. The perinatal assessment shall include, at a minimum:

1. an updated clinical record entry documenting an examination for any changes in the client's condition since completion of the most recently documented clinical history and physical assessment;

2. documentation of any known allergies to drugs and/or biological agents; and

3. documentation of a standardized risk assessment for postpartum hemorrhage.

E. The client's clinical history and physical assessment shall be placed in the client's clinical record.

F. The client's postpartum condition shall be assessed and documented in the clinical record by qualified personnel in accordance with applicable state health and safety laws, FSBC policies, and standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2117 (August 2022).

§6747. Required Newborn Care

A. Each delivery shall be attended by two qualified personnel currently trained in:

1. adult cardiopulmonary resuscitation equivalent to American Heart Association Class C Basic Life Support;

2. Neonatal Resuscitation Program endorsed by American Academy of Pediatrics/American Heart Association; and

3. advanced cardiac life support (ACLS) certification in accordance with national accreditation standards.

B. The licensed healthcare practitioner shall be responsible for care of the newborn immediately following the delivery only. Subsequent infant care should be managed by a pediatrician or primary care physician. This does not preclude the licensed healthcare practitioner 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 shall be sent for medical evaluation as soon as possible.

C. The licensed healthcare practitioner shall ensure that Vitamin K is available at the time of delivery and take appropriate measures designed to prevent neonatal hemorrhage.

D. The licensed healthcare practitioner is responsible for ensuring that all neonatal tests required by state law are performed, in the timeframe as delineated by the law. If the parents object to such tests being performed on the infant, the licensed healthcare practitioner shall document this objection in the client's chart, notify and refer the newborn to the infant's pediatrician or primary care physician, and notify the appropriate authorities.

E. The licensed healthcare practitioner shall leave clear instructions for follow-up care, including signs and symptoms of conditions that require medical evaluation, especially fever, irritability, generalized rash, and lethargy.

F. The licensed healthcare practitioner shall be responsible for performing a glucose check for a newborn for conditions as recommended by the American Academy of Pediatrics.

G. The FSBC shall have a policy for oral glucose administration for the infant who does not respond to supplemental feedings in accordance with current standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2118 (August 2022).

§6749. Physician Evaluation of Newborn

A. The licensed healthcare practitioner shall recommend that any infant delivered by the licensed healthcare practitioner be evaluated by a pediatrician or primary care physician within three days of age or sooner if it becomes apparent that the newborn needs medical attention for problems associated with, but not limited to, congenital or other anomalies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2118 (August 2022).

§6751. Required Physician Consultation, Postpartum Period

A. The licensed healthcare practitioner shall obtain emergent medical consultation or refer for emergent medical care any woman who, during the postpartum period:

1. has a third-degree or fourth-degree perineal laceration;

2. has uterine atony;

3. bleeds in an amount greater than 500 milliliters and still continuing to bleed;

4. does not urinate or empty her genitourinary bladder within two hours of birth;

5. develops a fever greater than 100.4 degrees Fahrenheit or 38 degrees Centigrade on any two of the first 10 days postpartum, excluding the first 24 hours;

6. develops foul smelling lochia; or

7. develops blood pressure below 100/50 if pulse exceeds 100, pallor, cold clammy skin, and/or weak pulse.

B. The licensed healthcare practitioner shall obtain emergent medical consultation or refer for emergent medical care any infant who:

1. has an Apgar score of seven or less at five 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 weighs more than 10 pounds;
9. shows signs of prematurity, dysmaturity, or post maturity;
10. has meconium staining of the placenta, cord, and/or infant with signs or symptoms of aspiration pneumonia;
11. does not urinate or pass meconium in the first 24 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;
15. has persistent temperature below 97 degrees Fahrenheit per FSBC policy;
16. has jitteriness not resolved after feeding; or
17. has a blood glucose level of less than 45mg/dL.

C. The FSBC shall develop, implement, and enforce written policies to provide follow-up postpartum care to the newborn and the mother either directly or by referral. Follow up care may be provided in the FSBC, at the mother's residence, by telephone, or by a combination of these methods in accordance with accepted standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2118 (August 2022).

Subchapter D. Service Delivery

§6757. Perinatal Services

A. Perinatal services shall be well organized and provided in accordance with current acceptable national standards of practice adopted from national associations or organizations.

B. Birthing rooms shall be located to address privacy during occupancy for labor, birth, and postpartum care.

C. The FSBC shall ensure that the deliveries do not exceed the capabilities of the FSBC, and any length of client care does not exceed 23 hours post-delivery.

D. Except for the requirements of §6747.A. specific to deliveries, at least one licensed healthcare practitioner shall be immediately available whenever there is a client in the FSBC and shall have been trained in:

1. the use of emergency equipment;
2. adult cardiopulmonary resuscitation equivalent to American Heart Association Class C Basic Life Support;
3. Neonatal Resuscitation Program endorsed by American Academy of Pediatrics/American Heart Association; and
4. certified in advanced cardiac life support (ACLS).

E. A roster of licensed healthcare practitioners, specifying the delivery privileges of each, shall be kept in the FSBC and available to all staff.

F. Approved policies shall define which delivery procedures require a licensed healthcare practitioner who is acting within their scope of practice.

G. A birthing room register shall be accurately maintained and kept up-to-date and complete. This register shall be maintained for a six-year period. The register shall include, at a minimum, the:

1. client's complete name;
2. client's FSBC individual identification number;

3. licensed healthcare practitioner's name;
4. date and time of the delivery; and
5. type of delivery performed.

H. There shall be enough staff assigned to the postpartum care area to meet the needs of the clients. At a minimum, one qualified licensed healthcare practitioner shall be on-site and available for the length of any client stay in the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2119 (August 2022).

§6759. Transfer Agreements and Client Transfers

A. The FSBC shall secure a written transfer agreement with at least one receiving hospital in the community with policies and procedures for timely transport.

B. If the FSBC is not able to secure a written transfer agreement, the licensed healthcare practitioner shall be responsible for the safe and immediate transfer of the patients from the FSBC to a hospital when a higher level of care is indicated.

C. The FSBC shall be responsible for developing written policies and procedures for the safe transfer of patients and coordination of admission, when necessary, into an inpatient facility. The written policy shall include, but not be limited to:

1. identification of the FSBC personnel who shall be responsible for the coordination of admission into an inpatient facility;
2. procedures for security inpatient services; and
3. procedures for the procurement of the pertinent and necessary copies of the patient's medical record that will be sent with the transferring patient so that the information may be included in the patient's inpatient medical record.

D. The FSBC shall be located within 20 minutes' transport time to a general acute care hospital providing obstetric services 24 hours per day and seven days a week, with which the FSBC has a written transfer agreement. The FSBC shall maintain a contractual relationship with the general acute care hospital, including a written transfer agreement, which allows for an emergency caesarian delivery to begin within 30 minutes of the decision made by a licensed obstetrician at the receiving hospital that a caesarian delivery is necessary.

E. The licensed healthcare practitioner shall accompany any mother or infant requiring hospitalization to the hospital, giving any pertinent written records and verbal report to the physician assuming care. If possible, the licensed healthcare practitioner 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 FSBC, the licensed healthcare practitioner 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2119 (August 2022).

§6761. Discharges.

A. Each FSBC shall have written discharge policies and procedures. The written description of discharge policies shall be provided to the department upon request and made available to the client or his/her legal representative. The FSBC shall ensure that all elements of the discharge requirements are completed.

B. The mother and newborn shall not be discharged less than two hours from time of delivery of the placenta.

C. The postpartum needs of each client shall be addressed and documented in the discharge notes.

D. Upon discharge, the FSBC shall:

1. provide each client with written discharge instructions, including written guidelines detailing how the client may get emergency assistance for herself and her newborn;

2. provide each client with all supplies deemed clinically necessary per the discharge orders, excluding medications;

3. coordinate care with a licensed healthcare practitioner and/or provide care and support during the immediate and no later than 36 hours of birth including, but not limited to:

- a. maternal and newborn assessments and follow-up plans;
- b. current recommended newborn screenings;
- c. breastfeeding support and referral;
- d. screening for postpartum mental health issues;
- e. psychosocial assessment;
- f. family planning services; and
- g. referral for ongoing health issues

4. ensure that all clients are informed, either in advance of their delivery or prior to leaving the FSBC, of the following:

- a. necessary prescriptions;
- b. postpartum instructions that includes but is not limited to the following post-birth warning signs:
 - i. *P*-pain in your chest;
 - ii. *O*-obstructed breathing or shortness of breath;
 - iii. *S*-seizures;
 - iv. *T*-thoughts of hurting yourself or your baby;
 - v. *B*-bleeding that is soaking through one pad/hour, or blood clots the size of an egg or bigger;
 - vi. *I*-incision that is not healing;
 - vii. *R*-red or swollen leg that is painful or warm to touch;
 - viii. *T*-temperature of 100.4 degrees Fahrenheit or higher; and
 - ix. *H*-headache that does not improve, even after taking medicine for relief, or a bad headache with vision changes; and
- c. licensed healthcare practitioner(s) contact information for follow-up care of the mother and her newborn.

E. The FSBC shall ensure that each client has a discharge order signed by the licensed healthcare practitioner who performed the delivery;

F. The FSBC shall ensure and document that all clients are discharged in the company of a responsible adult, except those clients exempted by the attending licensed healthcare practitioner. Such exemptions shall be specific and

documented for individual clients. Blanket exemptions are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40: 2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2120 (August 2022).

Subchapter E. Facility Responsibilities

§6767. General Provisions

A. FSBCs shall comply and show proof of compliance with all relevant federal, state, and local rules and regulations. It is the FSBC's responsibility to secure the necessary approvals from the following entities:

1. HSS;
2. OSFM architectural and licensing plan review;
3. OPH;
4. OSFM *Life Safety Code* inspection; and
5. the applicable local governing authority (e.g., zoning, building department or permit office).

B. The administrator, or designee, shall be accessible to FSBC staff or designated representatives of the department any time there is a client in the FSBC.

C. An FSBC shall have qualified staff sufficient in number to meet the needs of clients and to ensure provision of services.

D. The FSBC shall develop and maintain documentation of an orientation program for all employees, either contact or staff, that is of sufficient scope and duration to inform the individual about his/her responsibilities, how to fulfill them, review of policies and procedures, job descriptions, competency evaluations, and performance expectations. An orientation program and documented competency evaluation and/or job expectations of assigned or reassigned duties shall be conducted prior to any assignments or reassignments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2120 (August 2022).

§6769. Staffing Requirements

A. Administrative Staff. The following administrative staff is required for all FSBCs:

1. a qualified administrator at each licensed geographic location who shall meet the qualifications as established in these provisions;
2. other administrative staff as necessary to operate the FSBC and to properly safeguard the health, safety, and welfare of the clients receiving services; and
3. an administrative staff person on-call and available via telecommunication after routine daytime or office hours for the length of any client stay in the FSBC.

B. Administrator

1. Each FSBC shall have a qualified administrator who is a full-time on-site employee responsible for the day-to-day management, supervision, and operation of the FSBC.

2. Any current administrator employed by a licensed FSBC, at the time these licensing provisions are adopted and become effective, shall be deemed to meet the qualifications of the position of administrator as long as that individual holds his/her current position. If that individual leaves his/her current position, he/she shall be required to meet the

qualifications stated in these licensing provisions to be re-employed into such a position.

3. The administrator shall meet the following qualifications:

a. possess a college degree from an accredited university; and

b. have one year of previous work experience involving administrative duties in a healthcare facility.

4. Changes in the administrator shall be reported to the department within 10 days of the change on the appropriate form designated by the department.

C. The director of clinical midwifery services shall:

1. have a current, unrestricted Louisiana license as a physician, a CNM, or a licensed midwife;

2. be in good standing with the applicable state licensing board; and

3. shall have a minimum of one-year experience in a healthcare setting and possess the knowledge, skills and experience consistent with the complexity and scope of delivery services provided by the FSBC;

a. the director of clinical midwifery services holding dual administrative/midwifery director roles shall meet the qualifications of each role; and

b. changes in the director of clinical midwifery services shall be reported in writing to the department within 10 days of the change on the appropriate form designated by the department.

D. Responsibilities of the administrator and the director of clinical midwifery services. The administrator and the director of clinical midwifery services shall develop, adopt, implement, and monitor the policies and procedures of the FSBC and the professional services of the staff. The staff bylaws shall be maintained within the FSBC. The bylaws and rules shall contain provisions for at least the following:

1. developing the structure of the licensed healthcare practitioner staff, including qualified personnel and categories of membership;

2. developing, implementing, and monitoring policies and procedures to review credentials, at least every two years, and to delineate and recommend approval for individual privileges;

3. developing, implementing, and monitoring policies and procedures to ensure that all licensed healthcare practitioner staff possess current and unrestricted Louisiana licenses and that each member of the licensed practitioner staff is in good standing with his/her respective licensing board;

4. providing recommendations to the governing body for membership to the licensed healthcare practitioner staff with initial appointments and reappointments not to exceed two years;

5. developing, implementing, and monitoring policies and procedures for the suspension and/or termination of membership to the licensed healthcare practitioner staff;

6. developing, implementing, and monitoring criteria and frequency for review and evaluation of past performance of its individual staff members. This process shall include monitoring and evaluation of the quality of client care provided by each individual;

7. the appointment of committees as deemed appropriate;

8. reviewing and making recommendations for revisions to all policy and procedures at least annually; and

9. meeting at least semi-annually. One of these meetings shall be designated as the official annual meeting. A record of attendance and minutes of all licensed healthcare practitioner staff meetings shall be maintained within the FSBC.

E. Licensed Healthcare Practitioner Staff

1. The FSBC shall have an organized licensed healthcare practitioner staff, inclusive of one or more of the following, who shall attend each woman in labor from the time of admission through birth and the immediate postpartum period:

a. a licensed obstetrician;

b. a certified nurse midwife; or

c. a licensed midwife.

2. A licensed obstetrician providing birthing services within the FSBC shall:

a. hold a current, unrestricted state license issued by the LSBME;

b. be actively engaged in a clinical obstetrical practice;

c. have hospital privileges in obstetrics in a hospital accredited by the Joint Commission; and

d. practice within the scope of practice of a licensed physician in accordance with applicable state statutes and regulations.

3. A CNM or LM providing birthing services within the FSBC shall be a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

4. All licensed practitioner staff shall be accountable to the governing body for the quality of all perinatal care provided to clients and newborns, and for the ethical and professional practices of its members.

5. The licensed healthcare practitioner staff shall be legally and professionally qualified for the positions to which they are appointed and for the performance of privileges granted.

6. A licensed healthcare practitioner staff shall remain within the FSBC until all clients are assessed as stable.

7. The client's attending licensed healthcare practitioner staff, or designated on-call licensed healthcare practitioner staff, shall be available by telephone for consultation and evaluation of the client, and available to be on-site within 30 minutes if needed, until the client is discharged from the FSBC.

8. Each client admitted to the FSBC shall be under the professional supervision of a member of the FSBC's licensed healthcare practitioner staff who shall assess, supervise, and evaluate the care of the client.

9. Credentialing files for each staff shall be kept current and maintained within the FSBC at all times.

F. Delivery Services Staff. The staffing pattern shall provide for sufficient qualified personnel and for adequate supervision and direction by licensed healthcare practitioners consistent with the number of deliveries performed and throughout the length of any client stay in the FSBC.

1. Delivery services shall be under the direction of a licensed healthcare practitioner that includes a plan of

administrative authority with written delineation of responsibilities and duties for each category of staff members.

2. The FSBC shall ensure that the delivery services are directed under the leadership of licensed healthcare practitioner(s) sufficient in number, and on duty at all times that the FSBC is in operation and a client is in the center, to plan, assign, supervise, and evaluate delivery services, as well as to give clients the high-quality care that requires the judgment and specialized skills of licensed healthcare practitioners.

a. There shall be sufficient staff with the appropriate qualifications to assure ongoing assessment of clients' needs and that these identified needs are addressed. The number and types of staff is determined by the volume and types of delivery the FSBC performs.

3. All licensed healthcare practitioners employed, contracted, or working with the FSBC shall have a current, unrestricted, and valid Louisiana license to practice. Nonprofessional or unlicensed qualified personnel employed, contracted, and performing delivery care services shall be under the supervision of a licensed healthcare practitioner.

4. There shall be, at minimum, one licensed practitioner with ACLS certification on duty, in the building, and immediately available at any time there is a client in the FSBC in accordance with national accreditation standards.

5. A formalized program on in-service training shall be developed and implemented for all categories of the FSBC staff. Training shall be required on a quarterly basis related to required job skills.

a. Documentation of such in-service training shall be maintained on-site in the FSBC's files. Documentation shall include the:

- i. training content;
- ii. date and time of the training;
- iii. names and signatures of personnel in attendance; and
- iv. name of the presenter(s).

6. General staffing provisions for the delivery rooms shall be the following:

- a. each delivery procedure shall be performed by a licensed healthcare practitioner; and
- b. appropriately trained qualified personnel may perform assistive functions during each delivery procedure.

G. General Personnel Requirements

1. All licensed qualified personnel and FSBC employees, including contracted personnel shall meet and comply with these personnel requirements.

2. All licensed qualified personnel and FSBC employees, including contracted personnel, prior to and at the time of employment and annually thereafter, shall be verified to be free of tuberculosis in a communicable state in accordance with the FSBC's policies and procedures and the current Centers for Disease Control and Prevention (CDC) and the OPH recommendations.

3. All unlicensed qualified personnel involved in direct client care and/or services shall be supervised by a licensed healthcare practitioner.

4. A personnel file shall be maintained within the FSBC on every employee, including contracted employees.

Policies and procedures shall be developed to determine the contents of each personnel file. At a minimum, all personnel files shall include the following:

- a. an application;
- b. current verification of professional licensure;
- c. healthcare screenings as defined by the FSBC;
- d. orientation and competency verification;
- e. annual performance evaluations;
- f. criminal background checks for unlicensed staff,

prior to offer of direct or contract employment, after the effective date of this Rule, as applicable and in accordance with state law. The criminal background check shall be conducted statewide by the Louisiana State Police or its authorized agent; and

g. any other screenings required of new applicants by state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2120 (August 2022).

§6771. Medications for Mother and Newborn

A. The licensed healthcare practitioners may administer and/or order medications in accordance with their scope of practice and licensing regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2122 (August 2022).

§6773. Clinical Records

A. Each FSBC shall make provisions for securing clinical records of all media types, whether stored electronically or in paper form. The identified area or equipment shall be secured to maintain confidentiality of client records and shall be restricted to staff movement and remote from treatment and public areas.

B. All client records shall be protected from loss or damage.

C. The FSBC shall have a designated area located within the FSBC which shall provide for the proper storage, protection and security for all clinical records and documents.

D. The FSBC shall develop and maintain a unique clinical record for each client admitted and/or treated. Records may exist in hard copy, electronic format, or a combination thereof.

E. The FSBC shall ensure the confidentiality of client records, including information in a computerized clinical record system, in accordance with the Health Insurance Portability and Accountability Act (HIPAA) regulations and any state laws, rules, and regulations.

1. If computerized records are used, the FSBC shall develop:

- a. a back-up system for retrieval of critical clinical records;
- b. safeguards/firewalls to prevent unauthorized use and access to information; and
- c. safeguards/firewalls to prevent alterations of electronic records.

F. A unique clinical record shall be maintained for every client admitted and/or treated.

G. The following data shall be documented and included as part of each client's basic clinical record:

1. unique client identification;
2. admission and discharge date(s) and times of mother and infant;
3. clinical and social history;
4. physical examination notes of mother and infant in accordance with clinical staff bylaws, policies, and procedures;
5. diagnosis(es);
6. licensed practitioner's orders;
7. clinical laboratory report(s), if any;
8. pathology report(s), if any;
9. radiological report(s), if any;
10. consultation report(s), when appropriate;
11. delivery and treatment regimen;
12. licensed practitioner's progress notes;
13. nurses' records of care provided, and medications administered, if any;
14. authorizations, consents, or releases;
15. delivery report;
16. medication record to include, but not limited to:
 - a. type of medication or local anesthetic, if used;
 - b. route of medication administered, if any;
 - c. person administering the medication or local anesthetic, if used; and
 - d. post-medication assessment, when appropriate;
17. name(s) of the treating licensed practitioner(s);
18. start and end time of the delivery procedure and time of birth of infant;
19. a current informed consent for delivery procedure and local anesthetics that includes the following:
 - a. name of the client;
 - b. client individual identification number;
 - c. name of the procedure being performed;
 - d. reasonable and foreseeable risks and benefits;
 - e. name of the licensed healthcare practitioner(s) who will perform the procedure or delivery;
 - f. signature of client or legal guardian or individual designated as having power of attorney for clinical decisions on behalf of the client, if any;
 - g. date and time the consent was obtained; and
 - h. signature and professional credential of the person witnessing the consent;
20. delivery procedures report(s);
21. client education and discharge instructions; and
22. a discharge summary, including:
 - a. licensed healthcare practitioner progress notes; and
 - b. discharge notes.

H. The clinical records shall be under the custody of the FSBC and maintained in its original, electronic, microfilmed, or similarly reproduced form for a minimum period of 10 years from the date a client is discharged. The FSBC shall provide a means to view or reproduce the record in whatever format it is stored.

I. Clinical records may be removed from the premises for computerized scanning for the purpose of storage. Contracts, for the specific purpose of scanning at a location other than the FSBC, shall include provisions addressing how:

1. the clinical record shall be secured from loss or theft or destruction by water, fire, etc.; and

2. confidentiality shall be maintained.

J. Clinical records may be stored off-site provided that:

1. the confidentiality and security of the clinical records are maintained; and

2. a 12-month period has lapsed since the client was last treated in the FSBC.

K. Each clinical entry and all orders shall be signed by the licensed healthcare practitioner(s) and shall include the date and time. Clinical entries and any observations made by the licensed healthcare practitioner(s) shall be signed by the licensed healthcare practitioner and shall include the date and time.

1. If electronic signatures are used, the FSBC shall develop a procedure to assure the confidentiality of each electronic signature and shall prohibit the improper or unauthorized use of any computer-generated signature.

2. Signature stamps shall not be used.

L. All pertinent observations, treatments, and medications given to a client shall be entered in the staff notes as part of the clinical record. All other notes relative to specific instructions from the licensed practitioner shall be recorded.

M. Completion of the clinical record shall be the responsibility of the admitting licensed healthcare practitioner within 30 days of client discharge.

N. All hardcopy entries into the clinical record shall be legible and accurately written in ink. The recording person shall sign the entry to the record and include the date and time of entry. If a computerized clinical records system is used, all entries shall be authenticated, dated and timed, complete, properly filed and retained, accessible and reproducible.

O. Written orders signed by a member of the licensed healthcare practitioner staff shall be required for all medications and treatments administered to clients and shall include the date and time ordered. Verbal orders shall include read-back verification. All verbal orders shall be authenticated by the ordering licensed healthcare practitioner within 48 hours to include the signature of the ordering licensed healthcare practitioner, date, and time.

P. The use of standing orders is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2122 (August 2022).

§6774. Other Records and Reports

A. The following indexes, records and registers shall be required of the licensed FSBC:

1. a client's register;
2. a birthing room register;
3. a birth register;
4. daily census report of admissions and discharges;
5. records of reportable diseases, if any, as required by state and/or federal regulations;
6. a laboratory log denoting laboratory specimen(s) that are sent for pathology interpretation, if any, and a CLIA certificate in accordance with the type laboratory procedures conducted in the center;

a. the laboratory log shall include, at a minimum, the following information:

- i. the client's name;
- ii. the specimen site; and
- iii. the date the specimen was sent for pathology interpretation;

7. mortality records, including in the event of a miscarried child.

B. Nothing in this Chapter is intended to preclude the use of automated or centralized computer systems or any other techniques provided the regulations stated herein are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2123 (August 2022).

§6775. Quality Assurance and Performance Improvement

A. The governing body shall ensure that there is an implemented, maintained, effective, written, data-driven, and ongoing program designed to assess and improve the quality of client care. This program shall include all services, provided directly or through contract.

B. The governing body shall ensure that it allocates sufficient staff, time, information systems, and training to implement the quality assurance and performance improvement (QAPI) program and for participation in the state perinatal quality collaborative, which is under the authority of the Louisiana Commission on Perinatal Care and Prevention on Infant Mortality, defined as reporting perinatal measures determined by the Louisiana Commission on Perinatal Care and Prevention on Infant Mortality.

C. The FSBC shall ensure there is a written quality assurance plan for assessing and improving quality of care that is focused on problem-prone areas, and which specifies the intervals that the FSBC shall actively collect data related to the quality indicators and show participation in the state perinatal quality collaborative as required. Performance improvement activities shall consider incidence, prevalence, and severity of problems and those that can affect health outcomes, client safety, and quality of care. The plan shall describe the system for overseeing and analyzing the effectiveness of monitoring, evaluation, and sustained improvement activities. All services related to client care, including services furnished by a contractor shall be evaluated.

D. Nosocomial infections, client care outcomes, and perinatal and newborn care services performed in the FSBC shall be evaluated as they relate to appropriateness of care and services rendered.

E. The services provided by each licensed healthcare practitioner with FSBC privileges shall be periodically evaluated to determine whether they are of an acceptable level of quality and appropriateness in accordance with clinical staff bylaws/rules and regulations.

F. The QAPI program shall monitor, identify, and develop a plan for elimination of medication errors and adverse client (mother and infant) events.

G. Corrective actions to problems identified through the QAPI program, with on-going monitoring for sustained corrective action, shall be documented. All QAPI data shall be documented and remain within the FSBC. Staff education and training related to the correction of problems shall be documented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2124 (August 2022).

Subchapter F. Safety, Sanitization and Emergency Preparedness

§6779. General Provisions

A. The FSBC shall have policies and procedures, approved and implemented by the clinical staff and governing body, that address provisions for:

1. sanitizing, disinfecting, and sterilizing supplies, equipment, and utensils; and
2. the safe use of cleaning supplies and solutions that are to be used and the directions for use, including:
 - a. terminal cleaning of the birthing rooms; and
 - b. cleaning of the birthing rooms between delivery procedures.

B. Policies and procedures shall be developed, implemented, and approved by the FSBC's governing body for the types and numbers of sterilizing equipment and autoclaves sufficient to meet the sterilization needs of the FSBC.

1. Procedures for the proper use of sterilizing equipment for the processing of various materials and supplies shall be in writing, according to manufacturer's recommendations, and readily available to personnel responsible for the sterilizing process.

2. All sterilization monitoring logs shall be maintained within the FSBC for a minimum of 18 months.

C. All steam sterilizing equipment shall have live bacteriological spore monitoring performed at a frequency according to the manufacturer's instructions.

1. If tests are positive, a system shall be in place to recall supplies that have tested substandard in accordance with the FSBC's policies and procedures set forth by the FSBC's governing body.

D. All ethylene oxide sterilizing equipment shall have live bacteriological spore monitoring performed with each load and according to manufacturer's recommendation. There shall be ventilation of the room used for this sterilization to the outside atmosphere. There shall be a system in place to monitor trace gases of ethylene oxide with a working alert system which is tested and documented daily.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2124 (August 2022).

§6781. Infection Control

A. The FSBC shall maintain an infection control program that minimizes infections and communicable

diseases through prevention, investigation, and reporting of infections. This program shall include all contracted services.

B. The FSBC shall provide a functional and sanitary environment for the provision of delivery services by adopting and adhering to professionally accepted standards of practice. The FSBC shall have documentation that the infection control program was considered, selected, and implemented based on nationally recognized infection control guidelines.

C. The infection control program shall be under the direction of a designated and qualified professional. The FSBC shall determine that the individual selected to lead the infection control program has had documented training in the principles and methods of infection control. The individual shall maintain his/her qualifications through ongoing education and training, which can be demonstrated by participation in infection control courses or in local and national meetings organized by a nationally recognized professional infection control society.

D. The FSBC shall develop, with the approval of the director of clinical midwifery services and the governing body, policies and procedures for preventing, identifying, reporting, investigating, controlling, and immediately implementing corrective actions relative to infections and communicable diseases of clients and personnel. At a minimum, the policies shall address:

1. hand sanitizers and hand hygiene;
2. use of all types of gloves and personal protective equipment, as appropriate;
3. scrub procedures;
4. linen cleaning and reuse;
5. waste management;
6. environmental cleaning;
7. reporting, investigating, and monitoring of infections;
8. sterilization and cleaning procedures and processes;
9. single use devices;
10. disinfecting procedures and processes;
11. breaches of infection control practices; and
12. utilization of clean and dirty utility areas.

E. The FSBC shall have policies and procedures developed and implemented which require immediate reporting, according to the latest criteria established by the CDC, OPH, and the Occupational Safety and Health Administration (OSHA), of the suspected or confirmed diagnosis of a communicable disease.

F. The FSBC shall maintain an infection control log of incidents related to infections. The log is to be maintained within the FSBC for a minimum of 18 months.

G. Any employee with a personal potentially contagious/or infectious illness shall report to his/her immediate supervisor and/or director of midwifery services for possible reassignment or other appropriate action to prevent the disease or illness from spreading to other clients or personnel.

1. Employees with symptoms of illness that have the potential of being potentially contagious or infectious (i.e. diarrhea, skin lesions, respiratory symptoms, infections, etc.) shall be either evaluated by a physician or another qualified

licensed practitioner and/or restricted from working with clients during the infectious stage.

H. Provisions for isolation of clients with a communicable or contagious disease shall be developed and implemented according to FSBC policy and procedure.

I. Provisions for transfer of clients from the FSBC shall be developed and implemented according to FSBC policy and procedure.

J. The FSBC shall develop a system by which potential complications/infections that develop after discharge of a client from the FSBC are reported, investigated, and monitored by the infection control officer.

K. Procedures for isolation techniques shall be written and implemented when applicable.

L. The FSBC shall have a written and implemented waste management program that identifies, and controls wastes and hazardous materials to prevent contamination and the spread of infection within the FSBC. The program shall comply with all applicable laws and regulations governing wastes and hazardous materials and the safe handling of these materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2124 (August 2022).

§6783. Laundry Handling and Sanitation

A. The FSBC shall be responsible for ensuring the proper handling, cleaning, sanitizing, and storage of linen and other washable goods, whether provided by the FSBC or provided by a contracted vendor. All linen used in the FSBC shall be of sufficient quantity to meet the needs of the clients.

B. Laundry services shall be provided either in-house or through a contracted commercial laundry service in accordance with the FSBC's policies and procedures, as set forth by the governing body.

1. Contracted Laundry Service

a. If laundry service is contracted, the FSBC shall assess the cleaning and sanitizing processes that are used by the commercial laundry service.

2. In-House Laundry Service

a. If laundry services are provided in-house, policies and procedures shall be developed which follow manufacturer's recommended guidelines for water temperature, the method for cleaning and sanitizing reusable laundry, and the type of cleaning products utilized to prevent the transmission of infection through the FSBC's multi-use of these washable goods.

b. The water temperature shall be monitored and documented on the days of use.

C. Procedures shall be developed for the proper handling and distribution of linens to minimize microbial contamination from surface contact or airborne deposition.

D. Cross contamination of clean and dirty linen shall be prevented. Provisions shall be made for the separation of clean and soiled linen. All contaminated laundry shall be handled according to the FSBC's written protocols in accordance with current applicable OSHA and CDC guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2125 (August 2022).

§6785. Emergency Preparedness and Emergency Procedures

A. Disaster and emergency plans shall be developed by the governing body, updated annually, and shall be based on a risk assessment using an all hazards approach for both internal and external occurrences. Disaster and emergency plans shall include provisions for persons with disabilities.

B. The FSBC shall develop and implement policies and procedures based on the emergency plan, risk assessment, and communication plan, which shall be reviewed and updated at least annually. Such policies shall include a system to track on duty staff and sheltered clients, if any, during the emergency.

C. The FSBC shall develop and maintain an emergency preparedness communication plan that complies with state and local laws. Client care shall be well-coordinated within the FSBC, across healthcare providers, and with state and local public health departments and emergency systems.

D. The FSBC shall develop and maintain training and testing programs, including initial training in policies and procedures that demonstrate knowledge of emergency procedures. Such training shall be provided at least annually.

E. Additional Requirements

1. Each FSBC shall post exit signs and diagrams conspicuously through the facility.

2. Flashlights or battery-operated lamps for emergency use shall be available for FSBC personnel and clients in areas occupied by clients and visitors and kept in operational condition.

3. The FSBC shall ensure that emergency equipment is:

- a. immediately available and sufficient in number for use during emergency situations;
- b. appropriate for the FSBC's client population; and
- c. maintained by appropriate personnel.

4. The FSBC shall have written policies and procedures that address the availability and appropriate use of emergency equipment in the FSBC's birthing rooms in keeping with the most recent AABC standards.

5. The FSBC shall have battery or an operable backup generator of sufficient size to support and maintain necessary life-sustaining medical equipment, emergency lighting, fire detection and extinguishing, gas monitoring systems, and alarm and security systems to provide for the health, safety, welfare, and the well-being of persons receiving services at FSBC; and to provide for the safe operation and maintenance of FSBC.

6. The FSBC is responsible for:

a. developing and implementing policies and procedures for the safe emergency transfer of clients and/or newborns from the FSBC if an emergency impacts the FSBC's ability to provide services to the client and/or the newborns;

b. developing policies that address what types of emergency procedures, equipment and medications shall be available; and

c. providing trained staff to sustain the life of the client or newborn prior to the transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2126 (August 2022).

§6787. Inactivation of License due to a Declared Disaster or Emergency

A. An FSBC licensed in a parish which is the subject of an executive order or proclamation of emergency or disaster, issued in accordance with R.S. 29:724 or R.S. 29:766, may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the FSBC shall submit written notification to the HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the FSBC has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the FSBC intends to resume operation as an FSBC in the same service area; and

c. the FSBC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services.

NOTE: Pursuant to these provisions, an extension of the 60-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the FSBC requires an extension of the timeframe to complete construction or repairs due to circumstances beyond the FSBC's control, the department will consider an extended time period to complete. The written request for extension shall show the FSBC's active efforts to complete construction or repairs and the reasons for request for extension of the FSBC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the FSBC resumes operating in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

3. the FSBC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties, if applicable; and

4. the FSBC continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an FSBC license, the department shall issue a notice of inactivation of license to the FSBC.

C. Upon completion of repairs, renovations, rebuilding, or replacement, an FSBC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met.

1. The FSBC shall submit a written license reinstatement request to HSS 60 days prior to the anticipated date of reopening.

a. The license reinstatement request shall inform the department of the anticipated date of reopening and shall request scheduling of a licensing survey.

b. The license reinstatement request shall include a completed licensing application with appropriate licensing fees.

c. The FSBC shall submit the following:

i. a copy of the approval letter of the architectural facility plans from the OSFM and any other office/entity designated by the department to review and approve the facility's architectural plans;

ii. a copy of the on-site inspection report with approval for occupancy by OSFM, if applicable; and

iii. a copy of the on-site health inspection report with approval of occupancy from OPH.

2. The FSBC resumes operating in the same service area within one year.

D. Upon receiving a completed written request to reinstate an FSBC license, the department shall conduct a licensure survey. If the FSBC meets the requirements for licensure and the requirements under this Section, the department may issue a notice of reinstatement of the FSBC license.

E. No CHOW of the FSBC shall occur until such FSBC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as an FSBC.

F. The provisions of this Section shall not apply to an FSBC which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FSBC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2126 (August 2022).

§6789. Inactivation of License due to a Non-Declared Emergency or Disaster

A. An FSBC in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the FSBC shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the FSBC has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the facility intends to resume operation as an FSBC in the same service area;

c. the FSBC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the FSBC's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding, or replacement of the facility;

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the FSBC requires an extension of the timeframe to complete construction or repairs due to circumstances beyond the FSBC's control, the department will consider an extended time period to complete such. Written request for extension shall show the FSBC's active efforts to

complete construction or repairs and the reasons for request for extension of the FSBC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the FSBC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the FSBC continues to submit required documentation and information to the department, including but not limited to, cost reports.

B. Upon receiving a completed written request to temporarily inactivate the FSBC license, the department shall issue a notice of inactivation of license to the FSBC.

C. Upon the FSBC's receipt of the department's approval of request to inactivate the license, the FSBC shall have 90 days to submit plans for the repairs, renovations, rebuilding, or replacement of the FSBC to OSFM and OPH as required.

D. The FSBC shall resume operating as an FSBC in the same service area within one year of the approval of renovation/construction plans by OSFM and OPH as required.

E. Upon completion of repairs, renovations, rebuilding, or replacement of the FSBC, an FSBC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the FSBC shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate an FSBC license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the FSBC has met the requirements for licensure including the requirements of this Subsection.

G. No CHOW of the FSBC shall occur until such FSBC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as an FSBC.

H. The provisions of this Section shall not apply to an FSBC which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FSBC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2127 (August 2022).

Subchapter G. Physical Environment

§6793. General Requirements

A. The standards in this Subchapter shall apply to any FSBC constructed after the effective date of this rule, or an FSBC that makes alterations, additions, or substantial

rehabilitation to an existing FSBC or adaptation of an existing building to create an FSBC. Cosmetic changes to the FSBC such as painting, flooring replacement, or minor repairs shall not be considered an alteration or substantial rehabilitation.

EXCEPTION: For those applicants for FSBC licensure who received plan review approval from the OSFM before the effective date of the promulgation of this Rule, or who have begun construction or renovation of an existing building before the effective date of the promulgation of this Rule, the physical environment requirements of §6793 shall not apply.

B. An applicant for an FSBC license shall furnish one complete set of architectural plans and specifications to the entity/office designated by the department to review and approve the facility's architectural plans and the OSFM.

1. The office designated by the department to review and approve architectural drawings and specifications and the OSFM shall review and approve the *Life Safety Code* plans before construction can begin.

2. When the plans and specifications have been reviewed and all inspections and investigations have been made, the applicant will be notified whether the plans for the proposed FSBC have been approved.

C. No alterations, other than minor alternations, shall be made to existing facilities without the prior written approval of, and in accordance with, architectural plans and specifications approved in advance by the department, or its designee, and the OSFM.

D. All new construction, additions and renovations, other than minor alterations, shall be in accordance with the specific requirements of the OSFM and the department, or its designee, who shall be responsible for the review and approval of architectural plans. Plans and specifications submitted to these offices shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

E. All designs and construction shall be in accordance with the provisions of LAC Title 51, *Public Health—Sanitary Code*.

F. Facility within a Facility

1. If more than one healthcare provider occupies the same building, premises, or physical location, all treatment facilities and administrative offices for each healthcare facility shall be clearly separated from the other by a clearly defined and recognizable boundary.

2. There shall be clearly identifiable and distinguishable signs posted inside the building as well as signs posted on the outside of the building for public identification of the FSBC. Compliance with the provisions of R.S. 40:2007 shall be required.

3. An FSBC that is located within a building that is also occupied by one or more other businesses and/or other healthcare facilities shall have all licensed spaces and rooms of the FSBC contiguous to each other and defined by cognizable boundaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2127 (August 2022).

§6795. General Appearance and Space Requirements

A. The FSBC shall be constructed, arranged, and maintained to ensure the safety and well-being of the clients and the general public it serves in accordance with the current Facility Guidelines for Design and Construction of Hospitals and Outpatient Facilities approved by the OSFM.

B. The FSBC shall have a minimum of two birthing rooms to meet the needs of the clients being served. In addition to the birthing rooms, the FSBC may also have one or more treatment rooms.

C. The location of the birthing rooms within the FSBC, and the access to it, shall conform to professionally accepted standards of practice, particularly for infection control, with respect to the movement of people, equipment and supplies in and out of the birthing rooms.

1. The location shall have a working heating, ventilation, and air conditioning system that is monitored and adjusted according to the needs of the client.

D. Birthing Rooms

1. The birthing rooms shall be constructed in accordance with the current OSFM approved standards.

2. The area of the birthing rooms shall be in a segregated and secured section of the FSBC and shall be removed from general lines of traffic of both visitors and other FSBC personnel, and from other departments to prevent traffic through them.

3. The birthing rooms shall be appropriately equipped to safely provide for the needs of the client and in accordance with accepted clinical practices. The birthing rooms shall consist of a clear and unobstructed floor area to accommodate the equipment and personnel required, allowing for aseptic technique. Only one birthing procedure shall be performed in a birthing room.

E. There shall be sufficient space between and around lounge chairs/stretchers and between fixed surfaces and lounge chairs/stretchers to allow for clinical staff access to each client.

F. The FSBC shall have a separate waiting area sufficient in size to provide adequate seating space for family members and/or guests of the client.

G. The FSBC shall meet the following requirements including, but not limited to:

1. a sign shall be posted on the exterior of the FSBC that can be viewed by the public which shall contain, at a minimum, the "doing business as" name that is stated on the FSBC's license issued by the department;

2. signs or notices shall be prominently posted in the FSBC stipulating that smoking is prohibited in all areas of the FSBC;

3. policies and procedures shall be developed for maintaining a clean and sanitary environment at all times;

4. there shall be sufficient storage space for all supplies and equipment. Storage space shall be located away from foot traffic, provide for the safe separation of items, and prevent overhead and floor contamination;

5. all client care equipment shall be clean and in working order. Appropriate inspections of client care equipment shall be maintained according to manufacturer's recommendations and FSBC policies and procedures; and

6. each FSBC shall provide for a covered entrance, well-marked, and illuminated for drop off and/or pick up of clients before and after delivery services are complete. The covered entrance shall extend to provide full overhead coverage of the entire transporting automobile and/or ambulance to permit protected transfer of clients. Vehicles in the loading area should not block or restrict movement of other vehicles in the drive or parking areas immediately adjacent to the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2128 (August 2022).

Dr. Courtney N. Phillips
Secretary

2208#063

RULE

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

Intermediate Care Facilities for
Persons with Intellectual Disabilities
Temporary Reimbursement for Private Facilities
(LAC 50:VII.32904)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:VII.32904 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32904. Temporary Reimbursement for Private Facilities

A. - D.4....

E. The Medicaid daily rate will include a direct care \$12 add-on to reimburse providers for increased cost related to retaining and hiring direct care staff. This add-on will be discontinued upon the next rebase, or at the discretion of the department.

NOTE: Medicaid providers have up to a year from the date of service to bill Medicaid for their claims. The provisions of this Subsection will apply to claims effective for dates of service on or after January 1, 2022.

1. Effective April 1, 2022, the minimum hourly wage floor paid to directly employed (non-contracted) non-nursing/physician direct care worker shall be \$9 per hour.

a. Directly employed non-nursing/physician direct care workers will include any employee whose wage expense is reported on sch H - expenses lines A.2. - A.8. on the Medicaid cost report.

b. Providers shall submit to the department or its representatives all requested documentation to verify compliance with the direct care wage floor.

i. This documentation may include, but is not limited to, payroll records, wage and salary documents, payroll check stubs, and supplemental cost report schedules.

ii. Providers shall produce the required documentation upon request and within the time frame indicated by the department, or the provider may be subject to sanctions, full recoupment of add-on payments received, and/or disenrollment in the Medicaid Program.

c. Providers with directly employed non-nursing/physician direct care worker(s) that is (are) identified as not meeting the minimum hourly wage floor requirement shall be subject to a recoupment that is calculated as the differential between the minimum hourly wage floor and the actual hourly wage paid for all hours worked during the reporting period by the specific employee(s) that did not meet the minimum hourly wage floor requirement. This recoupment shall not exceed the total amount paid to the provider for the \$12 direct care add-on in a state fiscal year. This penalty is not mutually exclusive of any other direct care floor or related penalty. Additionally, any recoupment as a result of the wage floor will not impact any other direct care floor recoupment calculation.

i. The hourly wage of a directly employed non-nursing/physician direct care worker will be calculated as the total regular (non-overtime) wage expense (exclusive of bonus, benefits, etc.) divided by the total regular (non-overtime) hours worked during the reporting period.

2. Effective April 1, 2022, a facility wide direct care floor is established at 75 percent of the per diem for direct care payment and at 100 percent of the \$12 direct care add-on payment for year. In no case shall a facility receiving this add-on payment have total facility payments reduced to less than 104 percent of the total facility cost as a result of imposition of the direct care floor. For facilities that also receive add-on payments related to complex care or pervasive plus, the greater of the direct care floors will be applicable.

a. If the direct care cost the facility incurred on a per diem basis, plus add-on, is less than the appropriate facility direct care floor, the facility shall remit to the bureau the difference between these two amounts times the number of facility Medicaid days paid during the cost reporting period. This remittance shall be payable to the bureau upon submission of the cost report.

b. Upon completion of desk reviews or audits, facilities will be notified by the bureau of any changes in amounts due based on audit or desk review adjustments.

c. Direct care floor recoupment as a result of a facility not meeting the required direct care per diem floor is considered effective 30 days from the issuance of the original notice of determination. Should an informal reconsideration be requested, the recoupment will be considered effective 30 days from the issuance of the results of an informal hearing. The filing of a timely and adequate notice of an administrative appeal does not suspend or delay the imposition of a recoupment(s).

d. The direct care floor recoupment is not mutually exclusive of any penalty related to not meeting the minimum direct care wage floor or any other penalty.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:593 (May 2021), amended LR 48:2129 (August 2022).

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

Dr. Courtney N. Phillips
Secretary

2208#064

RULE

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

Nursing Facilities—Levels of Care
(LAC 50:II.10154 and 10156)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services has amended LAC 50:II. §10154 and §10156 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 3. Standards for Payment

Chapter 101. Standards for Payment for Nursing Facilities

Subchapter G. Levels of Care

§10154. Nursing Facility Level of Care Determinations

A. ...

B. In order for an individual to meet nursing facility level of care (NFLOC), functional and medical eligibility must be met as set forth and determined by the Office of Aging and Adult Services (OAAS). The functional and medical eligibility process is frequently referred to as the “nursing facility level of care determination.”

C. ...

D. Individuals who are approved by OAAS, or its designee, as having met NFLOC must continue to meet medical and functional eligibility criteria on an ongoing basis.

E. A LOC screening conducted via telephone shall be superseded by a face-to-face LOC assessment, or audit review LOC determination as determined by OAAS or its designee.

F. - G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:2083 (November 2006), amended by the Office of Aging and Adult Services, LR 34:1032 (June 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:341 (January 2011), LR 39:1471 (June 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2130 (August 2022).

§10156. Level of Care Pathways

A. - B. ...

C. The level of care pathways elicit specific information, within a specified time period, regarding the individual's:

1. - 4. ...

D. Activities of Daily Living Pathway

1. - 2. ...

3. The ADLs for which the LOC assessment elicits information include but are not limited to:

- a. locomotion—how the individual moved around in his or her home;
- b. dressing—how the individual dressed/undressed;
- c. eating—how the individual ate or consumed food (this does not include meal preparation);
- d. bed mobility—how the individual moved around while in bed;

e. transferring—how the individual moved from one surface to another (this excludes getting on and off of the toilet and getting in and out of the tub/shower);

f. toileting—how the individual got on and off the toilet (toilet transfer), wiped, arranged clothes, etc.;

g. personal hygiene—how the individual managed personal hygiene (this excludes baths/showers); and

h. bathing—how the individual took a full-body bath or shower (this excludes washing of hair and back).

4. Since an individual can vary in ADL performance from day to day, OAAS trained assessors shall capture the total picture of ADL performance over the specified time period.

5. In order for an individual to be approved under the ADL Pathway, the individual must score at the:

a. limited assistance level or greater on toileting, transferring, or bed mobility; or

b. ...

E. Cognitive Performance Pathway.

1. This pathway identifies individuals with the following cognitive difficulties:

a. short-term memory which determines the individual's functional capacity to remember recent events;

b. cognitive skills for daily decision making which determines the individual's actual performance in making everyday decisions about tasks or activities of daily living such as:

i. planning how to spend their day;

ii. choosing what to wear;

iii. knowing when to eat;

iv. knowing and using space in home appropriately;

- v. using awareness of one's own strengths and limitations to ask for help when needed;
- vi. using environmental cues to organize and plan the day;
- vii. making prudent decisions regarding how and when to go places; and
- viii. using canes/walkers or other assistive devices/equipment reliably.

c. ...

2. In order for an individual to be approved under the cognitive performance pathway, the individual must have any one of the conditions noted below:

- a. severely impaired or greater impairment in daily decision making (e.g., never or rarely makes decisions);
- b. have a short-term memory problem and moderately impaired in daily decision making (e.g., the individual's decisions are consistently poor or unsafe, and cues or supervision are required at all times);
- c. have a short-term memory problem and the individual is sometimes understood (e.g., the individual's ability is limited to making concrete requests) or is rarely or never understood;
- d. moderately impaired in daily decision making and the individual is often understood (e.g., the individual has difficulty finding words or finishing thoughts, and prompting is usually required);
- e. moderately impaired in daily decision making and the individual is sometimes understood (e.g., the individual's ability is limited to making concrete requests) or is rarely or never understood;
- f. minimally impaired in daily decision making (e.g., his/her decisions are poor or unsafe in specific situations, and cues or supervision are needed) and the individual is sometimes understood, (e.g., the individual's ability is limited to making concrete requests) or is rarely or never understood;

g. - i. Repealed.

F. Physician Involvement Pathway

1. - 3.b....

4. Supporting documentation is required and must include:

- a. ...
- b. the home health care plans, or other medical provider documentation documenting the diagnosis, treatments, and conditions within the designated time frames; or

c. ...

G. Treatments and Conditions Pathway

1. - 2.h....

3. In order for an individual to be approved under the treatments and conditions pathway, the individual must have:

- a. ...
- b. supporting documentation for the specific condition(s) identified. Acceptable documentation must include:
 - i. ...
 - ii. the home health care plans, or other medical provider documentation documenting the diagnosis, treatments and conditions within the designated time frames; or

iii. ...

H. Skilled Rehabilitation Therapies Pathway

1. - 2.b....

3. Supporting documentation of the therapy received/scheduled during the look-back/look-forward period is required and must include:

a. ...

b. the home health care plan, or other medical provider documentation notes indicating the received/scheduled therapy;

H.3.c. - J.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:342 (January 2011), amended LR 39:1471 (June 2013), LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 43:2187 (November 2017), LR 44:1019 (June 2018), LR 48:2130 (August 2022).

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

Dr. Courtney N. Phillips
Secretary

2208#065

RULE

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

Personal Assistant Services
Employment Support
(LAC 50:XV.Subpart 11)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services has repealed LAC 50:XV.Subpart 11 in the Medical Assistance Program in its entirety as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 11. Personal Assistant Services

Chapter 141. Employment Support

§14101. General Provisions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1487 (August 2003), repealed by the

Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2131 (August 2022).

§14103. Covered Services

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1487 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2132 (August 2022).

§14105. Recipient Qualifications

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2132 (August 2022).

§14107. Recipient Rights

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2132 (August 2022).

§14109. Standards for Participation

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2132 (August 2022).

§14113. Place of Service

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2132 (August 2022).

§14115. Service Limitations

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2132 (August 2022).

§14117. Reimbursement Methodology

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:2132 (August 2022).

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

Dr. Courtney N. Phillips
Secretary

2208#066

RULE

Department of Health Office of Public Health

Marine and Fresh Water Animal Food Products (LAC 51:IX.Chapters 1-5)

Editor's Note: The following Rule is being repromulgated to correct a submission error. The original Rule can be viewed in the July 20, 2022 *Louisiana Register* on pages 1844-1856.

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), has amended certain Sections of Chapters 1 and 3 of Part IX (Marine and Fresh Water Animal Food Products) of Title 51 (Public Health—Sanitary Code). In addition, Chapter 5 has been promulgated as an addition to this Part to address the regulation of molluscan shellfish aquaculture. This Rule is hereby adopted on the day of promulgation.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part IX. Marine and Fresh Water Animal Food Products

Chapter 1. Shellfish Growing Areas

§101. Definitions

[formerly paragraph 9:001]

A. ...

Adverse Pollution Conditions—a state or situation caused by meteorological, hydrological, or seasonal events or point source discharges that has historically resulted in elevated fecal coliform levels in a particular growing area.

Approved Area—the classification of a Louisiana shellfish growing area which has been approved by the state health officer with the assistance of the secretary of the Department of Wildlife and Fisheries for growing or harvesting shellfish for direct marketing. The classification of an approved area is determined through a sanitary survey conducted by the Department of Health in accordance with the guidelines set out in this rule and as hereafter amended and duly promulgated. An approved shellfish growing area may be temporarily made a closed area when a public health emergency resulting from, for instance a hurricane or flooding, is declared by the state health officer.

Aquaculture—cultivating shellfish in controlled conditions for human consumption. Cultivation includes propagation and growing of shellfish. These activities may occur in natural or man-made water bodies. These activities include seed collection, production, and cultivation in

natural water bodies when shellfish are held off the bottom such as the use of racks, bags, or cages, and when shellfish are held in man-made water bodies such as the use of tanks, ponds, or raceways. These activities do not include depuration or wet storage.

* * *

Central Laboratory, in New Orleans, Public Health Laboratory for the State—Repealed.

* * *

Certified Laboratory—a laboratory conducting analysis for the Louisiana Molluscan Shellfish Program that has received a satisfactory rating during an on-site evaluation by the shellfish evaluation officer for the state of Louisiana or the federal Food and Drug Administration (FDA) evaluation officer. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment, and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana Molluscan Shellfish Program. This evaluation only certifies that the laboratory facility and its staff meet the specifications of the National Shellfish Sanitation Program at the time of the evaluation.

* * *

Cull—to remove dead or unsafe shellstock from a lot of shellstock.

* * *

Department—the Louisiana Department of Health, Office of Public Health.

* * *

FDA Evaluation Officer—Repealed.

* * *

Habitable Structure—any structure capable of giving shelter from the environment and producing sewage waste.

Harvest—the act of removing shellstock from growing areas and its placement on or in a manmade conveyance or other means of transport.

Harvest Area—an area that contains commercial quantities of shellstock and may include aquaculture sites and facilities.

* * *

Hazard Analysis Critical Control Point (HACCP)—a systematic, science-based approach used in food production as a means to assure food safety. The concept is built upon the seven principles identified by the National Advisory Committee on Microbiological Criteria for Foods (1992).

Hazard Analysis Critical Control Point Plan—a written document that delineates the formal procedures that a dealer follows to implement the HACCP requirements set forth in 21 Code of Federal Regulations (CFR) 123.6 as adopted by the Interstate Shellfish Sanitation Conference.

* * *

In-Shell Product—nonliving, processed shellfish with one or both shells present.

* * *

Interstate Shellfish Sanitation Conference (ISCC)—the organization which consists of agencies from shellfish producing and receiving states, FDA, the shellfish industry,

NOAA, and the Environmental Protection Agency (EPA). The ISCC provides the formal structure wherein state regulatory authorities, with FDA concurrence, can establish updated guidelines and procedures for sanitary control of the shellfish industry.

Laboratory Evaluation Officer (LEO)—a person from either a state, federal or foreign authority that has met the personnel training requirements for implementing the NSSP.

Louisiana Molluscan Shellfish Laboratory System—all laboratories that have been successfully evaluated during an on-site evaluation by the Laboratory Evaluation Officer for the state of Louisiana and have been consequently officially designated as a shellfish sanitation laboratory for the Louisiana Molluscan Shellfish Sanitation Program.

Louisiana State Shellfish Sanitation Program, Oyster Water Monitoring Program—Repealed.

Marina—any water area with a structure (docks, basin, floating docks, etc) which is used for docking and constructed to provide temporary or permanent docking space for more than 10 boats.

* * *

Marine Biotxin—any poisonous compound produced by marine microorganisms and accumulated by shellstock. Examples include toxins produced by *Alexandrium spp* [*Protogonyaulax* species] and *Karenia brevis*.

Molluscan Shellfish Program—the program which regulates and monitors the growing, harvesting, handling and shipping of shellfish in the state of Louisiana. The program is with the Louisiana Department of Health, Office of Public Health, Sanitation Services Section.

* * *

Narrative Report—a report submitted by the shellfish evaluation officer for the state of Louisiana or the FDA evaluation officer following an on-site evaluation. The report shall include the identity of the laboratory, the date of evaluation, name of evaluator, information on personnel and procedures and conclusions and shall precisely and accurately describe the conditions which existed during the evaluation, including what recommendations were made to correct deficiencies and proposed timetable for any corrective action necessary to bring the laboratory into substantial conformity with the requirements of the National Shellfish Sanitation Program (NSSP) as approved by the Louisiana Molluscan Shellfish Program.

National Shellfish Sanitation Program (NSSP)—the cooperative State-FDA-Industry program for the certification of interstate shellfish shippers as described in the National Shellfish Sanitation Program for the Control of Molluscan Shellfish. The National Shellfish Sanitation Program for the Control of Molluscan Shellfish guide may be obtained from the Interstate Shellfish Sanitation Conference.

On-Site Evaluation—inspection of a laboratory and all appropriate personnel at the physical laboratory site by the Laboratory Evaluation Officer for the purpose of conducting evaluation according to the NSSP Guide for the Control of Molluscan Shellfish.

* * *

Open Water Aquaculture—the cultivation of bivalve shellfish in natural shellfish growing areas.

* * *

Poisonous or Deleterious Substance—a toxic substance occurring naturally or added to the environment for which a regulatory tolerance limit or action level has been established in shellfish to protect public health.

Pollution—the contamination of the shellfish waters by the discharge of microbiological substances into these waters (chemicals, bacterial, or biotoxins).

Post-Harvest Processing (PHP)—any process which has been validated using NSSP validation procedures which reduces levels of pathogenic hazards to below the appropriate FDA action level or in absence of such a level, below the appropriate level as determined by the ISCC.

Processing—any activity associated with the handling, shucking, freezing, packing, labeling or storing of shellfish in preparation for distribution. This would include the activities of a shellstock shipper, shucker packer, repacker, reshipper, or depuration processor.

Prohibited Area—Louisiana waters that have been classified by the state health officer as prohibited for the harvesting of shellfish for any purpose except depletion and production of seed for aquaculture. A prohibited shellfish growing area is a closed area for the harvesting of shellfish at all times. Harvesting of shellfish from a closed area may result in criminal charges pursuant to R.S. 56:424.

* * *

Restricted Area—a classification used to identify a growing area where harvesting shall be by special permit and the shellstock, following harvest, is subjected to a suitable and effective treatment process.

Sanitary Survey—the written evaluation report of all environmental factors, including actual and potential pollution sources, which have a bearing on shellfish growing area water quality.

* * *

Satisfactory Rating—Repealed.

* * *

Seed—shellstock which is less than market size.

* * *

Shellfish Evaluation Officer for the State of Louisiana—state health officer or his/her designee approved by letter by the federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch to conduct on-site evaluations of laboratories deserving official recognition as a member of the shellfish sanitation laboratory system other than the certified laboratory. Official approval is based upon the individual meeting the requirements of Shellfish Sanitation Interpretation S.S. 35 entitled "Evaluation of Laboratories by State Shellfish Laboratory Evaluation Officers."

* * *

Worst Pollution Conditions—Repealed.

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258.B, with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4.A(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1289 (June 2002), amended LR 28:1591 (July 2002), LR 31:2895 (November

2005), LR 34:2175 (October 2008); amended by the Department of Health, Office of Public Health, LR 48:2132 (August 2022).

§103. Harvesting and/or Sales Shellfish—In Open Status

[formerly paragraph 9:002-1]

A. No shellfish shall be harvested and/or sold in the state of Louisiana for food unless taken from areas sanctioned by the state health officer, or if taken from sources outside of the state, from areas sanctioned by the state authorities having jurisdiction, and unless secured from shellfish dealers whose state certifications have been endorsed by the United States Food and Drug Administration, Public Health Service for interstate shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1291 (June 2002); repromulgated by the Department of Health, Office of Public Health, LR 48:2134 (August 2022).

§105. Sanitary Surveys of Growing Areas—Satisfactory Compliance

[formerly paragraph 9:002-2]

A. ...

1. Before an area is classified as approved, conditionally approved, or restricted, a sanitary survey shall be completed. The survey is a report completed prior to allowing harvesting from the area.

2. Each sanitary survey report shall identify and evaluate all actual and potential sources of pollution which may affect the growing area; determine the distance of such sources to the growing area; assess the effectiveness and reliability of sewage treatment systems; and ascertain the presence of poisonous or deleterious substances, e.g., industrial, and agricultural wastes, pesticides or radionuclides. The presence and location of small sources of pollution such as boats which might contribute direct fresh fecal matter and poisonous or deleterious substances to the area shall be evaluated. The presence of domestic, wild animal, or migrating bird populations shall be considered for possible adverse effects upon water quality. Offshore growing areas located in the vicinity of ocean dump sites shall be evaluated for biological and chemical wastes and radiological materials. Other environmental health factors that may affect the quality of the shellfish resources should also be evaluated in the sanitary survey report.

3. Each sanitary survey report shall evaluate any meteorological and hydrodynamic effects and geographic characteristics that may affect the distribution of pollutants over the growing area. These factors shall be assessed to determine their maximum effect on water quality.

4. Each sanitary survey report shall include the collection of growing area water samples and their analysis for bacteriological quality. The number and location of sampling stations selected shall be adequate to produce the data necessary to effectively evaluate all point and non-point pollution sources. Recommended that sampling stations shall be established to evaluate all freshwater discharges into the growing area. The collection of samples shall form a profile reflecting adverse meteorological, hydrographic, seasonal, and point source, and geographic pollution conditions to

assure the requirements for classifying growing areas as approved (§109), conditionally approved (§111), or restricted (§113) are met.

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1292 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2134 (August 2022).

§107. Classification of Growing Areas—Satisfactory Compliance [formerly paragraph 9:002-3]

A. This item will be satisfied when:

1. all actual and potential shellfish growing areas in the state of Louisiana are correctly designated with one of the following classifications on the basis of sanitary survey information: approved, conditionally approved, restricted or prohibited. Unclassified areas are managed as prohibited;

2. an area classified as prohibited will be established adjacent to all identified actual or potential pollution discharges, including sewage treatment plants outfall, which have a direct or indirect impact and, which have been determined to be of a significant nature in the growing area;

a. the determination of the size of the area to be classified as prohibited adjacent to each outfall shall include the following minimum criteria:

i. the volume flow rate, location of discharge, performance of the wastewater treatment plant and microbial quality of the effluent;

ii. the decay rate of the contaminants of public health significance in the wastewater discharge;

iii. the wastewater's dispersion and dilution, and the time of waste transport to the area where shellstock may be harvested; and

iv. the location of shellstock resources, classification of adjacent waters and identifiable landmarks and boundaries.

3. an upward revision of an area classification shall be supported by an adequate sanitary survey report. This report shall include a written analysis of the data and shall be part of the growing area central file. The reopening of an area temporarily closed because of an emergency, the failure to meet the performance standards for a conditional area, or the presence of biotoxins shall be supported by appropriate data showing that the original classification criteria are met, and documented by a written record in the central file of the Molluscan Shellfish Program, Office of Public Health, Department of Health;

4. maps showing the boundaries and classification of each shellfish growing area are maintained in the central file by the Molluscan Shellfish Program, Office of Public Health, Department of Health;

5. maps showing the boundaries and status (opened or closed) of each shellfish growing area are posted at designated locations. These locations are listed in the *Louisiana Register*, Vol. 13, pages 413-415.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1292 (June 2002), LR 48:2135 (August 2022).

§109. Approved Areas—Satisfactory Compliance [formerly paragraph 9:002-4]

A. ...

1. Results of sampling under adverse pollution conditions indicate that the fecal coliform median or geometric mean MPN of the water does not exceed 14 per 100 ml and not more than 10 percent of the samples exceed an MPN of 43 for a five-tube dilution test (or an MPN of 49 per 100 ml for a three-tube decimal dilution test);

2. Sanitary Survey Report, as required in §§105 and 107, are on file with the Molluscan Shellfish Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1293 (June 2002), LR 48:2135 (August 2022).

§111. Conditionally Approved Areas—Satisfactory Compliance [formerly paragraph 9:002-5]

A. - A.1. ...

2. a current sanitary survey is on file with the Molluscan Shellfish Program;

3. - 4. ...

5. statistical analysis shows the factor(s) to be a significant contributor to the microbiological pollution event.

B. - D.6. ...

E. Reevaluation of Conditional Classification

1. The classification shall be reevaluated at least once each year. The reevaluation shall include:

a. evaluation of compliance with the management plan;

b. determination of adequacy of reporting of failure to meet performance standards;

c. review of cooperation of all parties involved;

d. evaluation of water quality in the growing area with respect to the bacteriological standards for its classification;

e. field inspection of critical pollution sources, where necessary; and

f. written findings, evaluations, and recommendations.

F. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1293 (June 2002), LR 48:2135 (August 2022).

§113. Restricted Area—Satisfactory Compliance [formerly paragraph 9:002-6]

A. An area may be classified as restricted when a sanitary survey indicates a limited degree of pollution. This option may arise when levels of fecal pollution or poisonous or deleterious substances are low enough that relaying will make the shellfish safe to market. This item will be satisfied when the following criteria are met in areas designated as restricted.

1. ...
2. The area is not so contaminated with fecal material, poisonous or deleterious substances that consumption of the shellfish might be hazardous after relaying. Verification of these findings shall be done by a laboratory found to conform by a laboratory evaluation officer.

3. For restricted areas to be used for harvest of shellfish for controlled purification the bacteriological quality of every sampling station in those portions of the area exposed to fecal contamination during adverse pollution conditions shall meet one of the following standards.

- a. - b. ...

4. Shellfish quality specifications are established by the Louisiana state health officer for the use in classifying areas. These specifications are based on the data obtained from surveys, water samples and product samples taken from the potential restricted area. With this information the Louisiana state health officer may evaluate the bacteriological and chemical quality of the shellfish and determine whether the shellfish may be used for relaying.

5. ...

6. All data, criteria, and protocols relating to the operation of a restricted area including survey reports, treatment effectiveness studies, classification criteria, harvesting permits, and harvesting control records are maintained in a central file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1294 (June 2002), LR 48:2135 (August 2022).

§115. Prohibited Areas—Satisfactory Compliance
[formerly paragraph 9:002-7]

A. Louisiana state shellfish growing water areas shall be classified as prohibited if:

1. no current sanitary survey exists; or
2. sanitary survey determines
 - a. the growing area is adjacent to a sewage treatment plant outfall or other point source of outfall with public health significance;
 - b. pollution sources may unpredictably contaminate the growing area;
 - c. the growing area is contaminated with fecal waste so that the shellfish may be vectors for disease microorganisms;
 - d. the concentration of biotoxin is sufficient to cause a public health risk; or
 - e. the area is contaminated with poisonous or deleterious substances cause the shellfish to be adulterated; or
3. risk assessment determines shellstock are not safe for human consumption; or
4. wastewater discharges are adjacent to sewage treatment plant outfall or any other point source outfall of public health significance. The determination of the size of the area to be classified as prohibited adjacent to each outfall shall include the following:
 - a. the volume flow rate, location of discharge, performance of the wastewater treatment plant and the microbiological quality of the effluent;

b. the decay rate of the contaminants of public health significance in the wastewater discharged;

c. the wastewater's dispersion and dilution, and the time of waste transport to the area where shellstock may be harvested; and

d. the location of the shellfish resources, classification of adjacent waters and identifiable landmarks or boundaries.

B. No shellfish shall be taken from prohibited areas for human food use unless it is seed to be cultured in accordance with aquaculture requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health Office of Public Health, LR 28:1294 (June 2002), LR 48:2136 (August 2022).

§123. Procedure for the Analysis of Shellfish Growing Waters

[formerly paragraph 9:002-11]

A. Analysis of shellfish growing waters for the Louisiana Molluscan Shellfish Program shall be performed by a laboratory officially designated as part of the Louisiana shellfish sanitation laboratory system. Procedures and methods for analysis of shellfish growing water shall conform to criteria stipulated in the 4th edition of American Public Health Association (APHA) Recommended Procedures for the Examination of Sea Water and Shellfish published August 29, 2011, and appropriate sections in Official Methods of Analysis, 21st Edition, published in 2019, of the Association of Official Analytical Chemists (A.O.A.C.).

1. Microbiological examinations shall be conducted as follows: Appropriate dilutions shall be made with Butterfield's buffered phosphate diluent. Shake the sample and each successive dilution bottle 25 times vigorously using up and down movements of about 30 cm in seven seconds. Inoculate the water sample directly into tubes containing A-1 medium in suitable decimal dilutions using three or five tubes/dilution and a minimum of three dilutions. Place inoculated tubes into air incubator and incubate three hours plus/minus 0.5 hour at 35 degrees plus/minus 0.5 degrees Centigrade (C). Transfer tubes to water bath and incubate 21 plus/minus two hours at 44.5 degrees plus/minus 0.2 degrees C. Maintain the water level above the level of liquid in the inoculated tubes. Examine the inoculated tubes at the end of this period and record the results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1296 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2136 (August 2022).

§125. Determination of Results, Records and Data Reporting

[formerly paragraph 9:002-12]

A. Test result data for use by the Louisiana Molluscan Shellfish Program shall be generated by an officially designated laboratory of the Louisiana molluscan shellfish sanitation laboratory system.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1296 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2136 (August 2022).

§127. Qualification for Laboratories Conducting Analysis of Shellfish Growing Waters for the Louisiana Molluscan Shellfish Program [formerly paragraph 9:002-13]

A. Laboratories conducting microbiological analysis of shellfish growing waters for the Louisiana Molluscan Shellfish Program shall be officially designated as part of the Louisiana state shellfish sanitation laboratory system. To be so designated, laboratories shall be evaluated by the Laboratory Evaluation Officer and shall maintain a satisfactory rating.

1. The Certified Laboratory shall be evaluated by the FDA Laboratory Evaluation Officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch.

B. - B.4. ...

5. at the request of the FDA, Director, Shellfish and Aquaculture Policy Branch or the Louisiana Molluscan Shellfish Program control authorities.

C. - H.10. ...

11. In laboratories where there is more than one analyst, analysts shall make parallel analyses on at least one positive sample quarterly.

12. ...

13. Glass/mercury thermometer calibration should be checked annually against a reference National Institute of Standards and Technology (NIST) thermometer or one which meets the requirements of NIST monograph 150, 2020 edition, published August 2020.

14. - 17. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1297 (June 2002), amended by the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, LR 34:445 (March 2008); amended by the Department of Health, Office of Public Health, LR 48:2137 (August 2022).

§129. Qualification for Personnel Conducting Analysis of Shellfish Growing Waters [formerly paragraph 9:002-14]

A. ...

1. Analysts in the Certified Laboratory in Baton Rouge shall be evaluated by the FDA Laboratory Evaluation Officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1298 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2137 (August 2022).

§131. Qualifications, Requirements for Laboratory Evaluation Officer for the State of Louisiana [formerly Paragraph 9:002-15]

A. The shellfish evaluation officer for the state of Louisiana shall be designated by letter by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch. Designation is based upon meeting the requirements of the NSSP Guide Guidance document.

1. The individual shall be administratively attached to a Louisiana Molluscan Shellfish Laboratory which has been found by the FDA to conform or provisionally conform with the National Shellfish Sanitation Program (NSSP).

2. ...

3. If deemed necessary by an FDA laboratory evaluation officer, the individual shall conduct several laboratory evaluations jointly with FDA Shellfish and Aquaculture Policy Branch laboratory evaluation officers.

4. During a joint on-site evaluation with an FDA laboratory evaluation officer, the individual shall demonstrate competence in evaluating analysts' performance of the applicable shellfish laboratory test methods in the 4th edition of the APHA Recommended Procedures for the Examination of Sea Water and Shellfish and the Official Methods of Analysis of the Association of Official Analytical Chemists (A.O.A.C). The evaluation will be recorded on the FDA Evaluation Laboratory Checklist.

5. The individual shall submit a written report to all evaluations conducted to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA shellfish specialist. The report should consist of the FDA Shellfish Standard Laboratory Evaluation Form, a summary list of qualified analysts and a narrative discussion for each laboratory evaluated. The narrative discussions shall include the identity of the laboratory, the date of evaluation, name of evaluator, a precise and accurate description of the conditions which existed during the evaluation, including what recommendations were made to correct deviations necessary to bring the laboratory into substantial conformity with the requirements of NSSP as approved by the Louisiana State Shellfish Sanitation Program and appropriate information on personnel and procedures and conclusions.

B. - B.2. ...

3. The individual shall submit a written report of the joint laboratory evaluation to the FDA Shellfish and Aquaculture Policy Branch laboratory evaluation officers with a copy to the appropriate FDA shellfish specialist.

B.4. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1298 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2137 (August 2022).

§133. Requirements for Laboratory Certification
[formerly paragraph 9:002-16]

A. ...

1. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana Molluscan Shellfish Program, administered by the Department of Health, Office of Public Health. Evaluation is not an endorsement of the laboratory facility, its staff the operation as this implies continuing guarantee of performance.

2. A satisfactory rating is achieved by demonstration during an on-site evaluation that the laboratory and laboratory personnel are found to conform or conditionally conform with all requirements as listed in the Shellfish Laboratory Evaluation Check Lists provided by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Shellfish Aquaculture and Policy Branch. A satisfactory rating indicates that FDA recognizes that the laboratory complies with recommended procedures and capabilities and that the analytical results produced by the laboratory are in support of the Louisiana Shellfish Sanitation Program and are acceptable to FDA.

3. ...

B. An applicable, currently dated (i.e., the last satisfactory on-site evaluation shall be documented to have been held within the prior three year period) satisfactory FDA Shellfish Standard Laboratory Evaluation Form and narrative report submitted by the appropriate laboratory evaluation officer to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA shellfish specialist and the public health laboratory director shall be on file or available upon request.

1. - 2. ...

3. Failure to be found to conform or provisionally conform during the on-site evaluation by the appropriate Laboratory Evaluation Officer and/or failure to correct or address deficiencies or recommendations as noted in the narrative report within the stated timetable shall result in loss of satisfactory evaluation.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1299 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2138 (August 2022).

§135. Fees for Services
[formerly paragraph 9:002-17]

A. Fees for evaluations, analysis, determination, processing and reporting of results shall be incorporated into the Louisiana Molluscan Shellfish Program fee and assessed in accordance with rules and regulations controlling their collection.

B. The department shall charge and collect an imported seafood safety fee of one hundred dollars annually from each holder of a commercial seafood permit fee who sells imported seafood. The proceeds of such fee shall be used for the purposes described in R.S. 40:5.10.1. Pursuant to said statute, the department or its agents or contractors may conduct sampling of imported seafood stored on the premises of any business holding a commercial seafood permit issued pursuant to R.S. 40:31.35, the scope and frequency of which shall be within the discretion of the department. Samples collected pursuant to this Subsection may be laboratory tested at the discretion of the Department for any substances prohibited in applicable types or categories of seafood by the U.S. Food and Drug Administration (FDA). Such testing shall be conducted by laboratories accredited therefor by the FDA or an FDA-recognized accreditation body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S.40:31:35.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2138 (August 2022).

§139. Records of Shellfish Purchases and Sales
[formerly paragraph 9:003]

A. Every person, firm or corporation who conducts any wholesale business of buying, selling or shipping shellfish shall keep an accurate daily record which shall include shipping documents.

1. Each shellfish shipment shall be accompanied by a shipping document which shall contain:

- a. the name, address, and certification number of the shipping dealer;
- b. the name and address of the major consignee; and
- c. the kind and quantity of the shellfish product.

2. The receiving dealer shall:

- a. maintain in his files a copy of the completed shipping document; and
- b. make the shipping document available to the authority upon request.

3. If the shipment is subdivided to different dealers, each receiving dealer shall maintain records sufficient to trace his portion back to the original shipment.

B. Transaction and Shipping Records. Each dealer shall have a business address at which transaction records are maintained. Each dealer shall maintain accurate and legible transaction records that are sufficient to:

1. document that the shellfish are from an authorized source;

2. permit a container of shellfish to be traced back to the specific incoming lot of shucked shellfish from which it was taken;

3. permit a lot of shucked shellfish or a lot of shellstock to be traced back to the growing area(s), date(s) of harvest, date and location of wet storage, if applicable, and if possible, the harvester or group of harvesters.

4. trace the wet storage history of the shellstock including, original harvest site, original harvest date, wet storage site(s) and dates.

5. purchase and sales shall be recorded within 72 hours of any purchase or sales:

a. in a permanently bound ledger book; or

b. computer record, or other method acceptable to and authorized by the Molluscan Shellfish Program;

6. the transaction records shall be retained:

a. in the case of fresh shellfish, for a minimum of one year; and

b. in the case of frozen shellfish, for at least two years or the shelf life of the product, whichever is longer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2138 (August 2022).

§141. Relaying of Shellfish

[formerly paragraph 9:004]

A. No person shall engage in the business of relaying shellfish from waters not approved for direct market harvesting by the state health officer prior to obtaining a permit for that purpose from the Department of Health, Office of Public Health. Growing waters to be utilized for shellfish relaying purposes must meet or exceed the Department of Health's criteria for a restricted area classification. Applications shall be completed and submitted with a fee of \$100, which shall be paid by cashier's check or money order and filed not less than 14 days prior to the beginning of such proposed relaying. Relaying of shellfish shall be permitted only during the first two weeks of each calendar month. The Louisiana Molluscan Shellfish Program shall allow the relay of suitable shellstock during all 12 months of the year.

B. The Louisiana Molluscan Shellfish Program hereby establishes species-specific critical values for water temperature and salinity, which may affect the natural treatment process in the growing area to which the shell stock *Crassostrea virginica* (American Oyster, Eastern Oyster) will be relayed.

1. The critical salinity tolerances *Crassostrea virginica* shall be established as 3 to 36 parts per thousand. Salinities shall be measured at approximately twelve inches below the water surface.

2. The critical temperature for *Crassostrea virginica* shall be established at temperatures 44-89 degrees Fahrenheit. Water temperatures shall be measured at approximately 12 inches below the water surface.

3. The species-specific critical pollution criteria shall be that the growing area for relay shall demonstrate through its historical data that the water quality can reasonably be

expected to meet the approved or conditionally approved criteria.

4. Relay activities which expose shell stock to this range of temperature and salinity values for a minimum of fourteen days shall be considered as meeting the species-specific critical values for relay of *Crassostrea virginica*.

5. The requirement for monitoring environmental conditions of the relay area shall be accomplished by collecting bacteriological water sample data and salinity data from sample stations nearest the relay area which are actively collected each month by the program. Three sample stations which triangulate, if possible, the relay area will be selected to meet this monitoring requirement.

6. No studies of contaminant levels of poisonous or deleterious substances in shellstock shall be conducted on shellstock for relay unless there exists scientific evidence which indicates the relay shellstock contains a poisonous or deleterious substance(s) which exceed a FDA tolerance level(s), or it is known that relay shellstock have been exposed to high levels of poisonous or deleterious substances.

7. The growing area to be used for the treatment process shall be monitored with sufficient frequency to identify when limiting critical value of water temperature of 44-89 degrees Fahrenheit and salinity 3-36 parts per thousand may be approached.

8. The effectiveness of species-specific contaminated reduction shall be determined based on a study. The study report shall demonstrate that, after the completion of the relay activity, the microbiological quality of shellstock is the same microbiological quality as that of the same shellstock already present in the approved or conditionally approved area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2139 (August 2022).

§143. Performance Bond Required

[formerly paragraph 9:004-1]

A. A \$5,000 cash performance bond consisting of a bank cashier's check made payable to the Department of Health shall be submitted with each completed application. In addition to the bond, a permittee, at his own expense shall secure the services of a surveillance officer approved by the Department of Health and the Department of Wildlife and Fisheries for the purpose of monitoring all harvesting, transporting, and bedding of shellfish for relaying purposes. In order to satisfy the monitoring requirements, all harvesting, transporting and bedding of shellfish for relaying purposes shall take place in the direct line of sight of the state-approved surveillance officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2139 (August 2022).

**§145. Permit Required for Relaying
[formerly paragraph 9:004-2]**

A. Permits are required prior to performing any relaying at the discretion of the Department of Health, Office of Public Health under the following restrictions.

1. ...
2. Should environmental conditions in the growing area used for relay exceed the limits of classification of the growing area, the relay area shall be closed along with all other affected growing area. The minimum 14-day treatment time shall only be during the time that relay area is characterized by water temperatures and salinity units that are within critical limits.

3. Shellfish harvested for relaying purposes from restricted waters shall not be laid down within 500 feet of any adjoining lease where shellfish may be taken for sale as food during the active period of the relay permit.

4. Sacking of shellfish, storage of empty shellfish sacks on board permitted or authorized relaying vessels and/or the direct marketing of shellfish taken from waters not approved for that purpose by the state health officer shall be strictly prohibited.

5. Culling of shellfish shall be permitted only when container relaying is practiced and written authorization is obtained from the Department of Health a.

6. Only two leases in the restricted area and approved bedding area, each pre-approved by the Department of Health, shall be utilized in the relaying of shellfish.

a. Shellfish relayed from a restricted area of a public oyster seed ground will be allowed at the discretion of the Louisiana Department of Wildlife and Fisheries (LDWF) only during the open oyster season. Shellstock from the public oyster seed ground will be allowed to be bedded on only two approved leases which will be pre-approved by the Department of Health. Relaying from a public oyster seed ground area shall be for the purpose of moving the live oyster resource. The removal of excessive amounts of non-living reef material in relay loads shall result in the forfeiture of the relay permit and/or the closure of the public oyster seed ground area to transplanting. Permit-holders shall allow on-board inspection and sampling of relay loads by the LDWF.

7. The permittee shall be responsible for notifying the Department of Wildlife and Fisheries prior to leaving port to relay shellfish and immediately upon returning from the permitted trip each day. The Department of Wildlife and Fisheries shall be notified by calling (800) 442-2511.

8. All leases shall be "red flagged" so that they may be easily spotted by both aircraft and boats. "Red flagged" as used in this Paragraph, means that the four outside corners of the lease must be marked with poles with red flags attached.

9. All activities relative to the relaying of shellfish shall be permitted only during daylight hours with all activities completed no later than 30 minutes after official sunset. Applicants may apply for a written exemption to this requirement when the distance between the restricted area and bedding area is such that compliance is not possible.

10. Both sides of the permitted vessel shall be marked with the permit number in at least 6-inch-high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

11. A copy of the complete relay permit and applicable rules shall be on board each authorized vessel at all times during the active period of the relay permit.

12. The harvesting of shellfish for relaying purposes within 150 feet of any sewage discharge point emanating from any camp, home, or other habitable structure shall be prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5 (2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, Center for Environmental Health Services, LR 34:445 (March 2008), LR 34:2175 (October 2008), LR 48:2140 (August 2022).

**§147. Surveillance Officer's Daily Trip Report
[formerly paragraph 9:004-3]**

A. An official Department of Health's "Surveillance Officers Daily Trip Report" must be completed each day by the surveillance officer and mailed to the Department of Health, Seafood Sanitation Unit after each completed day of relaying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1301 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2140 (August 2022).

**§149. Enforcement Provisions
[formerly paragraph 9:004-4]**

A. Failure to comply with any of the permitting requirements specified in §§141-147 shall result in the following administrative action.

1. The relay permit and all relay permitting privileges shall be immediately suspended by the Department of Health or the Department of Wildlife and Fisheries.

2. All shellfish harvested for relaying purposes in violation of permitting requirements shall be returned to the original growing waters or destroyed at a permittee's own expense.

3. If said charges are upheld in an administrative hearing, the following additional penalties shall be imposed.

a. Relay permitting privileges shall be denied for a period of three years.

b. The \$5,000 cash bond posted by the permittee shall be forfeited and retained by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1)), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1301 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2140 (August 2022).

Chapter 3. Preparation and Handling of Seafood for Market

**§303. Construction and Cleanliness of Shellfish Boats
[formerly paragraph 9:006]**

A. All boats utilized for the harvesting or transporting of shellfish shall be provided with a false deck or bottom to prevent the contamination of shellfish with bilge water. For the purpose of this regulation, bilge water may be defined as any water that collects in the lowest inner part of a boat's hull. Decks, holds or binds used for storage of shellfish shall

be washed daily with either potable water, or water drawn from an approved growing area or Conditionally Approved area in open status. Unless otherwise exempted in writing by the Louisiana Department of Health, a suspended awning shall be provided on harvest boats to protect shellfish from direct exposure to sun, birds and other adverse conditions. The suspended awning shall be a minimum of 12 inches above the shellfish with a maximum height of 7 feet. The suspended awning shall be of such width and length so as to extend to the outer edges of the harvesting or transporting vessel. The provisions of this rule shall apply to all types of harvesting and transporting vessels. Small children in diapers, dogs, cats or other forms of wildlife shall not be permitted on board harvesting vessels while shellfish are being fished or transported. Violation of any of the requirements in this Section shall result in one of the following penalties.

1. Shellfish shall be seized and destroyed at violator's expense.

2. Shellfish shall be bedded on a Department of Wildlife and Fisheries managed seed reservation at violator's expense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1301 (June 2002), repromulgated LR 29:173 (February 2003); repromulgated by the Department of Health, Office of Public Health, LR 48:2140 (August 2022).

§311. Permits to Operate Seafood Establishments [formerly paragraph 9:010]

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1),

R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3, R.S. 40:5.10.1 and R.S. 40:31.35(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), repromulgated by the Department of Health, Office of Public Health, LR 48:2140 (August 2022).

§313. Plant Construction [formerly paragraph 9:011]

A. - G. ...

1. The establishment shall be provided with an abundant supply of water under pressure from a source approved by the Louisiana state health officer. No cross connections with unapproved water supplies shall be permitted. The requirements of Parts XII (Water Supplies) of this Code shall be met.

H. ...

I. [formerly paragraph 9:019] Sanitary toilets of approved construction and location shall be provided for the use of employees. Toilets shall not open directly into rooms used for cleaning, shucking, picking, peeling, packing or storage of food products. Where sewerage facilities are available, water flush toilets connected to the sewerage system shall be provided. No insanitary privy shall be permitted or maintained on the premises of any seafood establishment. Self-closing doors must be provided for toilet room facilities.

J. [formerly paragraph 9:020] Refrigeration rooms, coolers or ice boxes for the storage or retention of marine and fresh-water animal food products shall be so constructed, painted or otherwise treated as to provide a smooth, impervious surface for easy and thorough cleaning. Floors of refrigeration rooms or walk-in coolers shall be of concrete, tile, glazed brick or other impervious material with adequate floor drains, or the floor so sloped as to ensure complete and rapid drainage. Walls shall be of concrete, metal, glass board or other material approved by the state health officer. Ice boxes shall be metal, fiberglass or plastic lined with seams welded, soldered, or otherwise treated, to give a smooth, impervious, easily cleaned surface.

K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2141 (August 2022).

§317. Seafood Plant Operation [formerly paragraph 9:027 and 9:027-1]

A. - A.10.c. ...

d. maintenance of hand washing and toilet facilities, hereinafter referred to as: maintenance of hand washing and toilet facilities;

A.10.e. - F.3. ...

4. by immersion in an iodine solution concentration between 12.5 mg/L and 25 mg/L(ppm); or

5. by immersion in a quarternary ammonium compound solution concentration of 200 mg/L (ppm) or as indicated by the manufacturer's use directions included in labeling; or

6. by immersion in hot water at a temperature of 170 degrees F or more for not less than two minutes; or

7. by exposure to hot air at a temperature of not less than 180 degrees F for not less than 20 minutes, in a properly designed oven or hot air cabinet equipped with an indicating thermometer located in the coldest zone or other method of eliminating pathogenic bacteria as approved by the state health officer.

G. - N. ...

O. [formerly paragraph 9:041] A single individual shall be designated by the management to supervise the shucking and packing of shellfish, the packing of peeled and cooked shrimp and picked crabs. They shall be responsible for the cleanliness the shucking, picking, or packing rooms and shall see that the requirements with reference to washing of hands after interruption of working operations is carried out by all persons engaged in the establishment. They shall be responsible at the end of each day's operations for the thorough cleansing and sanitizing of all equipment such as pails, knives, breaking blocks, finger cots, aprons, and so forth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1303 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2141 (August 2022).

§323. Tags

[formerly paragraph 9:051]

A. In order that information may be available to inspectors and others with reference to the origin of shell-stock oysters, clams and mussels from all areas, all containers holding shell-stock shall be identified by a tag or label, form and substance of which shall be approved by the state health officer, and the Secretary of the Department of Wildlife and Fisheries.

B. - B.6. ...

a. THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS. "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)";

NOTE: Shellstock tagged for restricted use (Green Tag) should not include the retailer guidance language "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)

B.6.b. - C.3. ...

4. A blue-colored tag indicates that the shell stock has been post-harvest processed by a certified dealer and may now be sold for raw (half shell) consumption in both interstate and intrastate commerce. This tag must also include a "SELL BY" date which is a reasonable subsequent shelf-life or the words "BEST IF USED BY" followed by a date when the product would be expected to reach the end of its shelf-life. The date shall include month, day, and year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 28:1591 (July 2002), LR 33:850 (May 2007), LR 40:1009 (May 2014), amended by the Department of Health, Office of Public Health, LR 48:2142 (August 2022).

§329. Refrigeration Requirements for Shellstock Harvested for Raw Consumption during the Months of January through December [formerly paragraph 9:052-1]

A. Time to refrigeration requirements for shell-stock harvested for raw consumption during the months January through December shall be based on the Average Monthly Maximum Water Temperatures based on the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

A.1. - C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:2789 (November 2012), LR 40:1009 (May 2014), amended by the Department of Health, Office of Public Health, LR 48:2142 (August 2022).

§330. Refrigeration Requirements for Shellstock Harvested during the months of May through October for Raw Consumption only by Persons Located within the State of Louisiana

A. ...

B. The Department of Health and the Department of Wildlife and Fisheries have cooperatively developed a single

tag which purpose is to immediately and specifically indicate by its fuchsia (pinkish-purple) color that the oysters contained in the sack or box have been harvested following the requirements of this Section. Language shall be printed on the tag which shall explicitly state "oysters contained herein must not be sold for use outside of the state of Louisiana" and the oysters contained in the sack or box (excluding post-harvest process product) shall not be sold for use outside of the state of Louisiana. This tag shall be in addition to any tag(s) required under §323 of this Part.

C. - D. ...

E. Records relating to oysters which will only be sold for raw consumption within the state of Louisiana shall be completed by both the harvester and dealer(s) and shall be kept separate from records for shellstock product intended for interstate shipment. These records shall be maintained for a period of one year (two years if frozen) and be made readily available for examination by agents of the Department of Health and the Department of Wildlife and Fisheries. Approved log sheets properly completed and maintained, for the current and previous 15 days harvest shall be kept aboard the harvest vessel for immediate examination. A copy of the log sheet form required to be kept and maintained is shown below in §345 of this Part.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S. 56:437.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 38:96 (January 2012), amended by the Department of Health, Office of Public Health, LR 48:2142 (August 2022).

§331. Refrigeration Requirements for Shellstock Harvested for Shucking or Post-Harvest Processing by a Certified Dealer during the Months of January through December [formerly paragraph 9:052-2]

A. Time to refrigeration requirements for shell-stock harvested for shucking or post-harvest processing by a certified dealer during the months January through December shall be based on the Average Monthly Maximum Air Temperature developed by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

1. Air Temperature: <50 degrees F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45 degrees F within 36 hours from the time harvesting begins.

2. Air Temperature: 50 degrees F to 60 degrees F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45 degrees F within 24 hours from the time harvesting begins.

3. Air Temperature: >60 degrees F - 80 degrees F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45 degrees F within 18 hours from the time harvesting begins.

4. Air Temperature: >80 degrees F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45 degrees F within 12 hours from the time harvesting begins.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 35:1239 (July 2009), LR 36:1017 (May 2010), LR 38:97 (January 2012), LR 38:2789 (November 2012), amended by the Department of Health, Office of Public Health, LR 48:2142 (August 2022).

§333. General Provisions

[formerly paragraph 9:052-3]

A. - E.5. ...

F. Post-Harvest Processing

1. - 1.a. ...

i. for processes that target *Vibrio vulnificus*, the level of *Vibrio vulnificus* in product that has been subjected to the process shall be non-detectable (<30 per gram) to be determined by use of the *Vibrio vulnificus* FDA approved EIA procedure of Tamplin, et al, as described in Chapter 9 of the FDA Bacteriological Analytical Manual, 7th Edition, 1992;

ii. for processes that target *Vibrio parahaemolyticus*, the level of *Vibrio parahaemolyticus* in product that has been subjected to the process shall be non-detectable (<30 per gram)

iii. - v.(b). ...

b. package and label all shellfish in accordance with all requirements of the Model Ordinance. This includes labeling all shellfish which have been subjected to the process but which are not frozen in accordance with applicable shellfish tagging and labeling requirements in Chapter X.05 and X.06 and X.07 of the National Shellfish Sanitation Program Model Ordinance;

c. keep records in accordance with Chapter X.08 of the National Shellfish Sanitation Program Model Ordinance.

2. - 2.d....

3. For the purpose of product temperature the receiving and storage critical control points of shucked product apply to shell stock prior to PHP processing. Following PHP processing, if the end product is dead, the product shall be treated as shucked product. If the end product is live, the product shall be treated as shellstock.

4. A harvester-dealer oyster tag, blue in color, shall be used for In-Shell Product that has undergone a Post-Harvest Treatment Process.

F.5. - G. ...

1. Certified dealers shall adopt written procedures for conducting recalls of adulterated or misbranded shellfish products. These written procedures for conducting recalls shall be based on, and complementary to, the FDA Enforcement Policy on Recalls published in the April 1, 2003 Code of Federal Regulations, Title 21, Chapter 1, Subchapter A, Part 7-Enforcement Policy which is also contained in the 2019 NSSP Guide for the Control of Molluscan Shellfish under Section VII (Federal Regulations) thereof.

G.2. - H.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 28:1592 (July 2002), repromulgated LR 29:173 (February 2003), amended LR 34:2176 (October 2008), LR 38:97 (January 2012), LR 40:1009 (May 2014), amended LR 48:2143 (August 2022).

§337. Checking on Condition of Molluscan Shellfish in Growing Waters Closed by the State Health Officer

[formerly paragraph 9:053]

A. No person shall engage in the business of checking on the condition of molluscan shellfish in growing waters closed by the state health officer prior to obtaining a permit for that purpose from the state health officer. Applications shall be and filed not less than 14 days prior to the beginning of such proposed checking activities. Permits will be applicable for one day only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2143 (August 2022).

§339. Performance Bond and Security Guard Monitoring Requirements

[formerly paragraph 9:053-1]

A. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), repealed by the Department of Health, Office of Public Health, LR 48:2143 (August 2022).

§343. Permit Enforcement

[formerly paragraph 9:053-3]

A. Failure to comply with any of the permitting requirements specified in §§327-333 shall result in the following administrative actions.

1. The shellfish checking permit and all applicable privileges shall be immediately suspended by the Department of Wildlife and Fisheries or the Department of Health.

2. If said charges are upheld in an administrative hearing, shellfish checking and shellfish relay permitting privileges shall be denied for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:2143 (August 2022).

Chapter 5. Molluscan Shellfish Aquaculture

§501. General

A. Aquaculture activities which may pose a significant public health concern are regulated in this chapter and include, but not limited to:

1. seed production in waters classified as prohibited or unclassified;

2. aquaculture structures that attract birds or mammals; and

3. land based aquaculture.

B. Requirements:

1. approved written operational plan;
2. an annual inspection by representative of the department, including operator records, to verify that appropriate permits are up to date and operational plans are implemented;

3. when aquaculture attracts birds or mammals, their presence should be considered for possible adverse effects on growing area water quality.

C. The maximum seed size for *Cassostrea virginica* (eastern oyster) that can be produced in prohibited waters is one inch. If seed size produced in prohibited waters exceeds one inch, the seed shall be deemed adulterated and shall be subject to seizure and destruction.

D. Any person who performs aquaculture as defined in §101 of this Part or operates an aquaculture facility to raise shellfish for human consumption shall obtain:

1. a permit from the department for the activity and functioning of their facility;
2. a harvester's license; and
3. certification as a dealer, where necessary.

E. Shellfish aquaculture as defined in §101 of this Part shall be practiced only in strict compliance with the provisions of the permit issued by the department for the shellfish aquaculture activity. Authorization shall be based on the operator's written operational plan.

F. Prior to beginning their activity, a harvester shall obtain permission of the department for use of their facility.

G. Any shellfish seed raised in aquaculture shall be subjected to relaying prior to direct marketing if the culture are or facility is located in or using water which is in:

1. the closed status of the conditionally approved classification;
2. the restricted classification; or
3. the open status of the conditionally restricted classification.

H. Only drugs sanctioned by the FDA shall be used for shellfish treatment.

I. Harvesting, processing, storage, and shipping requirements for shellfish raised in a land-based aquaculture facility shall be the same as the requirements for wild molluscan shellfish specified in this Part of Title 51.

J. Complete and accurate records shall be maintained for at least two years by the operator of the aquaculture facility and shall include the:

1. source of shellfish, including seed if the seed is from growing areas which are not in the approved classification; and
2. water source, its treatment method, if necessary, and its quality in land-based systems.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2143 (August 2022).

§503. Exceptions

A. Hatcheries and nurseries rearing larvae and/or seed that are located in:

1. approved or conditionally approved growing areas are exempt from the requirements of this part; or
2. restricted, or conditionally restricted, growing areas would be exempt from the requirements of this part but subject to relay requirements for seed that exceeds the maximum seed size established by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2144 (August 2022).

§505. Seed Production in Water Classified as Prohibited or Unclassified

A. Seed may come from any growing area, or from any growing area which is not in an approved classification, provided that:

1. the source of the seed is approved by the department;
2. each aquaculture site that cultures seed in waters classified as prohibited or unclassified shall have a written operational plan. The plan shall be approved by the department prior to its implementation and shall include the following:

a. a description of the design and activities of the culture facility;
b. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
c. the types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
d. the species of shellfish to be cultured and harvested;
e. the procedures to assure that no poisonous or deleterious substances are introduced from the seed production activities;
f. the corrective actions for addressing seed exceeding the maximum seed size as defined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2144 (August 2022).

§507. Aquaculture That Attracts Birds or Mammals

A. Operational Plan. Each aquaculture site that the department determines may attract sufficient birds and/or mammals that their waste presents a human health risk shall have a written operational plan. The operational plan shall be approved by the department prior to its implementation and shall include:

1. a description of the design and activities of the aquaculture facility;
2. the specific site and boundaries in which shellfish aquaculture activities will be conducted;

3. the types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
4. the genus and species of shellfish to be cultured and harvested;
5. procedures to assure that no poisonous or deleterious substances are introduced from the aquaculture activities;
6. a description of the mitigation or deterrent measures to minimize the potential pollution impact of birds and/or mammals; and
7. maintenance of the required records.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2144 (August 2022).

§509. Land Based Aquaculture

A. Operational Plan. Each land-based aquaculture facility shall have a written operational plan. The facility must obtain approval from the department prior to its implementation and shall include:

1. a description of the design and activities of the aquaculture facility;
2. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
3. the types and locations of any structures, including rafts, pens, cages, nets, tanks, ponds, or floats which will be placed in the waters;
4. the genus and species of shellfish to be cultured and harvested;
5. procedures to assure that no poisonous or deleterious substances are introduced into the activities;
6. a program of sanitation, maintenance, and supervision to prevent contamination of the shellfish products;
7. a description of the water source, including the details of any water treatment process or method;
8. a program to maintain water quality, which includes collection of microbial water samples and their method of analysis and routine temperature and salinity monitoring (the bacterial indicator monitored shall be the same as used for monitoring natural growing areas);

9. if applicable, collection of data concerning the quality of food production (algae or other) used in the artificial harvest system; and
10. maintenance of the required records.

B. Each land-based facility conducting aquaculture as defined by Section 101 of this Part shall maintain the following records while the aquaculture activity continues:

1. construction and remodeling plans for any permitted aquaculture facility;
2. aquaculture operational plans; and
3. aquaculture permits.

C. Water Systems. If the land-based aquaculture system is of continuous flow through design, water from a growing area classified as approved, or in the open status of the conditionally approved classification at all times shellfish are held, may be used without treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2145 (August 2022).

Joseph Kanter, MD, MPH
 State Health Officer
 and
 Dr. Courtney N. Phillips
 Secretary

2208#088

RULE

**Department of Insurance
 Office of the Commissioner**

Regulation 31—Holding Company
 (LAC 37:XIII.133 and 135)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby has amended Regulation 31—Holding Company. The purpose of the amendment to Regulation 31 is to add provisions for exemptions to the filing of reviewed financial statements for both Form A and Form B. This Rule is hereby adopted on the day of promulgation.

Title 37
INSURANCE
Part XIII. Regulations

Chapter 1. Regulation Number 31—Holding Company
§133. Form A—Acquisition of Control or Merger with a
Domestic Insurer

STATEMENT REGARDING THE ACQUISITION OF CONTROL OF OR MERGER WITH A DOMESTIC INSURER

Name of Domestic Insurer

By

Name of Acquiring Person (Applicant)

Filed with the Insurance Department of

(State of domicile of insurer being acquired)

Dated: _____, 20 _____

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should Be Addressed:

ITEM 1. INSURER AND METHOD OF ACQUISITION

State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT

- (a) State the name and address of the applicant seeking to acquire control over the insurer.
- (b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence. Provide a brief but informative description of the business intended to be done by the applicant and the applicant's subsidiaries.
- (c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than 1/2 of 1 percent of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings, and the date when commenced.

ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT

On the biographical affidavit, include a third party background check, and state the following with respect to (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of 10 percent or more of the voting securities of the applicant if the applicant is not an individual.

- (a) Name and business address;
- (b) Present principal business activity, occupation or employment, including position and office held, and the name, principal business, and address of any corporation or other organization in which such employment is carried on;
- (c) Material occupations, positions, offices, or employment during the last five years, giving the starting and ending dates of each and the name, principal business, and address of any business corporation or other organization in which each such occupation, position, office, or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension, or disciplinary proceedings in connection therewith.
- (d) Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last ten years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

ITEM 4. NATURE, SOURCE, AND AMOUNT OF CONSIDERATION

- (a) Describe the nature, source, and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes, and security arrangements relating thereto.
- (b) Explain the criteria used in determining the nature and amount of such consideration.
- (c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he must specifically request that the identity be kept confidential.

ITEM 5. FUTURE PLANS OF INSURER

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge or consolidate it with any person or persons, or to make any other material change in its business operations or corporate structure or management.

ITEM 6. VOTING SECURITIES TO BE ACQUIRED

State the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.

ITEM 7. OWNERSHIP OF VOTING SECURITIES

State the amount of each class of any voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates, or any person listed in Item 3.

ITEM 8. CONTRACTS, ARRANGEMENTS, OR UNDERSTANDINGS WITH RESPECT TO VOTING SECURITIES OF THE INSURER

Give a full description of any contracts, arrangements, or understandings with respect to any voting security of the insurer in which the applicant, its affiliates or any person listed in Item 3 is involved including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss, or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements, or understandings have been entered into.

ITEM 9. RECENT PURCHASES OF VOTING SECURITIES

Describe any purchases of any voting securities of the insurer by the applicant, its affiliates, or any person listed in Item 3 during the 12 calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefor. State whether any such shares so purchased are hypothecated.

ITEM 10. RECENT RECOMMENDATIONS TO PURCHASE

Describe any recommendations to purchase any voting security of the insurer made by the applicant, its affiliates, or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates, or any person listed in Item 3 during the 12 calendar months preceding the filing of this statement.

ITEM 11. AGREEMENTS WITH BROKER-DEALERS

Describe the terms of any agreement, contract, or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender and the amount of any fees, commissions, or other compensation to be paid to broker-dealers with regard thereto.

ITEM 12. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements, exhibits, and three-year financial projections of the insurer(s) shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements of the acquiring party shall include the annual financial statements for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business. In addition, the Commissioner may also request financial statements for any person identified in Item 2(c).

Unless the commissioner permits otherwise, the annual financial statements of the applicant and the ultimate controlling person of the applicant shall be accompanied by the certificate of an independent certified public accountant to the effect that such statements present fairly the financial position of the applicant and the ultimate controlling person of the applicant and the results of their operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer who is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

Unless the commissioner permits otherwise, any ultimate controlling person of the applicant who is an individual may file personal financial statements that are reviewed rather than audited by an independent certified public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the Personal Financial Statements Guide by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent certified public accountant's Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

An ultimate controlling person of the applicant who is an individual that does not prepare audited or reviewed financial statements in the ordinary course of business may submit a written waiver request to file a sworn unaudited balance sheet in lieu of an audited or reviewed financial statement. Note that the waiver pertains only to the requirement to file audited or reviewed financial statements. The requirement to file a sworn unaudited balance sheet cannot be waived.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting materials relating thereto, any proposed employment, consultation, advisory, or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or §131.A and 131.C of Regulation 31.

ITEM 13. AGREEMENT REQUIREMENTS FOR ENTERPRISE RISK MANAGEMENT

Applicant agrees to provide, to the best of its knowledge and belief, the information required by Form F within 15 days after the end of the month in which the acquisition of control occurs.

ITEM 14. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of R.S. 22:691.4, _____ has caused this application to be duly signed on its behalf in the City/Parish of _____ and state of _____ on the _____ day of _____, 20 _____.

(SEAL)

Name of Applicant

BY _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that(s) he has duly executed the attached application dated , 20 _____, for and on behalf of _____ that (s)he is the _____ of such company that (s)he is authorized to execute and file such instrument.
(Name of Applicant) (Title of Officer)

Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information, and belief.

(Signature) _____

(Type or print name beneath)

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:691.6 and 22:691.11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 18:274 (March 1992), amended LR 19:501 (April 1993), amended by the Office of the Commissioner, LR 41:1301 (July 2015), LR 42:1935 (November 2016), LR 48:2146 (August 2022).

§135. Form B—Annual Registration Statement

INSURANCE HOLDING COMPANY SYSTEM ANNUAL REGISTRATION STATEMENT

Filed with the Insurance Department of the
State of _____

By _____

(Name of Registrant)

On Behalf of Following Insurance Companies

Name Address

Date: _____, 20 _____

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should Be Addressed:

ITEM 1. IDENTITY AND CONTROL OF REGISTRANT

Furnish the exact name of each insurer registering or being registered (hereinafter called "the Registrant"), the home office address and principal executive offices of each; the date of which each Registrant became part of the insurance holding company system; and the method(s) by which control of each Registrant was acquired and is maintained.

ITEM 2. ORGANIZATIONAL CHART

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. No affiliate need be shown if its total assets are equal to less than 1/2 of 1 percent of the total assets of the ultimate controlling person within the insurance holding company system unless it has assets valued at or exceeding (insert amount). The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

ITEM 3. THE ULTIMATE CONTROLLING PERSON

As to the ultimate controlling person in the insurance holding company system furnish the following information:

- (a) Name
- (b) Home office address
- (c) Principal executive office address
- (d) The organizational structure of the person, (i.e., corporation, partnership, individual, trust, etc.)
- (e) The principal business of the person
- (f) The name and address of any person who holds or owns 10 percent or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned.
- (g) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings, and the date when commenced.

ITEM 4. BIOGRAPHICAL INFORMATION

If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations. If the ultimate controlling person is an individual, furnish the individual's name and address, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations.

ITEM 5. TRANSACTIONS AND AGREEMENTS

Briefly describe the following agreements in force; and transactions currently outstanding or which have occurred during the last calendar year between the Registrant and its affiliates:

- (1) loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the Registrant or of the Registrant by its affiliates;
- (2) purchases, sales, or exchanges of assets;
- (3) transactions not in the ordinary course of business;
- (4) guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the Registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the Registrant's business;
- (5) all management agreements, service contracts, and all cost-sharing arrangements;
- (6) reinsurance agreements;
- (7) dividends and other distributions to shareholders;
- (8) consolidated tax allocation agreements; and
- (9) any pledge of the Registrant's stock and/or of the stock of any subsidiary or controlling affiliate for a loan made to any member of the insurance holding company system.

Sales, purchases, exchanges, loan or extensions of credit, investments or guarantees involving the amounts specified in R.S. 22:691.6(D) or less of the Registrant's admitted assets as of the thirty-first day of December next preceding, or such transactions as set forth below, shall not be deemed material.

Sales, purchases, exchanges, loan or extensions of credit, investments or guarantees of less than \$25,000 shall not be deemed material even if such transaction would otherwise be deemed material under the provisions of R.S.22:691.6(D). Additionally, transactions that fall between \$25,000 and \$250,000 shall not be deemed material unless such transaction involves .0075 of the admitted assets of the insurer as of the thirty-first day of December next preceding.

The description shall be in a manner as to permit the proper evaluation thereof by the commissioner, and shall include at least the following: the nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, and relationship of the affiliated parties to the Registrant.

ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

- (a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and
(b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership, or other corporate reorganizations.

ITEM 7. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.

ITEM 8. FINANCIAL STATEMENT AND EXHIBITS

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, the financial statements shall include the annual financial statements of the ultimate controlling person in the holding company system as of the end of the person's latest fiscal year. Financial statements are required for an ultimate controlling person who is an individual as well as for a corporation or other type of business organization. If a holding company system includes more than one ultimate controlling person, annual financial statements are required for each ultimate controlling person.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

Other than with respect to the foregoing, such financial statement shall be filed in a standard form and format adopted by the National Association of Insurance Commissioners, unless an alternative form is accepted by the Commissioner. Documentation and financial statements filed with the Securities and Exchange Commission or audited GAAP financial statements shall be deemed to be an appropriate form and format.

Unless the commissioner otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent certified public accountant to the effect that the statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the Annual Statement of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of that state.

Unless the commissioner otherwise permits, any ultimate controlling person who is an individual may file personal financial statements that are reviewed rather than audited by an independent certified public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the Personal Financial Statements Guide by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent certified public accountant's Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

An ultimate controlling person who is an individual may file a sworn unaudited balance sheet in lieu of an audited or reviewed financial statement if:

A. The Registrant is licensed and writing only in Louisiana, OR

B(1). The ultimate controlling person does not prepare audited or reviewed financial statements in the ordinary course of business, AND

(2) The Registrant's premium volume as reported in its most recently filed annual statement is below the threshold of \$300 million total direct and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program.

The requirement to file a sworn unaudited balance sheet in lieu of audited or reviewed financial statements cannot be waived.

Filing of an application for the waiver and receipt of a waiver letter are not necessary if either of the above eligibility criteria are satisfied. Notwithstanding an ultimate controlling person's eligibility for the waiver, the Louisiana Department of Insurance reserves the right to require audited or reviewed financial statements at any time.

An ultimate controlling person meeting criterion (B)(1) that controls an insurer reporting premium volume in its most recently filed annual statement equal to or above the threshold of \$300 million total direct or assumed premium may submit a request for a waiver which will be evaluated on a case by case basis.

(c) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person; and any additional documents or papers required by Form B or §131.A and §131.C.

ITEM 9. FORM C REQUIRED

A Form C, Number Summary of Registration Statement, must be prepared and filed with this Form B.

ITEM 10. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of R.S. 22:691.6, the Registrant has caused this annual registration statement to be duly signed on its behalf in the City/Parish of _____, and State of _____ on the _____ day of _____, 20_____.

(SEAL)

(Name of Registrant)

By (Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached annual registration statement dated _____, 20_____, for and on behalf of _____; that (s)he is the _____ of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and the facts therein set forth are true to the best of his/her knowledge, information, and belief.

(Signature) _____

(Type or print name beneath) _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:691.6 and 22:691.11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 18:274 (March 1992), amended LR 19:501 (April 1993), amended by the Office of the Commissioner, LR 41:1301 (July 2015), LR 42:1935 (November 2016), LR 48:2148 (August 2022).

James J. Donelon
Commissioner

2208#028

RULE

Department of Public Safety and Corrections Corrections Services

Drug-Free Workplace (LAC 22:I.207)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby has amended the contents of §207, Drug-Free Workplace.

The Department of Public Safety and Corrections, Corrections Services, has modified some definitions in Section D. and added definitions of hemp and marijuana. Added an explanation that marijuana and THC remain Schedule I controlled substances under the Controlled Substances Act and any detection of either on a drug test, whether obtained through a physician's recommendation or purchased over-the-counter legally according to the laws of this state or any other state, shall be a violation of this regulation. Also included in the amendment are other minor changes. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 1. Secretary's Office

§207. Drug-Free Workplace

A. Purpose—to provide a comprehensive program of substance abuse education and to establish guidelines for employee drug and alcohol testing.

B. Applicability—deputy secretary, undersecretary, chief of operations, regional wardens, wardens, director of probation and parole, and director of prison enterprises. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for conveying its contents to all concerned.

C. Policy. Substance abuse is a major contributor to criminal activity and is particularly detrimental to the department's mission to provide for the safety of employees and the public. Employees who engage in substance abuse may not be able to perform the essential functions of their positions and may be less likely to enforce policies and procedures effectively to control or to prevent illicit drug and alcohol use by other employees and offenders. Therefore, it is the secretary's policy to promote increased

employee awareness of substance abuse and to achieve and maintain a workplace free of drugs and alcohol.

D. Definitions

CAP-FUDD-Certified Laboratory—a laboratory certified for forensic urine testing by the College of American Pathologists.

Collection Site—a designated place for the employee to provide a urine specimen to be analyzed for the presence of drugs.

Custodian of Records—a staff person responsible for the maintenance, care, and keeping of records related to drug and alcohol testing, including the date of such test, the name of the person performing the test, the number of tests performed, and a summary of the results of each type of test.

Drug Testing—

a. for the purpose of this regulation, drug testing is comprised of two components:

i. preliminary analysis (using the testing instrument available on the current contract issued by the procurement and contractual review division and approved by the secretary); and

ii. formal testing;

b. the application of formal testing may be contingent upon the results of the preliminary analysis. Alcohol testing consists only of administering the approved test and replicating any positive results.

Employee—any individual employed by or appointed to a position with corrections services (including student workers) or by an outside agency or provider or any individual under contract with corrections services who works in an institution or division.

a. This does not necessarily confer "employment" status on independent contractors or employees of outside agencies but serves to define a class of people who are subject to participation in the drug-free workplace program.

Formal Testing—a second analytical procedure following a positive result on a preliminary analysis to identify the presence of a specific drug which is independent of the preliminary analysis using a different technique and/or chemical principle. Formal testing is conducted by a CAP-FUDD or SAMSHA-certified laboratory.

Hemp—as defined by 7 U.S. Code §1639(1), the term *hemp* means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

Marijuana—as defined by 21 U.S. Code §802(16), all parts of the plant *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol (THC) concentration of greater than 0.3 percent on a dry weight basis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. The term *marijuana* does not include *hemp* as defined by 7 U.S. Code §1639.

Medical Review Officer (MRO)—a licensed physician designated by the unit head who is responsible for receiving positive preliminary analysis results. The MRO must possess

knowledge of substance abuse disorders and appropriate medical training to determine and evaluate an individual's positive result together with his medical history and other relevant biomedical information.

Offender—anyone in the physical custody of the Department of Public Safety and Corrections or under the supervision of the Division of Probation and Parole.

Preliminary Analysis—an immunoassay screen to detect the presence of drugs or metabolites using approved drug testing instruments. (See Paragraph H.1 for additional information.) The results of the preliminary analysis are to be used solely to indicate the need for additional formal testing, except for those who are being tested for pre-employment purposes. In this case, when the preliminary analysis is positive, it shall be sufficient cause to either remove the prospective employee from consideration for employment or appointment or be cause for conducting formal testing. If formal testing is conducted and the result is positive, this shall be cause for the prospective employee's elimination from consideration for employment or appointment.

Prospective Employee—any person who has made an application to an employer, whether written or oral, to become an employee.

Safety/Security Sensitive Position—any job which directly or indirectly affects the safety and security of others. For the purpose of this regulation, safety/security sensitive positions are those which involve direct contact with offenders and those having access to confidential information relative to the care, confinement, or supervision of offenders.

SAMSHA-Certified Laboratory—a laboratory certified for forensic drug testing by the Substance Abuse and Mental Health Services Administration.

SAMSHA Guidelines—the mandatory guidelines for federal workplace drug testing programs as published in the Federal Register on April 11, 1988 (53 FR 11970), revised on June 9, 1994 (59 FR 29908), further revised on September 30, 1997 (62 FR 51118) and any further revised guidelines issued by SAMSHA.

Unit Head—the head of an operational unit, specifically, the undersecretary, warden, director of probation and parole, and director of prison enterprises.

E. General

1. Each unit head is responsible for implementation of a substance abuse education program that requires compliance with this regulation. Each employee is responsible for refraining from illegal or prohibited use, possession, sale or manufacture of controlled substances and from reporting to work or working while under the influence of alcohol, illegal or prohibited drugs or impaired by prescription drugs.

2. For the purpose of this regulation, illegal or prohibited use of a controlled substance shall include any detection of marijuana or THC regardless of the source of its detection, whether obtained through a physician's recommendation in accordance with R.S. 40:1046, purchased over-the-counter legally according to the laws of this state or any other state, or otherwise. Marijuana and THC remain Schedule I controlled substances under the Controlled Substances Act. Therefore, any detection of

marijuana or THC on a drug test shall be considered a violation of this regulation.

F. Type of Testing

1. Pre-Employment. Drug testing shall be conducted prior to employment. (See Section D for additional information.) The unit human resources office is responsible for ensuring all new employees are given a copy of this regulation upon hire. All new employees shall sign and date the receipt of drug-free workplace regulation. A copy of this form shall be maintained in the employee's personnel file.

2. Reasonable Suspicion/Probable Cause. Reasonable suspicion/probable cause screening and subsequent testing, as appropriate, may be based on:

a. observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug or alcohol or when the odor of alcohol, marijuana smoke, or other substance is present;

b. abnormal conduct or erratic behavior;

c. arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or *trafficking* (the term shall also mean distribution);

d. information provided by reliable and credible sources or independently corroborated;

e. newly discovered evidence that the employee tampered with a previous drug or alcohol test;

f. credible allegation or confirmation of involvement in a significant violation of policy in which judgment may have been impaired.

3. Post Accident/Incident

a. An employee shall be subject to drug and alcohol testing following an accident or incident that occurs during the course and scope of their employment if the employee's action or inaction may have been a causative factor and such incident:

i. involves circumstances leading to a reasonable suspicion of the employee's drug or alcohol use or impairment;

ii. results in a fatality; or

iii. results in or causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5).

b. An employee who is involved in an accident or incident that results in bodily injury or property damage may be subject to drug and alcohol testing.

c. Should an employee refuse after being directed to submit to drug or alcohol testing as a result of an accident or incident, impairment shall be legally presumed under R.S. 23:1081 and state of Louisiana workers' compensation law benefits may be denied.

4. Rehabilitative. Staff testing positive without a legitimate explanation and whose employment is not terminated, or staff who notify their supervisor that they elect to participate for the purpose of substance use rehabilitation, shall be subject to participation in a rehabilitation program. As a condition for returning to work after participating in such a program, the employee must agree to follow-up testing on a random basis for up to 48 months. Additionally, medical professionals who are participating in a rehabilitation program, substance abuse

aftercare program or who have a documented substance abuse history must agree to periodic drug/alcohol testing throughout the course of their employment.

5. Random. All employees who occupy safety/security sensitive positions (as defined in this regulation) shall be subject to random drug testing. On a monthly basis, a list of employee numbers representing at least 5 percent of a unit's employees shall be selected at random by a computer-generated selection process. This list shall be provided to each institution, the Division of Probation and Parole, Division of Prison Enterprises and headquarters.

a. The Office of the Undersecretary shall generate the list of employee numbers at the prescribed interval and ensure that the lists are distributed directly to each unit head.

i. (Alternatively, if a unit has a drug-testing services contract with a CAP-FUDT or SAMSHA-certified laboratory, the production of this list may be included as part of those services.)

b. Unit heads shall establish a policy for matching the employee numbers to employee names, notification of selected employees, recording of test results, and other appropriate procedures as needed.

c. All tests shall be conducted during the selected employees' work hours; no employee shall be called in on his day/night off specifically for the purpose of a random drug test.

d. The conduct of this program shall be in accordance with Subsection H of this Section.

6. Promotion. Drug testing shall be conducted not more than 14 days prior to promotion.

G. Substances to be Tested

1. In accordance with R.S. 49:1002 and R.S. 49:1005, drug testing may be performed for any of the following classes of drugs:

a. marijuana or THC;

b. opiates;

c. cocaine;

d. amphetamines; and

e. phencyclidine in the random testing or preliminary testing process.

2. This does not preclude testing for any other drugs, including other controlled substances defined in 21 U.S.C. 812, Schedules I, II, III, IV, and alcohol, or abused prescription medication.

H. Conduct of the Drug Testing Program

1. Preliminary Analysis

a. The testing instrument available on the current contract issued by the procurement and contractual review division and approved by the secretary shall be utilized as a preliminary analysis to determine the need for further testing, but may not be used as the basis for any disciplinary action or other adverse action. The collection process shall be done on-site by unit staff who have received the appropriate training. (Formal testing may be utilized initially in lieu of preliminary analysis when the unit head or designee determines that this is the most efficient method.)

b. When the test produces a positive result, the MRO shall be notified. The MRO shall obtain a list of medication used by the employee at the time of the test and shall give the employee the opportunity to provide a medical history and/or discuss the test results.

i. The use of marijuana or THC, regardless of the source of its detection, whether obtained through a physician's recommendation in accordance with R.S. 40:1046, purchased over-the-counter legally according to the laws of this state or any other state, or otherwise, shall not be considered a valid medical explanation for the purposes of the MRO's review. Marijuana and THC remain Schedule I controlled substances under the Controlled Substances Act. Therefore, any detection of marijuana or THC on a drug test shall be considered a violation of this regulation.

c. Upon review and evaluation of all available information, the MRO shall determine the need for formal testing.

d. If formal testing is deemed necessary by the MRO, the employee shall be escorted to a collection site by a unit staff person.

e. Pursuant to Paragraph D of this Section, it is not mandatory that the MRO review the results of a pre-employment preliminary analysis which results in a positive finding.

f. All employee preliminary testing shall be reported on the employee drug/alcohol field test.

2. Formal Testing

a. Formal testing shall be conducted by a CAP-FUDT or SAMSHA-certified laboratory and shall be performed in compliance with SAMSHA guidelines.

b. All urine specimens for drug testing shall be collected, stored and transported in strict accordance with SAMSHA guidelines. The cut off limits for drug testing shall also be in accordance with SAMSHA guidelines with the exception of initial testing for marijuana. The initial cut off level for marijuana shall be no less than 50 nanograms/ML and no more than 100 nanograms/ML as specified by the testing entity.

c. In the event of a positive result on a formal drug test, the laboratory's staff shall provide a copy of the results to the employee and to the unit head.

I. Conduct of the Alcohol Testing Program

1. Pursuant to established policy and procedures, employees are prohibited from reporting for or being on duty under the influence of alcohol or other intoxicants (or when the odor or effect is noticeable). Towards this end, employees may be required to submit to alcohol testing while on duty under circumstances defined in Subsection F.

2. A portable breathalyzer or other instrument and approved by the secretary shall be used to determine a violation of this regulation. In the event of a positive reading on the portable breathalyzer, a second test shall be conducted.

3. The alcohol test can be administered only by those persons specifically authorized by the unit head and who have been trained in the use of the testing instrument(s).

J. Training Required. A minimum of one hour of training per year on the effects and consequences of controlled substance abuse on personal health and safety at the workplace and indicators of substance use or abuse is required for all full time employees.

K. Record Keeping and Reporting Requirements

1. The custodian of records designated by each unit head shall maintain a record of each employee who has

submitted to a drug or alcohol test, the date of such test, the name of the person performing the test, the number of tests performed and a summary of the results of each type of test.

2. All test results shall be retained for a minimum of three years after the employee resigns, retires or is dismissed from employment.

3. Pursuant to R.S. 49:1012, all information, interviews, reports, statements, memoranda and/or test results received through the unit's drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery or disclosed in any public hearing or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant. All such confidential information shall be maintained in a secure manner.

4. A monthly report utilizing the employee drug testing report of drug testing activities shall be compiled by the headquarters human resources office for submission in the AM-I-4 report.

5. By November 1 of each year, each unit's business office shall submit a report to the headquarters human resources office detailing the number of employees affected by the drug testing program, the categories of testing conducted, the associated costs of testing and the effectiveness of the program. In conjunction with the undersecretary's office, the headquarters human resources office shall compile the department's annual employee drug testing report for submission to the Division of Administration annually by December 1.

L. Impaired Ability Due to Prescription or Over the Counter Medication

1. Employees in safety/security sensitive positions are required to notify their immediate supervisor when they are taking medication which may affect their ability to perform the essential functions of the job prior to the start of their work day/shift.

2. Upon notification, supervisors must immediately contact the unit's MRO or designee to determine if the employee can safely perform the job duties while under the influence of the stated medication.

3. Employees who may cause a direct threat to the safety and security of the public, staff or offender population while under the influence of such medication shall not be allowed to complete the workday and shall be placed in enforced sick leave.

M. Violation of this Regulation

1. The disciplinary penalties and guidelines shall be utilized in the administration of this regulation. Refusal to submit to testing may result in disciplinary action. Formal testing with positive results may be cause for initiation of disciplinary action.

2. When confirmed positive formal test results do not result in termination, referral to the employee assistance program or other individual or agency equipped to coordinate accessibility to substance abuse education or counseling is appropriate and may be made.

3. Any time there is a reasonable suspicion that any employee is impaired and could be a direct threat or cannot safely perform their essential functions due to the use of

drugs (prescribed or other) or alcohol consumption, the employee shall be immediately removed from the employee's workstation and taken to a secure location (away from any possible contact with offenders) for preliminary or formal testing.

4. If any employee tests positive for drugs or alcohol during either the random, preliminary or formal testing, the employee will be placed on appropriate leave status and escorted off the premises. If impaired, assistance shall be provided to ensure the employee is transported to a safe location. The employee shall not be allowed to return to work until the condition is resolved or no earlier than the next scheduled workday if the unit head or designee so approves the return to work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Corrections Services, LR 25:522 (March 1999), amended LR 26:1308 (June 2000), LR 35:958 (May 2009), LR 39:3321 (December 2013), amended by the Department of Public Safety and Corrections, Corrections Services, LR 44:608 (March 2018), LR 48:2150 (August 2022).

James M. Le Blanc
Secretary

2208#031

RULE

Department of Public Safety and Corrections Corrections Services

Responsibilities and Functions of Prison Enterprises (LAC 22:I.1101)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby has amended the contents of §1101, Responsibilities and Functions of Prison Enterprises.

The Department of Public Safety and Corrections, Corrections Services, has revised the definitions section, revised definitions to delineate the prohibited *consuming public* from the statutorily-permitted customer base for prison enterprise's goods and services and clarify and require any harvest and gin of a cotton crop is by machine. Also included in the amendment are minor language and punctuation changes. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part I. Corrections

Chapter 11. Prison Enterprises

§1101. Responsibilities and Functions

A. Purpose—to clarify and further establish and outline the functions and responsibilities of the Division of Prison Enterprises pursuant to the provisions of R.S. 15:1156.

B. Applicability—deputy secretary, chief of operations, undersecretary, assistant secretary, regional wardens, wardens, Director of Prison Enterprises, and Director of Probation and Parole. Each unit head shall ensure

appropriate unit written policies and procedures are in place to comply with the provisions of this regulation.

C. Policy

1. The Division of Prison Enterprises is an integral component of the department's reentry initiatives by enabling offenders to increase their potential for successful rehabilitation and reintegration into society by providing occupational and skills training through productive job opportunities. To that end, the Division of Prison Enterprises shall develop and implement policies and procedures for agriculture, aquaculture, silviculture, marketing programs, industrial enterprises, livestock operations, and services to utilize the department's resources in the production of food, fiber, and other necessary items used by offenders to promote good work habits, to teach systems of accountability, and to simulate work environments offenders potentially may experience upon their release. Prison Enterprises shall provide training and work opportunities for offenders to enhance the department's reentry initiatives. Prison Enterprises provides products and services to state and local agencies, other political subdivisions, open market customers, and public employees, and additionally utilizes the department's resources to lower imprisonment costs.

D. Definitions

Advertising—the use of Prison Enterprises' resources to call to the attention of existing or potential customers the products or services offered by Prison Enterprises through media sources, including but not limited to print, television, radio, signage, sponsorships, tradeshow, and other electronic media.

Agricultural—pertaining to the production, storage, processing, marketing, or distribution of any agronomic, floricultural, horticultural, viticultural, silvicultural, or aquacultural, crop, including but not limited to farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products.

Aquacultural Commodities—of or relating to cultivation of natural produce of water such as fish and shellfish and their by-products.

Consuming Public—people or entities who purchase goods or services for use primarily for personal, family, or household purposes. Consuming public does not include departments, institutions, agencies, or political subdivisions of the state and does not include any penal, reformatory, or custodial facilities, the major portion of whose maintenance is contributed by this state or any of the political subdivisions thereof for the use or consumption of said institution or facility, or for the use or consumption of the population therein contained, or a private, nonprofit, tax-exempt organization under Section 501(c)(3) of the U.S. Internal Revenue Code.

Crop Commodities—food and fiber products that cover a broad range of goods from both processed and unprocessed bulk commodities. Crop commodities include, but are not limited to soybeans, corn, wheat, rice, cotton, vegetables, grasses, and their by-products.

Governmental Agencies—includes, but not limited to federal, state, local, and foreign governmental bodies, as

well as non-profit organizations, both within and outside the state of Louisiana.

Industrial Enterprise—a manufacturing, distribution, production, assembly, or warehousing operation that accommodates the direct or indirect exchange of goods.

Livestock—animals and their by-products reared in agricultural settings to make or produce food or to be used for labor. Livestock includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; pigs, sheep, goats, domestic rabbits, fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures constructed so as to prevent, at all times, the ingress and egress of fish life from public waters, horses, mules, donkeys, and other equine; and birds, such as chickens, turkeys, and other poultry.

Marketing—the process or technique of promoting, selling, and distributing a product or service. Marketing includes, but is not limited to, restricted marketing to a targeted buyer or group of buyers.

Meat and Food Products—products including, but not limited to, all processed and/or unprocessed bulk beef, poultry, pork, seafood, and other food products used for production or resale.

Open Market—an unrestricted market with free access by, and competition of, buyers and sellers. Nonetheless, the words *open market* as used in R.S. 51:692.1, 51:692.2, and 51:692.3 shall mean all sales or exchanges conducted or transacted through the medium of stores, shops, sales agents or agencies, whether retail or wholesale, or in any manner to the consuming public.

Private Treaty—a sale of property on terms determined by conference of the seller and buyer.

Promotional Items—items having no substantial resale value including, but not limited to, calendars, pens, hats, and t-shirts bearing information relative to Prison Enterprises.

Public Employee—person employed at any level in any capacity by a governmental agency in any branch of government. See also R.S. 42:1102(18)(19).

Row Crop Contracts—contracts with grain elevators or others based on the Chicago Board of Trade.

Samples—any Prison Enterprises' products or services provided to a potential or existing customer or placed in a highly visible location or otherwise utilized to enhance sales to existing or potential customers. Samples include, but are not limited to, items provided to governmental agencies or organizations affiliated with potential customers to use at their discretion.

Service Industry/Services—any labor-intensive endeavor using offender labor or Prison Enterprises' resources to accommodate customer requests. This includes, but is not limited to, custodial services, grounds-keeping, bulk mailings, or assembly.

Silvicultural Commodities—of or relating to controlling the establishment, growth, composition, health and quality of forests and woodlands and their by-products through management, harvest, and planting.

Timber—includes all natural and planned growth of trees used for building and other purposes, and all by-products of trees including, but not limited to, pine straw, firewood, and bark.

E. Procedures

1. The director of Prison Enterprises shall be responsible for the following:

a. establishment and operation of all agricultural, aquacultural, silvicultural and marketing programs, industrial enterprises, livestock operations and service industries, including certification in the Private Sector/Prison Industry Enhancement (PS/PIE) program within the department.

b. development of budgets and plans of operation for all Prison Enterprises programs within the state;

c. procurement of all raw goods, supplies, commodities, breeding livestock, inventories, services, studies or experimental work in accordance with the Louisiana Procurement Code, Procurement of Services Rules and Regulations, executive orders, rules established by administrative law, and all other applicable state and federal laws;

d. purchase of commodities, including but not limited to, agriculture commodities, prison industry commodities, and other commodities available from other state, federal, and foreign governmental agencies.

2. Prison Enterprises may purchase without bid both finished and unfinished goods from other governmental agencies and also may purchase processed and unprocessed raw materials from other governmental agencies for further processing or sale. Purchases of this type shall be made only to accommodate or take advantage of delivery terms, consistency in product quality/specifications, manufacturing capabilities, and price.

3. All funds received from the sale of products and services shall be deposited immediately upon receipt into the state treasury.

4. Functional supervision at the field level relative to interface with unit activities and security requirements shall be under the jurisdiction of the warden in accordance with ACA Standards.

F. Marketing and Promotion

1. Prison Enterprises may market and promote activities or incur expenses to promote its products and services to existing or potential customers. Marketing and promotional activities include, but are not limited to, providing samples and promotional items, participating in advertising, and attending conferences and/or conventions.

G. Sales

1. General

a. Sale of all Prison Enterprises products, commodities, livestock, and services may be sold in the manner provided by law, including but not limited to, direct sales to governmental agencies, non-profit entities, private entities, public employees, and other targeted customers, as well as statutorily-permitted open market sales, sealed bids, auctions, and sales of bulk-purchased items via central warehousing operations.

b. Sales to governmental agencies shall be priced based in response to bid requests, direct sales of Prison Enterprises contract products and by direct negotiation between Prison Enterprises and the governmental agency.

c. Prison Enterprises can sell manufactured, processed, agricultural, and other commodity products to a full-time or part-time public employee who resides within

the state of Louisiana, provided the public employee certifies the product shall not be resold or transferred outside of Louisiana. Pricing shall be determined based on current Prison Enterprises' contract prices or established Prison Enterprises' pricing methodology.

d. Prison Enterprises shall not sell any product or service for the purpose of promoting political candidates or any other political activity.

2. Sale of Bulk Meat and Food

a. Meat and food products offered for sale by Prison Enterprises and their corresponding prices shall be listed on the state contract published by the Louisiana Division of Administration-Office of State Procurement. Prices shall be updated at intervals as deemed necessary by the Director of Prison Enterprises.

b. Pricing for meat and food products shall be based on purchase price, market conditions, and sales history. The Director of Prison Enterprises or designee is responsible for approving all prices.

3. Sale of Timber

a. The LSU School of Forestry or a professional timber consultant shall be retained to formulate a multi-year timber management plan.

b. If a professional timber consultant is hired, the professional timber consultant shall be a member of a professional timber management association and shall provide sufficient references.

c. A submitted timber management plan shall include best management practices for all woodlands located on property controlled by the department. The timber management plan shall be presented to the agriculture manager, who shall make recommendations for harvest and sale of timber to the Director of Prison Enterprises or designee.

d. Large quantities of timber shall be sold on the open market by bid in accordance with recommendations made by either the LSU School of Forestry or the professional timber consultant.

e. Smaller quantities of timber (for example, damaged trees cut for salvage) and timber by-products shall be sold on the open market at current market rates or by private treaty at the recommendation of the LSU School of Forestry or the professional timber consultant to the agriculture manager.

f. All sales of timber require the approval of the director of Prison Enterprises or designee.

4. Sale of Services

a. The Director of Prison Enterprises or designee and the potential customer shall negotiate terms of agreement to include pricing and a detailed description of services to be rendered.

b. Prison Enterprises also may respond to bid requests by governmental agencies and other entities to provide services.

5. Sale of Livestock

a. Cattle

i. Approvals

(a). The agriculture manager shall provide information regarding cattle to be sold, said information to include type of cattle, quantity, estimated weight, location, etc. to the director or designee.

(b). This information shall then be utilized to grant approval prior to the sale or advertisement.

ii. Direct Sales

(a). Prison Enterprises may sell cattle by private treaty with the approval of the director or designee. This method of sale shall be used if the agriculture manager determines the sale is financially or operationally advantageous. The director's approval shall be based on criteria such as current market data, current needs of Prison Enterprises, and other documented circumstances which support the sale as financially or operationally advantageous.

(b). The agriculture manager shall review market data to determine the reasonableness of the price offered by the potential buyer. The agriculture manager, upon consultation with the director or designee, shall agree to a price determined to be fair considering all above-listed circumstances.

iii. Advertised Bids

(a). Advertisements for bids when selling cattle shall be published for at least one day in the state journal and in at least one printing of the official journal of the parish the livestock is located in. A copy of the bid package shall be sent also to a list of people/companies comprised of previous bidders and known major cattle buyers who purchase cattle in the southern United States. A copy of the bid package shall be provided also to the LSU Agricultural Center Beef Specialist for informational purposes and for distribution to the LSU Cooperative Extension office of each parish.

(b). Photographs of livestock shall be provided to prospective bidders upon requests to the agriculture manager at the phone number listed in the advertisement. Livestock shall be available for viewing by prospective bidders during the advertisement period by contacting the agriculture manager at the phone number listed in the advertisement.

(c). Vendors shall be allowed to submit bids until the bid opening date and time specified in the bid opening package. The bid package shall specify the latest date and time that bids will be accepted either by fax, mail, or hand delivery.

(d). The agriculture manager shall review market data regularly during the bid period to determine highs and lows in prices and will use this information to determine the reasonableness of bids received. The agriculture manager, upon consultation with the director or designee, shall notify the department's director of procurement and contractual review of the decision to award or cancel the bid.

(e). The successful vendor shall pick up livestock on or before the date stated in the bid. Livestock shall be sorted and penned in accordance with provisions of the bid. The successful vendor is responsible for all necessary transportation equipment and other expenses related to the pickup, unless otherwise stated in the bid. Prison Enterprises shall make necessary accommodations for the pickup unless extraordinary circumstances (severe weather, security events, etc.) prohibit pick up on the stated date.

iv. Cattle sold at auction, whether by stockyards or video auctions, are exempt from the above procedures.

b. Horses for Law Enforcement

i. Horses bred and raised for law enforcement purposes shall be sold to local, state, and out of state

governmental agencies, or non-profit organizations affiliated with law enforcement without bid at a price agreed upon by Prison Enterprises and the customer.

c. Other Livestock

i. All other livestock, including but not limited to, non-law enforcement horses, swine, birds, fish, and crawfish shall be sold at established market price or through other customary means, or by private treaty, bid, or auction by adhering to the procedures listed above for cattle.

6. Sale of Crop Commodities

a. Pursuant to the sale of grain products and other crop commodities, the agriculture manager routinely shall research available market information and follow the futures prices of grains and other crop commodities at the Chicago Board of Trade. The agriculture manager, with the approval of the director or designee, shall obtain price quotes from local grain elevators and enter into row crop contracts that are at prices determined to be advantageous to Prison Enterprises and consistent with anticipated production levels. Contracts for the sale of grain and other crop commodities shall be for one of the following:

- i. cash price;
- ii. basis only with futures price to be called for at a later date; or
- iii. futures only with basis determined before delivery.

b. Pursuant to the sale of cotton, Prison Enterprises may bid a contract to gin harvested cotton. According to the specifications of the contract, the ginner shall submit a report to the agriculture manager. The report shall specify yield and quality. Prison Enterprises shall use the information from the ginner to sell the cotton either by bid or by private treaty.

c. Alternatively, Prison Enterprises may bid a contract to harvest by machine and gin the cotton crop. According to the specifications of the contract, Prison Enterprises shall maintain ownership of the harvested cotton; but Prison Enterprises may enter into agreement with an appropriate contractor for marketing and sale of the crop.

d. The sale of grasses for hay and other crop by-products shall be made by bid or by private treaty. Bidding shall be accomplished by obtaining, at a minimum, telephone quotes from at least three bona fide bidders. The bid shall be awarded to the highest responsible bidder. Private treaty prices shall be set by the agriculture manager at or near current market prices for each particular product. Type, quality, location, responsibility for transportation, etc. of hay and other crop by-products shall factor into the pricing. Sales of grasses for hay and other crop by-products shall require the approval of the director or designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1156.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 33:855 (May 2007), amended by the Department of Public Safety and Corrections, Correction Services, LR 34:2642 (December 2008), LR 48:2153 (August 2022).

James M. Le Blanc
Secretary

2208#029

RULE

Department of Public Safety and Corrections Corrections Services

Telephone Use and Policy on Monitoring of Calls (LAC 22:I.315)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby has amended the contents of §315, Telephone Use and Policy on Monitoring of Calls.

The Department of Public Safety and Corrections, Corrections Services, has revised its policy regarding telephone privileges and related procedures, including recording and monitoring of calls. Added that the use of loss of telephone privileges as a sanction shall only be permitted where the rule violation is directly related to the use of telephone privileges; clarified, with respect to a provision requiring offenders placed in segregation be allowed one phone call within 24 hours, that this includes offenders who have lost their phone privileges as a separate disciplinary sanction; added that where an offender's call with his attorney is monitored, that the warden's determination of good cause to monitor the call is documented with written reasons; added that call durations shall not be limited to less than 15 minutes; deleted a provision stating that it is an offender's responsibility to notify parties that calls are subject to monitoring and replaced with a provision stating that the recorded message shall notify the parties of this fact; as well as, various clarifications, organizational and grammatical revisions throughout. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult Services

§315. Telephone Use and Policy on Monitoring of Calls

A. Purpose—to state the secretary's policy regarding the use of telephones by offenders and the monitoring of offender telephone calls at all adult institutions.

B. Applicability—Deputy Secretary, Chief of Operations, Regional Wardens and Wardens. Each warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for implementing and notifying all affected persons of its contents.

C. Policy. It is the secretary's policy that uniform telephone procedures, including the ability to monitor and/or record offender telephone calls to preserve the security and orderly management of the institution and to protect public safety, shall be adhered to at all institutions. Each institution shall offer offenders (including the hearing and/or speech impaired) reasonable access to telephone communication without overtaxing the institution's ability to properly maintain security and to avoid abuse of this privilege on the part of any offender. Offenders with hearing and/or speech disabilities and offenders who wish to communicate with parties who have such disabilities shall be given access to

appropriate auxiliary aids and services. It is further the secretary's policy to encourage offenders to maintain telephone communications while incarcerated in order to maintain family connections that will promote unification upon release.

D. Procedures

1. General

a. Each offender shall be assigned a personal identification number (PIN) which must be used when placing outgoing telephone calls. The PIN shall be the offender's DOC number.

b. Each offender may provide his assigned institution a master list of up to 20 frequently called telephone numbers inclusive of all family, personal, and legal calls. Each offender's outgoing telephone calls shall be limited to those telephone numbers he has placed on his master list. Changes may be made to the master list at the discretion of the warden or designee, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained institutional staff. No offender shall place the telephone number of the family of another offender on his master list except for verified members of his own family.

c. For new offenders, PIN and master list numbers shall be entered into the telephone system upon intake at the reception and diagnostic centers.

d. All offender telephone calls made through use of the offender telephone system shall be recorded and are subject to monitoring. This may include calls made to attorneys using the offender telephone system. (See Clause D.6.a.iii for additional information.)

e. A visible sign by each offender telephone shall place offenders on notice that all calls shall be recorded and are subject to monitoring.

f. A recorded message shall notify all parties that all calls shall be recorded and are subject to monitoring and that the call originated from a correctional facility.

g. Use of the offender telephone system shall constitute consent by all parties to the recording and/or monitoring of the call.

h. Upon the request of a telephone subscriber, the institution shall block a telephone number and prevent the subscriber from receiving calls from an offender housed in the facility. To accomplish a block of a particular number for all state facilities, the institution should contact the contractor to request that a universal block be put into place.

i. Offenders are allowed to make collect calls to cell phones. These calls must be set up as direct remit accounts with the department's phone service provider. This shall be done after approval is received from the department to add the cell number. Prepaid cell phones are not permitted to set up direct bill accounts. Cell phones must have a provider from a major wireless company i.e., AT and T, Sprint, Verizon, T-Mobile, etc.

j. Disciplinary sanctions may include certain restrictions on phone privileges; however, all offenders shall be allowed two collect calls per month. Loss of phone privileges shall only be a permissible sanction where the rule violation is directly related to the use of telephone privileges.

k. Any offender placed in segregation shall be allowed one phone call (either at the offender's expense or via a collect call) within 24 hours of placement into a segregation housing unit, including offenders who have lost their phone privileges as a separate disciplinary sanction.

2. Dormitory Housing (Minimum or Medium Custody)

a. Routine Personal or Family Calls. Collect telephone access shall be available on a relatively non-restricted basis. The specific hours in the various living areas at the individual institutions shall be established by the warden of each institution. The warden or designee shall communicate the telephone schedule to the offender population. A time limit for call duration may be established; however, call duration shall not be limited to less than 15 minutes.

b. Emergency Personal or Family Calls. Requests for access outside of normally scheduled hours may be made through the Warden's designee (dormitory officer, shift supervisor or other appropriate staff). The staff person to whom the request is made shall determine if an emergency phone call is warranted and shall make a written record of their determination. No maximum frequency for this type call shall be established, as the severity and duration of emergencies may vary.

c. Legal Calls. The warden shall establish a schedule for legal calls. Generally, offenders shall be able to place legal calls during the lunch period non-working hours, or after the afternoon count (when normal office hours are in effect for attorneys.) The warden shall establish an alternate procedure if this is not adequate.

3. Cellblock Housing (Maximum Custody)

a. Routine Personal or Family Calls. Collect telephone access is generally located in the cellblock lobby. (In those situations where the telephone is on the tier, the offender may be allowed access during the shower or exercise period.) Posted policy may limit routine personal calls for offenders assigned to cellblocks in the event that lobby placement restricts offender access. Access may vary by offender classification status. A time limit for call duration may be established; however, call duration shall not be limited to less than 15 minutes.

b. Emergency Personal or Family Calls. In all subclasses of maximum custody, the offender is required to request consideration for this type call from the warden's designee (shift supervisor, unit major, or program staff). The staff person to whom the request is made shall determine if an emergency phone call is warranted and shall make a written record of their determination. No frequency for this type call shall be established as the severity and duration of the emergency may vary.

c. Legal Calls. The warden shall establish a procedure for placing legal calls on a reasonable basis during an attorney's normal office hours. Each housing unit shall maintain a telephone log for the purpose of monitoring the number of legal calls made by offenders on a weekly basis. All legal calls shall be logged with the attorney's full name, bar number, telephone number called, date, time, and whether completed.

4. Incoming Calls

a. Routine Personal or Family calls. Messages are not accepted or relayed on a routine basis for any offender.

b. Legal Calls. Offenders may be given notice that their attorney has requested contact. Complete verification that the requested contact is the offender's attorney is required prior to processing. If minimum or medium custody, the offender may call from the dormitory during lunch or after work. If maximum custody, the offender may be allowed to call during their attorney's "normal office hours" at a time which does not interfere with the orderly operation of the unit.

5. Emergency Messages/Important Telephone Calls Based upon Faith-Based Programs and Services

a. Emergency messages concerning a serious illness, injury, death, or other family crisis, etc. shall be delivered to an offender by the chaplain or other person designated by the warden. Exceptions to this paragraph shall only be granted by the warden or designee.

b. Notification to an offender's emergency contact (or other appropriate person as the situation warrants) of an offender's serious illness, injury, or death shall be made in a timely manner by the chaplain or other person designated by the warden.

c. Chaplains are allowed discretion to make telephone calls for offenders for the purposes of dealing with emergency matters.

6. Monitoring

a. Offenders shall be put on notice of the following:

i. telephone calls in housing areas shall be recorded and are subject to monitoring. Use of telephones constitutes consent to recordation and monitoring;

ii. a recorded message shall notify all parties that all calls shall be recorded and are subject to monitoring and that the call originated from a correctional facility;

iii. telephone calls to the offender's designated attorney(s) shall be recorded, but shall not be routinely monitored. However, such calls may be monitored upon the warden's determination of good cause, such as where a security need exists. Prior to examination of the content of the conversation with the attorney, the authorized staff member requesting examination must submit in writing the factors supporting good cause to the warden for approval. The warden's determination of good cause shall be documented with written reasons. Only after written approval has been received shall the conversation be examined. Only investigators approved by the chief of operations shall be allowed to monitor the calls.

b. The telephone system typically terminates a call at the end of the authorized period (generally 15 minutes); however, the warden or designee may authorize calls of a longer duration as circumstances warrant. Persons using the telecommunication device for the deaf (TDD) system shall be allowed one-hour telephone calls.

c. Offenders shall not be allowed access to home telephone numbers of staff members, nor be allowed to contact any staff member of the department (including volunteers, contract workers, etc.) by any means, whether

through call forwarding, texting, web-based communication, or other similar communication platforms or systems.

d. Only authorized personnel (i.e., those who have been assigned a login/password) approved by the warden or designee may monitor offender telephone calls. Only investigators authorized by the chief of operations may monitor an offender's calls to his attorney. Information gained from monitoring calls which affects the security of the institution or threatens the protection of the public shall be communicated to the warden and other law enforcement agencies.

e. Offenders being processed for intake through the reception and diagnostic centers shall be required to give consent in writing, acknowledging that they are aware that their telephone calls shall be recorded and are subject to monitoring. A copy of this consent shall be placed in the offender's master record.

f. Each institution's orientation manual shall include the information contained in this regulation as a means to notify the offender population of its contents and verbal notification shall be given during the orientation program. A sign shall be posted at each offender telephone which states the following information.

ATTENTION

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation. Telephone calls to your designated attorney(s) will not be routinely monitored.

Department of Public Safety and Corrections
Department Regulation No. OP-C-8

7. Remote Call Forwarding

a. The offender population shall be put on notice that all third-party telephone calls, including remote call forwarding (RCF) calls, are strictly prohibited and such activity shall result in appropriate disciplinary action.

i. RCF is a mechanism by which offenders may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF is comparable to an automated 3-way call.

ii. RCF is also known as automated call forwarding or private branch exchange (PBX) call forwarding. Use of this automated and remote mechanism represents significant security risks for several reasons, including because the telephone call terminated number (the end destination of the call) cannot be readily identified or verified. This number is not a traditional telephone number located at a residence, business or other such location, but merely a number within the telephone switching equipment local to the facility where the offender is housed.

iii. RCF initiated calls to an unidentified terminated number can be easily forwarded to unauthorized telephones. This forwarding is done through the normal 3-way call hook ups. This negates the security mechanisms achieved by the requirement of approved telephone lists, including safeguards to prevent calls to victims and blocked or restricted numbers or to prevent other unauthorized call activities.

b. Wardens shall develop a monitoring system to analyze the frequency of local calls. High frequency may indicate RCF utilization. When RCF calls are discovered, a system-wide block of the number shall be initiated pursuant to Subparagraph D.1.i of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:829.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 29:360 (March 2003), amended LR 29:2849 (December 2003), LR 35:87 (January 2009), LR 37:599 (February 2011), LR 46:1395 (October 2020), LR 48:2157 (August 2022).

James M. Le Blanc
Secretary

2208#030

RULE

Department of Revenue Office of Alcohol and Tobacco Control

Direct Shipment of Sparkling Wine or Still Wine to Consumers in Louisiana (LAC 55:VII.335)

In accordance with the provisions of the Administrative Procedure Act, R.S. 26:792, the Department of Revenue, Office of Alcohol and Tobacco Control (ATC), has amended LAC 55:VII, Subpart 3, Beer and Liquor, Chapter 3, Section 335, relative to direct shipment of sparkling wine or still wine to consumers in Louisiana. The rule outlines standards and requirements for a direct shipper permit holder to appoint a third-party provider to ship wine directly to consumers in Louisiana on behalf of the direct shipper permit holder. This Rule is promulgated in accordance with the authority delegated in R.S. 26:359(B) that allows the commissioner to promulgate rules governing the sale and shipment of sparkling wine or still wine directly to a Louisiana consumer. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Subpart 1. Beer and Liquor

Chapter 3. Liquor Credit Regulations

§335. Direct Shipment of Sparkling Wine or Still Wine to Consumers in Louisiana

A. - K. ...

L. Fulfillment house means any location or facility for any in-state or out-of-state entity that handles logistics, including warehousing, packaging, order fulfillment, or shipping services on behalf of the holder of a direct shipper license issued pursuant to Louisiana law. Any manufacturer or wine producer of sparkling wine or still wine domiciled outside of Louisiana that authorizes a fulfillment house to ship wine on its behalf shall:

1. disclose the fulfillment house authorized to ship wine on behalf of the direct shipper licensee, and provide a copy of the written appointment of the fulfillment house to the direct shipper licensee to the commissioner as a supplement to the direct shipper permit application or any renewal thereof;

2. the direct shipper permit holder shall affirm under penalty of perjury, as part of the direct shipper's permit application or renewal, that he or she only ships wine, either directly or indirectly through a fulfillment house, from the licensee's own production;

3. the following form is required to be submitted as part of the direct shipper's permit application and any renewal thereof.

FULFILLMENT HOUSE APPOINTMENT

a. Direct Shipper permit holder acknowledges it is in compliance with LAC 55:VII.335 (Direct Shipment of Sparkling Wine or Still Wine to Consumers in Louisiana).

b. Please disclose any fulfillment house authorized to ship wine on your behalf:

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

c. Please provide a copy of the written appointment of the fulfillment house authorized to ship wine on your behalf.

d. The undersigned affirms, under penalty of perjury, that your company only ships wine directly or indirectly through the appointed fulfillment house.

e. The undersigned affirms, under penalty of perjury, that your company only ships wine directly or indirectly that bears a label, properly registered at <http://atc.la.gov/productlabeling>, that is not assigned by the wine producer or manufacturer to a wholesaler licensed in Louisiana for sale by such wholesaler.

f. The undersigned affirms, under penalty of perjury, that your company shall not ship either directly or indirectly any product associated with any agreement in which a wholesaler licensed by the state of Louisiana has been granted the right to purchase and to sell any sparkling wine or still wine produced by the manufacturer.

g. The undersigned acknowledges that by January 15, April 15, July 15, and December 15 of each calendar year your company will require that the appointed fulfillment house submit a statement detailing each shipment made to a Louisiana resident to DTCReports@atc.la.gov.

I swear, under penalty of perjury, that all representations made herein are true and correct and, I understand that any misstatement or suppression of fact in an application or accompanying affidavit is ground for denial, withholding, or suspension of a permit in accordance with R.S. 26:84 and R.S. 26:282.

Print Full Name of Authorized Representative

Signature of Authorized Representative

Date

N. A fulfillment house shipping wine on behalf of a direct shipper permit holder is the agent of the direct shipper permit holder and, as such, a direct shipper permit holder is responsible for the acts and omissions of the fulfillment house acting on behalf of the permit holder. A fulfillment house that engages in shipping wine into Louisiana on behalf of a direct shipper permit holder shall consent to the jurisdiction of the Office of Alcohol and Tobacco Control and the State, and shall file quarterly reports detailing each shipment due. These quarterly reports shall be submitted by January 15, April 15, July 15, and December 15 of each calendar year to DTCReports@atc.la.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:359.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 43:1556 (August 2017), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, 48:2159 (August 2022).

Linda Pham
Chief Legal Counsel

2208#023

RULE

**Department of Revenue
Policy Services Division**

Criminal History Record Checks for
Access to Federal Tax Information
(LAC 61:I.103)

Under the authority of R.S. 15:587.5, 47:1504.1, 47:1511, and, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.103(D)(3).

The primary purpose of this amendment is to change the timeframe in which criminal history record checks for access to federal tax information must be done. This change reflects the Internal Revenue Service's updated requirement that criminal history record checks are to be conducted every five years. Fingerprinting and criminal history record checks are mandated by R.S. 15:587.5. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 1. Office of the Secretary

**§103. Criminal History Records Checks for Access to
Federal Tax Information**

A. Introduction and Purpose

1. Safeguarding federal tax information (FTI) is critically important to the continuous protection of taxpayer confidentiality as required by 26 U.S.C. 6103(p)(4) of the Internal Revenue Code and Publication 1075. The Department of Revenue will conduct fingerprinting, along with national, state, and local criminal history record checks on all individuals handling and those who may handle FTI in order to ensure the Department of Revenue is making a complete effort to protect the sensitive information of all taxpayers and complying with federal confidentiality laws and background investigation standards. The criminal history record checks will be used to determine the suitability of individuals to access FTI in performance of their job duties or services for the Department of Revenue. In determining suitability, the Department of Revenue will use information obtained through the criminal history record check to identify trends of behavior that may not rise to the criteria for reporting to the FBI or state database, but are a good source of information about the individual.

B. - C. ...

D. General Provisions for Criminal History Record Checks

1. - 2. ...

3. Criminal history record checks will be completed, at minimum, every five years.

D.4. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.5, R.S. 47:1504.1 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:98 (January 2018), amended LR 48:2160 (August 2022).

Kevin J. Richard
Secretary

2208#050

RULE

**Department of Revenue
Policy Services Division**

**Individual Income Tax Tables and Withholding Tables
(LAC 61:I.1310 and 1501)**

Under the authority of R.S. 47:32, R.S. 47:112, R.S. 47:295 and R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 47:950

et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.1310 relative to individual income tax tables and LAC 61:I.1501 relative to individual income tax withholding tables and formulas.

The primary purpose of this amendment is to update individual income tax tables, withholding tables and formulas based on the new individual income tax rates provided by Act 395 of the 2021 Regular Session of the Louisiana Legislature that became operative on January 1, 2022 due to the passage of Constitutional Amendment Two during the November 13, 2021 election. Act 395 amended R.S. 47:32 to reduce state individual income tax rates for tax years beginning on or after January 1, 2022. This amendment will allow the secretary to administer the updated individual income tax tables, withholding tables and formulas for tax year 2022 and subsequent tax years. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

**Chapter 13. Income: Individual Income Tax Tables
§1310. Income Tax Tables**

A. Residents. The tax due for resident individuals shall be determined using one of the following tables depending on your filing status.

If your Louisiana tax table income is:		Single or Married Filing Separately Filing Status							
		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
0	4,500	0	0	0	0	0	0	0	0
4,500	4,750	2	0	0	0	0	0	0	0
4,750	5,000	7	0	0	0	0	0	0	0
5,000	5,250	12	0	0	0	0	0	0	0
5,250	5,500	16	0	0	0	0	0	0	0
5,500	5,750	21	2	0	0	0	0	0	0
5,750	6,000	25	7	0	0	0	0	0	0
6,000	6,250	30	12	0	0	0	0	0	0
6,250	6,500	35	16	0	0	0	0	0	0
6,500	6,750	39	21	2	0	0	0	0	0
6,750	7,000	44	25	7	0	0	0	0	0
7,000	7,250	49	30	12	0	0	0	0	0
7,250	7,500	53	35	16	0	0	0	0	0
7,500	7,750	58	39	21	2	0	0	0	0
7,750	8,000	62	44	25	7	0	0	0	0
8,000	8,250	67	49	30	12	0	0	0	0
8,250	8,500	72	53	35	16	0	0	0	0
8,500	8,750	76	58	39	21	2	0	0	0
8,750	9,000	81	62	44	25	7	0	0	0
9,000	9,250	86	67	49	30	12	0	0	0
9,250	9,500	90	72	53	35	16	0	0	0
9,500	9,750	95	76	58	39	21	2	0	0
9,750	10,000	99	81	62	44	25	7	0	0
10,000	10,250	104	86	67	49	30	12	0	0
10,250	10,500	109	90	72	53	35	16	0	0
10,500	10,750	113	95	76	58	39	21	2	0
10,750	11,000	118	99	81	62	44	25	7	0
11,000	11,250	123	104	86	67	49	30	12	0
11,250	11,500	127	109	90	72	53	35	16	0
11,500	11,750	132	113	95	76	58	39	21	2
11,750	12,000	136	118	99	81	62	44	25	7
12,000	12,250	141	123	104	86	67	49	30	12
12,250	12,500	146	127	109	90	72	53	35	16
12,500	12,750	152	134	115	97	78	60	41	23

If your Louisiana tax table income is:		Single or Married Filing Separately Filing Status							
		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
12,750	13,000	161	143	124	106	87	69	50	32
13,000	13,250	170	151	133	114	96	77	59	40
13,250	13,500	179	160	142	123	105	86	68	49
13,500	13,750	187	169	150	132	113	95	76	58
13,750	14,000	196	178	159	141	122	104	85	67
14,000	14,250	205	186	168	149	131	112	94	75
14,250	14,500	214	195	177	158	140	121	103	84
14,500	14,750	222	204	185	167	148	130	111	93
14,750	15,000	231	213	194	176	157	139	120	102
15,000	15,250	240	221	203	184	166	147	129	110
15,250	15,500	249	230	212	193	175	156	138	119
15,500	15,750	257	239	220	202	183	165	146	128
15,750	16,000	266	248	229	211	192	174	155	137
16,000	16,250	275	256	238	219	201	182	164	145
16,250	16,500	284	265	247	228	210	191	173	154
16,500	16,750	292	274	255	237	218	200	181	163
16,750	17,000	301	283	264	246	227	209	190	172
17,000	17,250	310	291	273	254	236	217	199	180
17,250	17,500	319	300	282	263	245	226	208	189
17,500	17,750	327	309	290	272	253	235	216	198
17,750	18,000	336	318	299	281	262	244	225	207
18,000	18,250	345	326	308	289	271	252	234	215
18,250	18,500	354	335	317	298	280	261	243	224
18,500	18,750	362	344	325	307	288	270	251	233
18,750	19,000	371	353	334	316	297	279	260	242
19,000	19,250	380	361	343	324	306	287	269	250
19,250	19,500	389	370	352	333	315	296	278	259
19,500	19,750	397	379	360	342	323	305	286	268
19,750	20,000	406	388	369	351	332	314	295	277
20,000	20,250	415	396	378	359	341	322	304	285
20,250	20,500	424	405	387	368	350	331	313	294
20,500	20,750	432	414	395	377	358	340	321	303
20,750	21,000	441	423	404	386	367	349	330	312
21,000	21,250	450	431	413	394	376	357	339	320
21,250	21,500	459	440	422	403	385	366	348	329
21,500	21,750	467	449	430	412	393	375	356	338
21,750	22,000	476	458	439	421	402	384	365	347
22,000	22,250	485	466	448	429	411	392	374	355
22,250	22,500	494	475	457	438	420	401	383	364
22,500	22,750	502	484	465	447	428	410	391	373
22,750	23,000	511	493	474	456	437	419	400	382
23,000	23,250	520	501	483	464	446	427	409	390
23,250	23,500	529	510	492	473	455	436	418	399
23,500	23,750	537	519	500	482	463	445	426	408
23,750	24,000	546	528	509	491	472	454	435	417
24,000	24,250	555	536	518	499	481	462	444	425
24,250	24,500	564	545	527	508	490	471	453	434
24,500	24,750	572	554	535	517	498	480	461	443
24,750	25,000	581	563	544	526	507	489	470	452
25,000	25,250	590	571	553	534	516	497	479	460
25,250	25,500	599	580	562	543	525	506	488	469
25,500	25,750	607	589	570	552	533	515	496	478
25,750	26,000	616	598	579	561	542	524	505	487
26,000	26,250	625	606	588	569	551	532	514	495
26,250	26,500	634	615	597	578	560	541	523	504
26,500	26,750	642	624	605	587	568	550	531	513
26,750	27,000	651	633	614	596	577	559	540	522
27,000	27,250	660	641	623	604	586	567	549	530
27,250	27,500	669	650	632	613	595	576	558	539
27,500	27,750	677	659	640	622	603	585	566	548
27,750	28,000	686	668	649	631	612	594	575	557
28,000	28,250	695	676	658	639	621	602	584	565
28,250	28,500	704	685	667	648	630	611	593	574
28,500	28,750	712	694	675	657	638	620	601	583
28,750	29,000	721	703	684	666	647	629	610	592
29,000	29,250	730	711	693	674	656	637	619	600
29,250	29,500	739	720	702	683	665	646	628	609
29,500	29,750	747	729	710	692	673	655	636	618

If your Louisiana tax table income is:		Single or Married Filing Separately Filing Status							
		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
29,750	30,000	756	738	719	701	682	664	645	627
30,000	30,250	765	746	728	709	691	672	654	635
30,250	30,500	774	755	737	718	700	681	663	644
30,500	30,750	782	764	745	727	708	690	671	653
30,750	31,000	791	773	754	736	717	699	680	662
31,000	31,250	800	781	763	744	726	707	689	670
31,250	31,500	809	790	772	753	735	716	698	679
31,500	31,750	817	799	780	762	743	725	706	688
31,750	32,000	826	808	789	771	752	734	715	697
32,000	32,250	835	816	798	779	761	742	724	705
32,250	32,500	844	825	807	788	770	751	733	714
32,500	32,750	852	834	815	797	778	760	741	723
32,750	33,000	861	843	824	806	787	769	750	732
33,000	33,250	870	851	833	814	796	777	759	740
33,250	33,500	879	860	842	823	805	786	768	749
33,500	33,750	887	869	850	832	813	795	776	758
33,750	34,000	896	878	859	841	822	804	785	767
34,000	34,250	905	886	868	849	831	812	794	775
34,250	34,500	914	895	877	858	840	821	803	784
34,500	34,750	922	904	885	867	848	830	811	793
34,750	35,000	931	913	894	876	857	839	820	802
35,000	35,250	940	921	903	884	866	847	829	810
35,250	35,500	949	930	912	893	875	856	838	819
35,500	35,750	957	939	920	902	883	865	846	828
35,750	36,000	966	948	929	911	892	874	855	837
36,000	36,250	975	956	938	919	901	882	864	845
36,250	36,500	984	965	947	928	910	891	873	854
36,500	36,750	992	974	955	937	918	900	881	863
36,750	37,000	1,001	983	964	946	927	909	890	872
37,000	37,250	1,010	991	973	954	936	917	899	880
37,250	37,500	1,019	1,000	982	963	945	926	908	889
37,500	37,750	1,027	1,009	990	972	953	935	916	898
37,750	38,000	1,036	1,018	999	981	962	944	925	907
38,000	38,250	1,045	1,026	1,008	989	971	952	934	915
38,250	38,500	1,054	1,035	1,017	998	980	961	943	924
38,500	38,750	1,062	1,044	1,025	1,007	988	970	951	933
38,750	39,000	1,071	1,053	1,034	1,016	997	979	960	942
39,000	39,250	1,080	1,061	1,043	1,024	1,006	987	969	950
39,250	39,500	1,089	1,070	1,052	1,033	1,015	996	978	959
39,500	39,750	1,097	1,079	1,060	1,042	1,023	1,005	986	968
39,750	40,000	1,106	1,088	1,069	1,051	1,032	1,014	995	977
40,000	40,250	1,115	1,096	1,078	1,059	1,041	1,022	1,004	985
40,250	40,500	1,124	1,105	1,087	1,068	1,050	1,031	1,013	994
40,500	40,750	1,132	1,114	1,095	1,077	1,058	1,040	1,021	1,003
40,750	41,000	1,141	1,123	1,104	1,086	1,067	1,049	1,030	1,012
41,000	41,250	1,150	1,131	1,113	1,094	1,076	1,057	1,039	1,020
41,250	41,500	1,159	1,140	1,122	1,103	1,085	1,066	1,048	1,029
41,500	41,750	1,167	1,149	1,130	1,112	1,093	1,075	1,056	1,038
41,750	42,000	1,176	1,158	1,139	1,121	1,102	1,084	1,065	1,047
42,000	42,250	1,185	1,166	1,148	1,129	1,111	1,092	1,074	1,055
42,250	42,500	1,194	1,175	1,157	1,138	1,120	1,101	1,083	1,064
42,500	42,750	1,202	1,184	1,165	1,147	1,128	1,110	1,091	1,073
42,750	43,000	1,211	1,193	1,174	1,156	1,137	1,119	1,100	1,082
43,000	43,250	1,220	1,201	1,183	1,164	1,146	1,127	1,109	1,090
43,250	43,500	1,229	1,210	1,192	1,173	1,155	1,136	1,118	1,099
43,500	43,750	1,237	1,219	1,200	1,182	1,163	1,145	1,126	1,108
43,750	44,000	1,246	1,228	1,209	1,191	1,172	1,154	1,135	1,117
44,000	44,250	1,255	1,236	1,218	1,199	1,181	1,162	1,144	1,125
44,250	44,500	1,264	1,245	1,227	1,208	1,190	1,171	1,153	1,134
44,500	44,750	1,272	1,254	1,235	1,217	1,198	1,180	1,161	1,143
44,750	45,000	1,281	1,263	1,244	1,226	1,207	1,189	1,170	1,152
45,000	45,250	1,290	1,271	1,253	1,234	1,216	1,197	1,179	1,160
45,250	45,500	1,299	1,280	1,262	1,243	1,225	1,206	1,188	1,169
45,500	45,750	1,307	1,289	1,270	1,252	1,233	1,215	1,196	1,178
45,750	46,000	1,316	1,298	1,279	1,261	1,242	1,224	1,205	1,187
46,000	46,250	1,325	1,306	1,288	1,269	1,251	1,232	1,214	1,195
46,250	46,500	1,334	1,315	1,297	1,278	1,260	1,241	1,223	1,204
46,500	46,750	1,342	1,324	1,305	1,287	1,268	1,250	1,231	1,213

		Single or Married Filing Separately Filing Status							
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
46,750	47,000	1,351	1,333	1,314	1,296	1,277	1,259	1,240	1,222
47,000	47,250	1,360	1,341	1,323	1,304	1,286	1,267	1,249	1,230
47,250	47,500	1,369	1,350	1,332	1,313	1,295	1,276	1,258	1,239
47,500	47,750	1,377	1,359	1,340	1,322	1,303	1,285	1,266	1,248
47,750	48,000	1,386	1,368	1,349	1,331	1,312	1,294	1,275	1,257
48,000	48,250	1,395	1,376	1,358	1,339	1,321	1,302	1,284	1,265
48,250	48,500	1,404	1,385	1,367	1,348	1,330	1,311	1,293	1,274
48,500	48,750	1,412	1,394	1,375	1,357	1,338	1,320	1,301	1,283
48,750	49,000	1,421	1,403	1,384	1,366	1,347	1,329	1,310	1,292
49,000	49,250	1,430	1,411	1,393	1,374	1,356	1,337	1,319	1,300
49,250	49,500	1,439	1,420	1,402	1,383	1,365	1,346	1,328	1,309
49,500	49,750	1,447	1,429	1,410	1,392	1,373	1,355	1,336	1,318
49,750	50,000	1,456	1,438	1,419	1,401	1,382	1,364	1,345	1,327
50,000	50,250	1,466	1,447	1,429	1,410	1,392	1,373	1,355	1,336
50,250	50,500	1,476	1,458	1,439	1,421	1,402	1,384	1,365	1,347
50,500	50,750	1,487	1,469	1,450	1,432	1,413	1,395	1,376	1,358
50,750	51,000	1,498	1,479	1,461	1,442	1,424	1,405	1,387	1,368
		Plus 4.25% of tax table income in excess of \$51,000							

		Married Filing Jointly or Qualifying Widow(er) Filing Status							
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		2	3	4	5	6	7	8	
At Least	Less Than	Your Louisiana tax is:							
0	9,000	0	0	0	0	0	0	0	0
9,000	9,250	2	0	0	0	0	0	0	0
9,250	9,500	7	0	0	0	0	0	0	0
9,500	9,750	12	0	0	0	0	0	0	0
9,750	10,000	16	0	0	0	0	0	0	0
10,000	10,250	21	2	0	0	0	0	0	0
10,250	10,500	25	7	0	0	0	0	0	0
10,500	10,750	30	12	0	0	0	0	0	0
10,750	11,000	35	16	0	0	0	0	0	0
11,000	11,250	39	21	2	0	0	0	0	0
11,250	11,500	44	25	7	0	0	0	0	0
11,500	11,750	49	30	12	0	0	0	0	0
11,750	12,000	53	35	16	0	0	0	0	0
12,000	12,250	58	39	21	2	0	0	0	0
12,250	12,500	62	44	25	7	0	0	0	0
12,500	12,750	67	49	30	12	0	0	0	0
12,750	13,000	72	53	35	16	0	0	0	0
13,000	13,250	76	58	39	21	2	0	0	0
13,250	13,500	81	62	44	25	7	0	0	0
13,500	13,750	86	67	49	30	12	0	0	0
13,750	14,000	90	72	53	35	16	0	0	0
14,000	14,250	95	76	58	39	21	2	0	0
14,250	14,500	99	81	62	44	25	7	0	0
14,500	14,750	104	86	67	49	30	12	0	0
14,750	15,000	109	90	72	53	35	16	0	0
15,000	15,250	113	95	76	58	39	21	2	2
15,250	15,500	118	99	81	62	44	25	7	7
15,500	15,750	123	104	86	67	49	30	12	12
15,750	16,000	127	109	90	72	53	35	16	16
16,000	16,250	132	113	95	76	58	39	21	21
16,250	16,500	136	118	99	81	62	44	25	25
16,500	16,750	141	123	104	86	67	49	30	30
16,750	17,000	146	127	109	90	72	53	35	35
17,000	17,250	150	132	113	95	76	58	39	39
17,250	17,500	155	136	118	99	81	62	44	44
17,500	17,750	160	141	123	104	86	67	49	49
17,750	18,000	164	146	127	109	90	72	53	53
18,000	18,250	169	150	132	113	95	76	58	58
18,250	18,500	173	155	136	118	99	81	62	62
18,500	18,750	178	160	141	123	104	86	67	67
18,750	19,000	183	164	146	127	109	90	72	72
19,000	19,250	187	169	150	132	113	95	76	76
19,250	19,500	192	173	155	136	118	99	81	81
19,500	19,750	197	178	160	141	123	104	86	86

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
19,750	20,000	201	183	164	146	127	109	90
20,000	20,250	206	187	169	150	132	113	95
20,250	20,500	210	192	173	155	136	118	99
20,500	20,750	215	197	178	160	141	123	104
20,750	21,000	220	201	183	164	146	127	109
21,000	21,250	224	206	187	169	150	132	113
21,250	21,500	229	210	192	173	155	136	118
21,500	21,750	234	215	197	178	160	141	123
21,750	22,000	238	220	201	183	164	146	127
22,000	22,250	243	224	206	187	169	150	132
22,250	22,500	247	229	210	192	173	155	136
22,500	22,750	252	234	215	197	178	160	141
22,750	23,000	257	238	220	201	183	164	146
23,000	23,250	261	243	224	206	187	169	150
23,250	23,500	266	247	229	210	192	173	155
23,500	23,750	271	252	234	215	197	178	160
23,750	24,000	275	257	238	220	201	183	164
24,000	24,250	280	261	243	224	206	187	169
24,250	24,500	284	266	247	229	210	192	173
24,500	24,750	289	271	252	234	215	197	178
24,750	25,000	294	275	257	238	220	201	183
25,000	25,250	300	282	263	245	226	208	189
25,250	25,500	309	291	272	254	235	217	198
25,500	25,750	318	299	281	262	244	225	207
25,750	26,000	327	308	290	271	253	234	216
26,000	26,250	335	317	298	280	261	243	224
26,250	26,500	344	326	307	289	270	252	233
26,500	26,750	353	334	316	297	279	260	242
26,750	27,000	362	343	325	306	288	269	251
27,000	27,250	370	352	333	315	296	278	259
27,250	27,500	379	361	342	324	305	287	268
27,500	27,750	388	369	351	332	314	295	277
27,750	28,000	397	378	360	341	323	304	286
28,000	28,250	405	387	368	350	331	313	294
28,250	28,500	414	396	377	359	340	322	303
28,500	28,750	423	404	386	367	349	330	312
28,750	29,000	432	413	395	376	358	339	321
29,000	29,250	440	422	403	385	366	348	329
29,250	29,500	449	431	412	394	375	357	338
29,500	29,750	458	439	421	402	384	365	347
29,750	30,000	467	448	430	411	393	374	356
30,000	30,250	475	457	438	420	401	383	364
30,250	30,500	484	466	447	429	410	392	373
30,500	30,750	493	474	456	437	419	400	382
30,750	31,000	502	483	465	446	428	409	391
31,000	31,250	510	492	473	455	436	418	399
31,250	31,500	519	501	482	464	445	427	408
31,500	31,750	528	509	491	472	454	435	417
31,750	32,000	537	518	500	481	463	444	426
32,000	32,250	545	527	508	490	471	453	434
32,250	32,500	554	536	517	499	480	462	443
32,500	32,750	563	544	526	507	489	470	452
32,750	33,000	572	553	535	516	498	479	461
33,000	33,250	580	562	543	525	506	488	469
33,250	33,500	589	571	552	534	515	497	478
33,500	33,750	598	579	561	542	524	505	487
33,750	34,000	607	588	570	551	533	514	496
34,000	34,250	615	597	578	560	541	523	504
34,250	34,500	624	606	587	569	550	532	513
34,500	34,750	633	614	596	577	559	540	522
34,750	35,000	642	623	605	586	568	549	531
35,000	35,250	650	632	613	595	576	558	539
35,250	35,500	659	641	622	604	585	567	548
35,500	35,750	668	649	631	612	594	575	557
35,750	36,000	677	658	640	621	603	584	566
36,000	36,250	685	667	648	630	611	593	574
36,250	36,500	694	676	657	639	620	602	583
36,500	36,750	703	684	666	647	629	610	592

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
36,750	37,000	712	693	675	656	638	619	601
37,000	37,250	720	702	683	665	646	628	609
37,250	37,500	729	711	692	674	655	637	618
37,500	37,750	738	719	701	682	664	645	627
37,750	38,000	747	728	710	691	673	654	636
38,000	38,250	755	737	718	700	681	663	644
38,250	38,500	764	746	727	709	690	672	653
38,500	38,750	773	754	736	717	699	680	662
38,750	39,000	782	763	745	726	708	689	671
39,000	39,250	790	772	753	735	716	698	679
39,250	39,500	799	781	762	744	725	707	688
39,500	39,750	808	789	771	752	734	715	697
39,750	40,000	817	798	780	761	743	724	706
40,000	40,250	825	807	788	770	751	733	714
40,250	40,500	834	816	797	779	760	742	723
40,500	40,750	843	824	806	787	769	750	732
40,750	41,000	852	833	815	796	778	759	741
41,000	41,250	860	842	823	805	786	768	749
41,250	41,500	869	851	832	814	795	777	758
41,500	41,750	878	859	841	822	804	785	767
41,750	42,000	887	868	850	831	813	794	776
42,000	42,250	895	877	858	840	821	803	784
42,250	42,500	904	886	867	849	830	812	793
42,500	42,750	913	894	876	857	839	820	802
42,750	43,000	922	903	885	866	848	829	811
43,000	43,250	930	912	893	875	856	838	819
43,250	43,500	939	921	902	884	865	847	828
43,500	43,750	948	929	911	892	874	855	837
43,750	44,000	957	938	920	901	883	864	846
44,000	44,250	965	947	928	910	891	873	854
44,250	44,500	974	956	937	919	900	882	863
44,500	44,750	983	964	946	927	909	890	872
44,750	45,000	992	973	955	936	918	899	881
45,000	45,250	1,000	982	963	945	926	908	889
45,250	45,500	1,009	991	972	954	935	917	898
45,500	45,750	1,018	999	981	962	944	925	907
45,750	46,000	1,027	1,008	990	971	953	934	916
46,000	46,250	1,035	1,017	998	980	961	943	924
46,250	46,500	1,044	1,026	1,007	989	970	952	933
46,500	46,750	1,053	1,034	1,016	997	979	960	942
46,750	47,000	1,062	1,043	1,025	1,006	988	969	951
47,000	47,250	1,070	1,052	1,033	1,015	996	978	959
47,250	47,500	1,079	1,061	1,042	1,024	1,005	987	968
47,500	47,750	1,088	1,069	1,051	1,032	1,014	995	977
47,750	48,000	1,097	1,078	1,060	1,041	1,023	1,004	986
48,000	48,250	1,105	1,087	1,068	1,050	1,031	1,013	994
48,250	48,500	1,114	1,096	1,077	1,059	1,040	1,022	1,003
48,500	48,750	1,123	1,104	1,086	1,067	1,049	1,030	1,012
48,750	49,000	1,132	1,113	1,095	1,076	1,058	1,039	1,021
49,000	49,250	1,140	1,122	1,103	1,085	1,066	1,048	1,029
49,250	49,500	1,149	1,131	1,112	1,094	1,075	1,057	1,038
49,500	49,750	1,158	1,139	1,121	1,102	1,084	1,065	1,047
49,750	50,000	1,167	1,148	1,130	1,111	1,093	1,074	1,056
50,000	50,250	1,175	1,157	1,138	1,120	1,101	1,083	1,064
50,250	50,500	1,184	1,166	1,147	1,129	1,110	1,092	1,073
50,500	50,750	1,193	1,174	1,156	1,137	1,119	1,100	1,082
50,750	51,000	1,202	1,183	1,165	1,146	1,128	1,109	1,091
51,000	51,250	1,210	1,192	1,173	1,155	1,136	1,118	1,099
51,250	51,500	1,219	1,201	1,182	1,164	1,145	1,127	1,108
51,500	51,750	1,228	1,209	1,191	1,172	1,154	1,135	1,117
51,750	52,000	1,237	1,218	1,200	1,181	1,163	1,144	1,126
52,000	52,250	1,245	1,227	1,208	1,190	1,171	1,153	1,134
52,250	52,500	1,254	1,236	1,217	1,199	1,180	1,162	1,143
52,500	52,750	1,263	1,244	1,226	1,207	1,189	1,170	1,152
52,750	53,000	1,272	1,253	1,235	1,216	1,198	1,179	1,161
53,000	53,250	1,280	1,262	1,243	1,225	1,206	1,188	1,169
53,250	53,500	1,289	1,271	1,252	1,234	1,215	1,197	1,178
53,500	53,750	1,298	1,279	1,261	1,242	1,224	1,205	1,187

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
53,750	54,000	1,307	1,288	1,270	1,251	1,233	1,214	1,196
54,000	54,250	1,315	1,297	1,278	1,260	1,241	1,223	1,204
54,250	54,500	1,324	1,306	1,287	1,269	1,250	1,232	1,213
54,500	54,750	1,333	1,314	1,296	1,277	1,259	1,240	1,222
54,750	55,000	1,342	1,323	1,305	1,286	1,268	1,249	1,231
55,000	55,250	1,350	1,332	1,313	1,295	1,276	1,258	1,239
55,250	55,500	1,359	1,341	1,322	1,304	1,285	1,267	1,248
55,500	55,750	1,368	1,349	1,331	1,312	1,294	1,275	1,257
55,750	56,000	1,377	1,358	1,340	1,321	1,303	1,284	1,266
56,000	56,250	1,385	1,367	1,348	1,330	1,311	1,293	1,274
56,250	56,500	1,394	1,376	1,357	1,339	1,320	1,302	1,283
56,500	56,750	1,403	1,384	1,366	1,347	1,329	1,310	1,292
56,750	57,000	1,412	1,393	1,375	1,356	1,338	1,319	1,301
57,000	57,250	1,420	1,402	1,383	1,365	1,346	1,328	1,309
57,250	57,500	1,429	1,411	1,392	1,374	1,355	1,337	1,318
57,500	57,750	1,438	1,419	1,401	1,382	1,364	1,345	1,327
57,750	58,000	1,447	1,428	1,410	1,391	1,373	1,354	1,336
58,000	58,250	1,455	1,437	1,418	1,400	1,381	1,363	1,344
58,250	58,500	1,464	1,446	1,427	1,409	1,390	1,372	1,353
58,500	58,750	1,473	1,454	1,436	1,417	1,399	1,380	1,362
58,750	59,000	1,482	1,463	1,445	1,426	1,408	1,389	1,371
59,000	59,250	1,490	1,472	1,453	1,435	1,416	1,398	1,379
59,250	59,500	1,499	1,481	1,462	1,444	1,425	1,407	1,388
59,500	59,750	1,508	1,489	1,471	1,452	1,434	1,415	1,397
59,750	60,000	1,517	1,498	1,480	1,461	1,443	1,424	1,406
60,000	60,250	1,525	1,507	1,488	1,470	1,451	1,433	1,414
60,250	60,500	1,534	1,516	1,497	1,479	1,460	1,442	1,423
60,500	60,750	1,543	1,524	1,506	1,487	1,469	1,450	1,432
60,750	61,000	1,552	1,533	1,515	1,496	1,478	1,459	1,441
61,000	61,250	1,560	1,542	1,523	1,505	1,486	1,468	1,449
61,250	61,500	1,569	1,551	1,532	1,514	1,495	1,477	1,458
61,500	61,750	1,578	1,559	1,541	1,522	1,504	1,485	1,467
61,750	62,000	1,587	1,568	1,550	1,531	1,513	1,494	1,476
62,000	62,250	1,595	1,577	1,558	1,540	1,521	1,503	1,484
62,250	62,500	1,604	1,586	1,567	1,549	1,530	1,512	1,493
62,500	62,750	1,613	1,594	1,576	1,557	1,539	1,520	1,502
62,750	63,000	1,622	1,603	1,585	1,566	1,548	1,529	1,511
63,000	63,250	1,630	1,612	1,593	1,575	1,556	1,538	1,519
63,250	63,500	1,639	1,621	1,602	1,584	1,565	1,547	1,528
63,500	63,750	1,648	1,629	1,611	1,592	1,574	1,555	1,537
63,750	64,000	1,657	1,638	1,620	1,601	1,583	1,564	1,546
64,000	64,250	1,665	1,647	1,628	1,610	1,591	1,573	1,554
64,250	64,500	1,674	1,656	1,637	1,619	1,600	1,582	1,563
64,500	64,750	1,683	1,664	1,646	1,627	1,609	1,590	1,572
64,750	65,000	1,692	1,673	1,655	1,636	1,618	1,599	1,581
65,000	65,250	1,700	1,682	1,663	1,645	1,626	1,608	1,589
65,250	65,500	1,709	1,691	1,672	1,654	1,635	1,617	1,598
65,500	65,750	1,718	1,699	1,681	1,662	1,644	1,625	1,607
65,750	66,000	1,727	1,708	1,690	1,671	1,653	1,634	1,616
66,000	66,250	1,735	1,717	1,698	1,680	1,661	1,643	1,624
66,250	66,500	1,744	1,726	1,707	1,689	1,670	1,652	1,633
66,500	66,750	1,753	1,734	1,716	1,697	1,679	1,660	1,642
66,750	67,000	1,762	1,743	1,725	1,706	1,688	1,669	1,651
67,000	67,250	1,770	1,752	1,733	1,715	1,696	1,678	1,659
67,250	67,500	1,779	1,761	1,742	1,724	1,705	1,687	1,668
67,500	67,750	1,788	1,769	1,751	1,732	1,714	1,695	1,677
67,750	68,000	1,797	1,778	1,760	1,741	1,723	1,704	1,686
68,000	68,250	1,805	1,787	1,768	1,750	1,731	1,713	1,694
68,250	68,500	1,814	1,796	1,777	1,759	1,740	1,722	1,703
68,500	68,750	1,823	1,804	1,786	1,767	1,749	1,730	1,712
68,750	69,000	1,832	1,813	1,795	1,776	1,758	1,739	1,721
69,000	69,250	1,840	1,822	1,803	1,785	1,766	1,748	1,729
69,250	69,500	1,849	1,831	1,812	1,794	1,775	1,757	1,738
69,500	69,750	1,858	1,839	1,821	1,802	1,784	1,765	1,747
69,750	70,000	1,867	1,848	1,830	1,811	1,793	1,774	1,756
70,000	70,250	1,875	1,857	1,838	1,820	1,801	1,783	1,764
70,250	70,500	1,884	1,866	1,847	1,829	1,810	1,792	1,773
70,500	70,750	1,893	1,874	1,856	1,837	1,819	1,800	1,782

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
70,750	71,000	1,902	1,883	1,865	1,846	1,828	1,809	1,791
71,000	71,250	1,910	1,892	1,873	1,855	1,836	1,818	1,799
71,250	71,500	1,919	1,901	1,882	1,864	1,845	1,827	1,808
71,500	71,750	1,928	1,909	1,891	1,872	1,854	1,835	1,817
71,750	72,000	1,937	1,918	1,900	1,881	1,863	1,844	1,826
72,000	72,250	1,945	1,927	1,908	1,890	1,871	1,853	1,834
72,250	72,500	1,954	1,936	1,917	1,899	1,880	1,862	1,843
72,500	72,750	1,963	1,944	1,926	1,907	1,889	1,870	1,852
72,750	73,000	1,972	1,953	1,935	1,916	1,898	1,879	1,861
73,000	73,250	1,980	1,962	1,943	1,925	1,906	1,888	1,869
73,250	73,500	1,989	1,971	1,952	1,934	1,915	1,897	1,878
73,500	73,750	1,998	1,979	1,961	1,942	1,924	1,905	1,887
73,750	74,000	2,007	1,988	1,970	1,951	1,933	1,914	1,896
74,000	74,250	2,015	1,997	1,978	1,960	1,941	1,923	1,904
74,250	74,500	2,024	2,006	1,987	1,969	1,950	1,932	1,913
74,500	74,750	2,033	2,014	1,996	1,977	1,959	1,940	1,922
74,750	75,000	2,042	2,023	2,005	1,986	1,968	1,949	1,931
75,000	75,250	2,050	2,032	2,013	1,995	1,976	1,958	1,939
75,250	75,500	2,059	2,041	2,022	2,004	1,985	1,967	1,948
75,500	75,750	2,068	2,049	2,031	2,012	1,994	1,975	1,957
75,750	76,000	2,077	2,058	2,040	2,021	2,003	1,984	1,966
76,000	76,250	2,085	2,067	2,048	2,030	2,011	1,993	1,974
76,250	76,500	2,094	2,076	2,057	2,039	2,020	2,002	1,983
76,500	76,750	2,103	2,084	2,066	2,047	2,029	2,010	1,992
76,750	77,000	2,112	2,093	2,075	2,056	2,038	2,019	2,001
77,000	77,250	2,120	2,102	2,083	2,065	2,046	2,028	2,009
77,250	77,500	2,129	2,111	2,092	2,074	2,055	2,037	2,018
77,500	77,750	2,138	2,119	2,101	2,082	2,064	2,045	2,027
77,750	78,000	2,147	2,128	2,110	2,091	2,073	2,054	2,036
78,000	78,250	2,155	2,137	2,118	2,100	2,081	2,063	2,044
78,250	78,500	2,164	2,146	2,127	2,109	2,090	2,072	2,053
78,500	78,750	2,173	2,154	2,136	2,117	2,099	2,080	2,062
78,750	79,000	2,182	2,163	2,145	2,126	2,108	2,089	2,071
79,000	79,250	2,190	2,172	2,153	2,135	2,116	2,098	2,079
79,250	79,500	2,199	2,181	2,162	2,144	2,125	2,107	2,088
79,500	79,750	2,208	2,189	2,171	2,152	2,134	2,115	2,097
79,750	80,000	2,217	2,198	2,180	2,161	2,143	2,124	2,106
80,000	80,250	2,225	2,207	2,188	2,170	2,151	2,133	2,114
80,250	80,500	2,234	2,216	2,197	2,179	2,160	2,142	2,123
80,500	80,750	2,243	2,224	2,206	2,187	2,169	2,150	2,132
80,750	81,000	2,252	2,233	2,215	2,196	2,178	2,159	2,141
81,000	81,250	2,260	2,242	2,223	2,205	2,186	2,168	2,149
81,250	81,500	2,269	2,251	2,232	2,214	2,195	2,177	2,158
81,500	81,750	2,278	2,259	2,241	2,222	2,204	2,185	2,167
81,750	82,000	2,287	2,268	2,250	2,231	2,213	2,194	2,176
82,000	82,250	2,295	2,277	2,258	2,240	2,221	2,203	2,184
82,250	82,500	2,304	2,286	2,267	2,249	2,230	2,212	2,193
82,500	82,750	2,313	2,294	2,276	2,257	2,239	2,220	2,202
82,750	83,000	2,322	2,303	2,285	2,266	2,248	2,229	2,211
83,000	83,250	2,330	2,312	2,293	2,275	2,256	2,238	2,219
83,250	83,500	2,339	2,321	2,302	2,284	2,265	2,247	2,228
83,500	83,750	2,348	2,329	2,311	2,292	2,274	2,255	2,237
83,750	84,000	2,357	2,338	2,320	2,301	2,283	2,264	2,246
84,000	84,250	2,365	2,347	2,328	2,310	2,291	2,273	2,254
84,250	84,500	2,374	2,356	2,337	2,319	2,300	2,282	2,263
84,500	84,750	2,383	2,364	2,346	2,327	2,309	2,290	2,272
84,750	85,000	2,392	2,373	2,355	2,336	2,318	2,299	2,281
85,000	85,250	2,400	2,382	2,363	2,345	2,326	2,308	2,289
85,250	85,500	2,409	2,391	2,372	2,354	2,335	2,317	2,298
85,500	85,750	2,418	2,399	2,381	2,362	2,344	2,325	2,307
85,750	86,000	2,427	2,408	2,390	2,371	2,353	2,334	2,316
86,000	86,250	2,435	2,417	2,398	2,380	2,361	2,343	2,324
86,250	86,500	2,444	2,426	2,407	2,389	2,370	2,352	2,333
86,500	86,750	2,453	2,434	2,416	2,397	2,379	2,360	2,342
86,750	87,000	2,462	2,443	2,425	2,406	2,388	2,369	2,351
87,000	87,250	2,470	2,452	2,433	2,415	2,396	2,378	2,359
87,250	87,500	2,479	2,461	2,442	2,424	2,405	2,387	2,368
87,500	87,750	2,488	2,469	2,451	2,432	2,414	2,395	2,377

Married Filing Jointly or Qualifying Widow(er) Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:						
87,750	88,000	2,497	2,478	2,460	2,441	2,423	2,404	2,386
88,000	88,250	2,505	2,487	2,468	2,450	2,431	2,413	2,394
88,250	88,500	2,514	2,496	2,477	2,459	2,440	2,422	2,403
88,500	88,750	2,523	2,504	2,486	2,467	2,449	2,430	2,412
88,750	89,000	2,532	2,513	2,495	2,476	2,458	2,439	2,421
89,000	89,250	2,540	2,522	2,503	2,485	2,466	2,448	2,429
89,250	89,500	2,549	2,531	2,512	2,494	2,475	2,457	2,438
89,500	89,750	2,558	2,539	2,521	2,502	2,484	2,465	2,447
89,750	90,000	2,567	2,548	2,530	2,511	2,493	2,474	2,456
90,000	90,250	2,575	2,557	2,538	2,520	2,501	2,483	2,464
90,250	90,500	2,584	2,566	2,547	2,529	2,510	2,492	2,473
90,500	90,750	2,593	2,574	2,556	2,537	2,519	2,500	2,482
90,750	91,000	2,602	2,583	2,565	2,546	2,528	2,509	2,491
91,000	91,250	2,610	2,592	2,573	2,555	2,536	2,518	2,499
91,250	91,500	2,619	2,601	2,582	2,564	2,545	2,527	2,508
91,500	91,750	2,628	2,609	2,591	2,572	2,554	2,535	2,517
91,750	92,000	2,637	2,618	2,600	2,581	2,563	2,544	2,526
92,000	92,250	2,645	2,627	2,608	2,590	2,571	2,553	2,534
92,250	92,500	2,654	2,636	2,617	2,599	2,580	2,562	2,543
92,500	92,750	2,663	2,644	2,626	2,607	2,589	2,570	2,552
92,750	93,000	2,672	2,653	2,635	2,616	2,598	2,579	2,561
93,000	93,250	2,680	2,662	2,643	2,625	2,606	2,588	2,569
93,250	93,500	2,689	2,671	2,652	2,634	2,615	2,597	2,578
93,500	93,750	2,698	2,679	2,661	2,642	2,624	2,605	2,587
93,750	94,000	2,707	2,688	2,670	2,651	2,633	2,614	2,596
94,000	94,250	2,715	2,697	2,678	2,660	2,641	2,623	2,604
94,250	94,500	2,724	2,706	2,687	2,669	2,650	2,632	2,613
94,500	94,750	2,733	2,714	2,696	2,677	2,659	2,640	2,622
94,750	95,000	2,742	2,723	2,705	2,686	2,668	2,649	2,631
95,000	95,250	2,750	2,732	2,713	2,695	2,676	2,658	2,639
95,250	95,500	2,759	2,741	2,722	2,704	2,685	2,667	2,648
95,500	95,750	2,768	2,749	2,731	2,712	2,694	2,675	2,657
95,750	96,000	2,777	2,758	2,740	2,721	2,703	2,684	2,666
96,000	96,250	2,785	2,767	2,748	2,730	2,711	2,693	2,674
96,250	96,500	2,794	2,776	2,757	2,739	2,720	2,702	2,683
96,500	96,750	2,803	2,784	2,766	2,747	2,729	2,710	2,692
96,750	97,000	2,812	2,793	2,775	2,756	2,738	2,719	2,701
97,000	97,250	2,820	2,802	2,783	2,765	2,746	2,728	2,709
97,250	97,500	2,829	2,811	2,792	2,774	2,755	2,737	2,718
97,500	97,750	2,838	2,819	2,801	2,782	2,764	2,745	2,727
97,750	98,000	2,847	2,828	2,810	2,791	2,773	2,754	2,736
98,000	98,250	2,855	2,837	2,818	2,800	2,781	2,763	2,744
98,250	98,500	2,864	2,846	2,827	2,809	2,790	2,772	2,753
98,500	98,750	2,873	2,854	2,836	2,817	2,799	2,780	2,762
98,750	99,000	2,882	2,863	2,845	2,826	2,808	2,789	2,771
99,000	99,250	2,890	2,872	2,853	2,835	2,816	2,798	2,779
99,250	99,500	2,899	2,881	2,862	2,844	2,825	2,807	2,788
99,500	99,750	2,908	2,889	2,871	2,852	2,834	2,815	2,797
99,750	100,000	2,917	2,898	2,880	2,861	2,843	2,824	2,806
100,000	100,250	2,926	2,908	2,889	2,871	2,852	2,834	2,815
100,250	100,500	2,937	2,918	2,900	2,881	2,863	2,844	2,826
100,500	100,750	2,948	2,929	2,911	2,892	2,874	2,855	2,837
100,750	101,000	2,958	2,940	2,921	2,903	2,884	2,866	2,847
Plus 4.25% of tax table income in excess of \$101,000								

Head of Household Filing Status								
If your Louisiana tax table income is:		And the total exemptions claimed is:						
		1	2	3	4	5	6	7
At Least	Less Than	Your Louisiana tax is:						
0	9,000	0	0	0	0	0	0	0
9,000	9,250	2	0	0	0	0	0	0
9,250	9,500	7	0	0	0	0	0	0
9,500	9,750	12	0	0	0	0	0	0
9,750	10,000	16	0	0	0	0	0	0
10,000	10,250	21	2	0	0	0	0	0
10,250	10,500	25	7	0	0	0	0	0
10,500	10,750	30	12	0	0	0	0	0

Head of Household Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
10,750	11,000	35	16	0	0	0	0	0	0
11,000	11,250	39	21	2	0	0	0	0	0
11,250	11,500	44	25	7	0	0	0	0	0
11,500	11,750	49	30	12	0	0	0	0	0
11,750	12,000	53	35	16	0	0	0	0	0
12,000	12,250	58	39	21	2	0	0	0	0
12,250	12,500	62	44	25	7	0	0	0	0
12,500	12,750	69	51	32	14	0	0	0	0
12,750	13,000	78	59	41	22	0	0	0	0
13,000	13,250	87	68	50	31	4	0	0	0
13,250	13,500	95	77	58	40	13	0	0	0
13,500	13,750	104	86	67	49	22	0	0	0
13,750	14,000	113	94	76	57	31	0	0	0
14,000	14,250	122	103	85	66	39	4	0	0
14,250	14,500	130	112	93	75	48	13	0	0
14,500	14,750	139	121	102	84	57	22	0	0
14,750	15,000	148	129	111	92	66	31	0	0
15,000	15,250	157	138	120	101	74	39	4	0
15,250	15,500	165	147	128	110	83	48	13	0
15,500	15,750	174	156	137	119	92	57	22	0
15,750	16,000	183	164	146	127	101	66	31	0
16,000	16,250	192	173	155	136	109	74	39	4
16,250	16,500	200	182	163	145	118	83	48	13
16,500	16,750	209	191	172	154	127	92	57	22
16,750	17,000	218	199	181	162	136	101	66	31
17,000	17,250	227	208	190	171	144	109	74	39
17,250	17,500	235	217	198	180	153	118	83	48
17,500	17,750	244	226	207	189	162	127	92	57
17,750	18,000	253	234	216	197	171	136	101	66
18,000	18,250	262	243	225	206	179	144	109	74
18,250	18,500	270	252	233	215	188	153	118	83
18,500	18,750	279	261	242	224	197	162	127	92
18,750	19,000	288	269	251	232	206	171	136	101
19,000	19,250	297	278	260	241	214	179	144	109
19,250	19,500	305	287	268	250	223	188	153	118
19,500	19,750	314	296	277	259	232	197	162	127
19,750	20,000	323	304	286	267	241	206	171	136
20,000	20,250	332	313	295	276	249	214	179	144
20,250	20,500	340	322	303	285	258	223	188	153
20,500	20,750	349	331	312	294	267	232	197	162
20,750	21,000	358	339	321	302	276	241	206	171
21,000	21,250	367	348	330	311	284	249	214	179
21,250	21,500	375	357	338	320	293	258	223	188
21,500	21,750	384	366	347	329	302	267	232	197
21,750	22,000	393	374	356	337	311	276	241	206
22,000	22,250	402	383	365	346	319	284	249	214
22,250	22,500	410	392	373	355	328	293	258	223
22,500	22,750	419	401	382	364	337	302	267	232
22,750	23,000	428	409	391	372	346	311	276	241
23,000	23,250	437	418	400	381	354	319	284	249
23,250	23,500	445	427	408	390	363	328	293	258
23,500	23,750	454	436	417	399	372	337	302	267
23,750	24,000	463	444	426	407	381	346	311	276
24,000	24,250	472	453	435	416	389	354	319	284
24,250	24,500	480	462	443	425	398	363	328	293
24,500	24,750	489	471	452	434	407	372	337	302
24,750	25,000	498	479	461	442	416	381	346	311
25,000	25,250	507	488	470	451	424	389	354	319
25,250	25,500	515	497	478	460	433	398	363	328
25,500	25,750	524	506	487	469	442	407	372	337
25,750	26,000	533	514	496	477	451	416	381	346
26,000	26,250	542	523	505	486	459	424	389	354
26,250	26,500	550	532	513	495	468	433	398	363
26,500	26,750	559	541	522	504	477	442	407	372
26,750	27,000	568	549	531	512	486	451	416	381

Head of Household Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
27,000	27,250	577	558	540	521	494	459	424	389
27,250	27,500	585	567	548	530	503	468	433	398
27,500	27,750	594	576	557	539	512	477	442	407
27,750	28,000	603	584	566	547	521	486	451	416
28,000	28,250	612	593	575	556	529	494	459	424
28,250	28,500	620	602	583	565	538	503	468	433
28,500	28,750	629	611	592	574	547	512	477	442
28,750	29,000	638	619	601	582	556	521	486	451
29,000	29,250	647	628	610	591	564	529	494	459
29,250	29,500	655	637	618	600	573	538	503	468
29,500	29,750	664	646	627	609	582	547	512	477
29,750	30,000	673	654	636	617	591	556	521	486
30,000	30,250	682	663	645	626	599	564	529	494
30,250	30,500	690	672	653	635	608	573	538	503
30,500	30,750	699	681	662	644	617	582	547	512
30,750	31,000	708	689	671	652	626	591	556	521
31,000	31,250	717	698	680	661	634	599	564	529
31,250	31,500	725	707	688	670	643	608	573	538
31,500	31,750	734	716	697	679	652	617	582	547
31,750	32,000	743	724	706	687	661	626	591	556
32,000	32,250	752	733	715	696	669	634	599	564
32,250	32,500	760	742	723	705	678	643	608	573
32,500	32,750	769	751	732	714	687	652	617	582
32,750	33,000	778	759	741	722	696	661	626	591
33,000	33,250	787	768	750	731	704	669	634	599
33,250	33,500	795	777	758	740	713	678	643	608
33,500	33,750	804	786	767	749	722	687	652	617
33,750	34,000	813	794	776	757	731	696	661	626
34,000	34,250	822	803	785	766	739	704	669	634
34,250	34,500	830	812	793	775	748	713	678	643
34,500	34,750	839	821	802	784	757	722	687	652
34,750	35,000	848	829	811	792	766	731	696	661
35,000	35,250	857	838	820	801	774	739	704	669
35,250	35,500	865	847	828	810	783	748	713	678
35,500	35,750	874	856	837	819	792	757	722	687
35,750	36,000	883	864	846	827	801	766	731	696
36,000	36,250	892	873	855	836	809	774	739	704
36,250	36,500	900	882	863	845	818	783	748	713
36,500	36,750	909	891	872	854	827	792	757	722
36,750	37,000	918	899	881	862	836	801	766	731
37,000	37,250	927	908	890	871	844	809	774	739
37,250	37,500	935	917	898	880	853	818	783	748
37,500	37,750	944	926	907	889	862	827	792	757
37,750	38,000	953	934	916	897	871	836	801	766
38,000	38,250	962	943	925	906	879	844	809	774
38,250	38,500	970	952	933	915	888	853	818	783
38,500	38,750	979	961	942	924	897	862	827	792
38,750	39,000	988	969	951	932	906	871	836	801
39,000	39,250	997	978	960	941	914	879	844	809
39,250	39,500	1,005	987	968	950	923	888	853	818
39,500	39,750	1,014	996	977	959	932	897	862	827
39,750	40,000	1,023	1,004	986	967	941	906	871	836
40,000	40,250	1,032	1,013	995	976	949	914	879	844
40,250	40,500	1,040	1,022	1,003	985	958	923	888	853
40,500	40,750	1,049	1,031	1,012	994	967	932	897	862
40,750	41,000	1,058	1,039	1,021	1,002	976	941	906	871
41,000	41,250	1,067	1,048	1,030	1,011	984	949	914	879
41,250	41,500	1,075	1,057	1,038	1,020	993	958	923	888
41,500	41,750	1,084	1,066	1,047	1,029	1,002	967	932	897
41,750	42,000	1,093	1,074	1,056	1,037	1,011	976	941	906
42,000	42,250	1,102	1,083	1,065	1,046	1,019	984	949	914
42,250	42,500	1,110	1,092	1,073	1,055	1,028	993	958	923
42,500	42,750	1,119	1,101	1,082	1,064	1,037	1,002	967	932
42,750	43,000	1,128	1,109	1,091	1,072	1,046	1,011	976	941
43,000	43,250	1,137	1,118	1,100	1,081	1,054	1,019	984	949

Head of Household Filing Status									
If your Louisiana tax table income is:		And the total exemptions claimed is:							
		1	2	3	4	5	6	7	8
At Least	Less Than	Your Louisiana tax is:							
43,250	43,500	1,145	1,127	1,108	1,090	1,063	1,028	993	958
43,500	43,750	1,154	1,136	1,117	1,099	1,072	1,037	1,002	967
43,750	44,000	1,163	1,144	1,126	1,107	1,081	1,046	1,011	976
44,000	44,250	1,172	1,153	1,135	1,116	1,089	1,054	1,019	984
44,250	44,500	1,180	1,162	1,143	1,125	1,098	1,063	1,028	993
44,500	44,750	1,189	1,171	1,152	1,134	1,107	1,072	1,037	1,002
44,750	45,000	1,198	1,179	1,161	1,142	1,116	1,081	1,046	1,011
45,000	45,250	1,207	1,188	1,170	1,151	1,124	1,089	1,054	1,019
45,250	45,500	1,215	1,197	1,178	1,160	1,133	1,098	1,063	1,028
45,500	45,750	1,224	1,206	1,187	1,169	1,142	1,107	1,072	1,037
45,750	46,000	1,233	1,214	1,196	1,177	1,151	1,116	1,081	1,046
46,000	46,250	1,242	1,223	1,205	1,186	1,159	1,124	1,089	1,054
46,250	46,500	1,250	1,232	1,213	1,195	1,168	1,133	1,098	1,063
46,500	46,750	1,259	1,241	1,222	1,204	1,177	1,142	1,107	1,072
46,750	47,000	1,268	1,249	1,231	1,212	1,186	1,151	1,116	1,081
47,000	47,250	1,277	1,258	1,240	1,221	1,194	1,159	1,124	1,089
47,250	47,500	1,285	1,267	1,248	1,230	1,203	1,168	1,133	1,098
47,500	47,750	1,294	1,276	1,257	1,239	1,212	1,177	1,142	1,107
47,750	48,000	1,303	1,284	1,266	1,247	1,221	1,186	1,151	1,116
48,000	48,250	1,312	1,293	1,275	1,256	1,229	1,194	1,159	1,124
48,250	48,500	1,320	1,302	1,283	1,265	1,238	1,203	1,168	1,133
48,500	48,750	1,329	1,311	1,292	1,274	1,247	1,212	1,177	1,142
48,750	49,000	1,338	1,319	1,301	1,282	1,256	1,221	1,186	1,151
49,000	49,250	1,347	1,328	1,310	1,291	1,264	1,229	1,194	1,159
49,250	49,500	1,355	1,337	1,318	1,300	1,273	1,238	1,203	1,168
49,500	49,750	1,364	1,346	1,327	1,309	1,282	1,247	1,212	1,177
49,750	50,000	1,373	1,354	1,336	1,317	1,291	1,256	1,221	1,186
50,000	50,250	1,383	1,364	1,346	1,327	1,300	1,265	1,230	1,195
50,250	50,500	1,393	1,375	1,356	1,338	1,311	1,276	1,241	1,206
50,500	50,750	1,404	1,385	1,367	1,348	1,322	1,287	1,252	1,217
50,750	51,000	1,414	1,396	1,377	1,359	1,332	1,297	1,262	1,227
		Plus 4.25% of tax table income in excess of \$51,000							

B. Nonresidents and Part-Year Residents. Compute tax table income as defined in R.S. 47:293(10). Reduce the tax table income by the total amount of personal exemptions and deductions allowed for in R.S. 47:294, and increase the tax table income by the proportionate share of those personal exemptions and deductions as provided by R.S. 47:293(10). The resulting amount is considered taxable income. The tax due for nonresidents and part-year residents shall be determined using one of the following tables depending on your filing status:

1. Married Individuals Filing Joint Returns and Qualified Surviving Spouses

If taxable income is:

The tax is:

Not over \$25,000

1.85% of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.

Over \$25,000

but not over \$100,000

\$463 plus 3.5% of the excess over \$25,000. This amount is to be reduced by 1.85% of the first \$25,000 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over \$25,000.

Over \$100,000

\$3,088 plus 4.25% of the excess over \$100,000. This amount is to be reduced by 1.85% of the first \$25,000 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over \$25,000 but not over \$100,000 and 4.25% of the proportionate share of personal exemptions and deductions over \$100,000.

2. Single Individuals and Married Individuals Filing Separate Returns

If taxable income is:

The tax is:

Not over \$12,500

1.85% of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.

Over \$12,500

but not over \$50,000

\$231 plus 3.5% of the excess over \$12,500. This amount is to be reduced by 1.85% of the first \$12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over \$12,500.

Over \$50,000

\$1,544 plus 4.25% of the excess over \$50,000. This amount is to be reduced by 1.85% of the first \$12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over \$12,500 but not over \$50,000 and 4.25% of the proportionate share of personal exemptions and deductions over \$50,000.

3. Head of Households

If taxable income is:

The tax is:

Not over \$12,500

1.85% of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.

Over \$12,500

but not over \$50,000

\$231 plus 3.5% of the excess over \$12,500. This amount is to be reduced by 1.85% of the first \$12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over \$12,500.

3. Withholding Tables

a. Effective on or after January 1, 2022

Over \$50,000

\$1,544 plus 4.25% of the excess over \$50,000. This amount is to be reduced by 1.85% of the first \$12,500 of the proportionate share of personal exemptions and deductions and 3.5% of the proportionate share of personal exemptions and deductions over \$12,500 but not over \$50,000 and 4.25% of the proportionate share of personal exemptions and deductions over \$50,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 29:1502 (August 2003), amended LR 35:2821 (December 2009), amended LR 48:2161 (August 2022).

Chapter 15. Income: Withholding Tax §1501. Income Tax Withholding Tables

A. - C.1.b. ...

2. Adjustments to Wage Bracket Tables

a. Each table provides for the appropriate withholding amount for single or married personal exemptions with up to six dependency credits. There is no provision for withholding based on head-of-household status and these taxpayers may claim only a single withholding personal exemption.

b. When an employee has more than six dependents, the amount may be determined by reducing the tax shown in the column for six dependents by the amount shown below for the applicable payroll period multiplied by the number of dependents over six.

Payroll Period	Amount of Reduction
Daily	\$0.07
Weekly	\$0.36
Biweekly	\$0.71
Semimonthly	\$0.77
Monthly	\$1.55

c. When the employee claims only credit for dependents and no withholding personal exemption, the amount to be deducted and withheld should be determined by reducing the amount selected under the column for employees claiming no exemption or credits by the amount in Subparagraph b above multiplied by the number of dependents claimed.

Exemptions:		1								2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
0.00	10.00	(1.85% of gross pay for \$10 and less with 0 Exemptions and 0 Dependents)														
10.01	12.00	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12.01	14.00	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14.01	16.00	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16.01	18.00	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18.01	20.00	0.35	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Daily Louisiana Income Tax Withholding Table

Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
20.01	22.00	0.39	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22.01	24.00	0.43	0.11	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24.01	26.00	0.46	0.14	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26.01	28.00	0.50	0.18	0.11	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28.01	30.00	0.54	0.22	0.15	0.08	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30.01	32.00	0.57	0.25	0.18	0.11	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
32.01	34.00	0.61	0.29	0.22	0.15	0.08	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34.01	36.00	0.65	0.33	0.26	0.19	0.12	0.05	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00
36.01	38.00	0.68	0.36	0.29	0.22	0.15	0.08	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00
38.01	40.00	0.72	0.40	0.33	0.26	0.19	0.12	0.04	0.00	0.08	0.01	0.00	0.00	0.00	0.00	0.00
40.01	42.00	0.76	0.44	0.37	0.30	0.23	0.16	0.08	0.01	0.12	0.05	0.00	0.00	0.00	0.00	0.00
42.01	44.00	0.80	0.48	0.41	0.34	0.27	0.20	0.12	0.05	0.16	0.09	0.02	0.00	0.00	0.00	0.00
44.01	46.00	0.83	0.51	0.44	0.37	0.30	0.23	0.15	0.08	0.19	0.12	0.05	0.00	0.00	0.00	0.00
46.01	48.00	0.87	0.55	0.48	0.41	0.34	0.27	0.19	0.12	0.23	0.16	0.09	0.02	0.00	0.00	0.00
48.01	50.00	0.93	0.61	0.54	0.47	0.40	0.33	0.25	0.18	0.27	0.20	0.13	0.06	0.00	0.00	0.00
50.01	52.00	0.99	0.67	0.60	0.53	0.46	0.39	0.31	0.24	0.30	0.23	0.16	0.09	0.01	0.00	0.00
52.01	54.00	1.06	0.74	0.67	0.60	0.53	0.46	0.38	0.31	0.34	0.27	0.20	0.13	0.05	0.00	0.00
54.01	56.00	1.13	0.81	0.74	0.67	0.60	0.53	0.45	0.38	0.38	0.31	0.24	0.17	0.09	0.02	0.00
56.01	58.00	1.20	0.88	0.81	0.74	0.67	0.60	0.52	0.45	0.41	0.34	0.27	0.20	0.12	0.05	0.00
58.01	60.00	1.27	0.95	0.88	0.81	0.74	0.67	0.59	0.52	0.45	0.38	0.31	0.24	0.16	0.09	0.02
60.01	62.00	1.34	1.02	0.95	0.88	0.81	0.74	0.66	0.59	0.49	0.42	0.35	0.28	0.20	0.13	0.06
62.01	64.00	1.42	1.10	1.03	0.96	0.89	0.82	0.74	0.67	0.53	0.46	0.39	0.32	0.24	0.17	0.10
64.01	66.00	1.48	1.16	1.09	1.02	0.95	0.88	0.80	0.73	0.56	0.49	0.42	0.35	0.27	0.20	0.13
66.01	68.00	1.55	1.23	1.16	1.09	1.02	0.95	0.87	0.80	0.60	0.53	0.46	0.39	0.31	0.24	0.17
68.01	70.00	1.63	1.31	1.24	1.17	1.10	1.03	0.95	0.88	0.64	0.57	0.50	0.43	0.35	0.28	0.21
70.01	72.00	1.69	1.37	1.30	1.23	1.16	1.09	1.01	0.94	0.67	0.60	0.53	0.46	0.38	0.31	0.24
72.01	74.00	1.76	1.44	1.37	1.30	1.23	1.16	1.08	1.01	0.71	0.64	0.57	0.50	0.42	0.35	0.28
74.01	76.00	1.83	1.51	1.44	1.37	1.30	1.23	1.15	1.08	0.75	0.68	0.61	0.54	0.46	0.39	0.32
76.01	78.00	1.90	1.58	1.51	1.44	1.37	1.30	1.22	1.15	0.78	0.71	0.64	0.57	0.49	0.42	0.35
78.01	80.00	1.97	1.65	1.58	1.51	1.44	1.37	1.29	1.22	0.82	0.75	0.68	0.61	0.53	0.46	0.39
80.01	82.00	2.04	1.72	1.65	1.58	1.51	1.44	1.36	1.29	0.86	0.79	0.72	0.65	0.57	0.50	0.43
82.01	84.00	2.12	1.80	1.73	1.66	1.59	1.52	1.44	1.37	0.90	0.83	0.76	0.69	0.61	0.54	0.47
84.01	86.00	2.18	1.86	1.79	1.72	1.65	1.58	1.50	1.43	0.93	0.86	0.79	0.72	0.64	0.57	0.50
86.01	88.00	2.25	1.93	1.86	1.79	1.72	1.65	1.57	1.50	0.97	0.90	0.83	0.76	0.68	0.61	0.54
88.01	90.00	2.33	2.01	1.94	1.87	1.80	1.73	1.65	1.58	1.01	0.94	0.87	0.80	0.72	0.65	0.58
90.01	92.00	2.39	2.07	2.00	1.93	1.86	1.79	1.71	1.64	1.04	0.97	0.90	0.83	0.75	0.68	0.61
92.01	94.00	2.46	2.14	2.07	2.00	1.93	1.86	1.78	1.71	1.08	1.01	0.94	0.87	0.79	0.72	0.65
94.01	96.00	2.53	2.21	2.14	2.07	2.00	1.93	1.85	1.78	1.12	1.05	0.98	0.91	0.83	0.76	0.69
96.01	98.00	2.60	2.28	2.21	2.14	2.07	2.00	1.92	1.85	1.16	1.09	1.02	0.95	0.87	0.80	0.73
98.01	100.00	2.67	2.35	2.28	2.21	2.14	2.07	1.99	1.92	1.24	1.17	1.10	1.03	0.95	0.88	0.81
100.01	102.00	2.74	2.42	2.35	2.28	2.21	2.14	2.06	1.99	1.31	1.24	1.17	1.10	1.02	0.95	0.88
102.01	104.00	2.82	2.50	2.43	2.36	2.29	2.22	2.14	2.07	1.38	1.31	1.24	1.17	1.09	1.02	0.95
104.01	106.00	2.88	2.56	2.49	2.42	2.35	2.28	2.20	2.13	1.45	1.38	1.31	1.24	1.16	1.09	1.02
106.01	108.00	2.95	2.63	2.56	2.49	2.42	2.35	2.27	2.20	1.52	1.45	1.38	1.31	1.23	1.16	1.09
108.01	110.00	3.03	2.71	2.64	2.57	2.50	2.43	2.35	2.28	1.59	1.52	1.45	1.38	1.30	1.23	1.16
110.01	112.00	3.09	2.77	2.70	2.63	2.56	2.49	2.41	2.34	1.65	1.58	1.51	1.44	1.36	1.29	1.22
112.01	114.00	3.16	2.84	2.77	2.70	2.63	2.56	2.48	2.41	1.73	1.66	1.59	1.52	1.44	1.37	1.30
114.01	116.00	3.23	2.91	2.84	2.77	2.70	2.63	2.55	2.48	1.80	1.73	1.66	1.59	1.51	1.44	1.37
116.01	118.00	3.30	2.98	2.91	2.84	2.77	2.70	2.62	2.55	1.86	1.79	1.72	1.65	1.57	1.50	1.43
118.01	120.00	3.37	3.05	2.98	2.91	2.84	2.77	2.69	2.62	1.94	1.87	1.80	1.73	1.65	1.58	1.51
120.01	122.00	3.44	3.12	3.05	2.98	2.91	2.84	2.76	2.69	2.01	1.94	1.87	1.80	1.72	1.65	1.58
122.01	124.00	3.52	3.20	3.13	3.06	2.99	2.92	2.84	2.77	2.08	2.01	1.94	1.87	1.79	1.72	1.65
124.01	126.00	3.58	3.26	3.19	3.12	3.05	2.98	2.90	2.83	2.15	2.08	2.01	1.94	1.86	1.79	1.72
126.01	128.00	3.65	3.33	3.26	3.19	3.12	3.05	2.97	2.90	2.22	2.15	2.08	2.01	1.93	1.86	1.79
128.01	130.00	3.73	3.41	3.34	3.27	3.20	3.13	3.05	2.98	2.29	2.22	2.15	2.08	2.00	1.93	1.86
130.01	132.00	3.79	3.47	3.40	3.33	3.26	3.19	3.11	3.04	2.35	2.28	2.21	2.14	2.06	1.99	1.92
132.01	134.00	3.86	3.54	3.47	3.40	3.33	3.26	3.18	3.11	2.43	2.36	2.29	2.22	2.14	2.07	2.00
134.01	136.00	3.93	3.61	3.54	3.47	3.40	3.33	3.25	3.18	2.50	2.43	2.36	2.29	2.21	2.14	2.07
136.01	138.00	4.00	3.68	3.61	3.54	3.47	3.40	3.32	3.25	2.56	2.49	2.42	2.35	2.27	2.20	2.13
138.01	140.00	4.07	3.75	3.68	3.61	3.54	3.47	3.39	3.32	2.64	2.57	2.50	2.43	2.35	2.28	2.21
140.01	142.00	4.14	3.82	3.75	3.68	3.61	3.54	3.46	3.39	2.71	2.64	2.57	2.50	2.42	2.35	2.28
142.01	144.00	4.22	3.90	3.83	3.76	3.69	3.62	3.54	3.47	2.78	2.71	2.64	2.57	2.49	2.42	2.35
144.01	146.00	4.28	3.96	3.89	3.82	3.75	3.68	3.60	3.53	2.85	2.78	2.71	2.64	2.56	2.49	2.42
146.01	148.00	4.35	4.03	3.96	3.89	3.82	3.75	3.67	3.60	2.92	2.85	2.78	2.71	2.63	2.56	2.49
148.01	150.00	4.43	4.11	4.04	3.97	3.90	3.83	3.75	3.68	2.99	2.92	2.85	2.78	2.70	2.63	2.56
150.01	152.00	4.49	4.17	4.10	4.03	3.96	3.89	3.81	3.74	3.05	2.98	2.91	2.84	2.76	2.69	2.62
152.01	154.00	4.56	4.24	4.17	4.10	4.03	3.96	3.88	3.81	3.13	3.06	2.99	2.92	2.84	2.77	2.70

Daily Louisiana Income Tax Withholding Table

Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
154.01	156.00	4.63	4.31	4.24	4.17	4.10	4.03	3.95	3.88	3.20	3.13	3.06	2.99	2.91	2.84	2.77
156.01	158.00	4.70	4.38	4.31	4.24	4.17	4.10	4.02	3.95	3.26	3.19	3.12	3.05	2.97	2.90	2.83
158.01	160.00	4.77	4.45	4.38	4.31	4.24	4.17	4.09	4.02	3.34	3.27	3.20	3.13	3.05	2.98	2.91
160.01	162.00	4.84	4.52	4.45	4.38	4.31	4.24	4.16	4.09	3.41	3.34	3.27	3.20	3.12	3.05	2.98
162.01	164.00	4.92	4.60	4.53	4.46	4.39	4.32	4.24	4.17	3.48	3.41	3.34	3.27	3.19	3.12	3.05
164.01	166.00	4.98	4.66	4.59	4.52	4.45	4.38	4.30	4.23	3.55	3.48	3.41	3.34	3.26	3.19	3.12
166.01	168.00	5.05	4.73	4.66	4.59	4.52	4.45	4.37	4.30	3.62	3.55	3.48	3.41	3.33	3.26	3.19
168.01	170.00	5.13	4.81	4.74	4.67	4.60	4.53	4.45	4.38	3.69	3.62	3.55	3.48	3.40	3.33	3.26
170.01	172.00	5.19	4.87	4.80	4.73	4.66	4.59	4.51	4.44	3.75	3.68	3.61	3.54	3.46	3.39	3.32
172.01	174.00	5.26	4.94	4.87	4.80	4.73	4.66	4.58	4.51	3.83	3.76	3.69	3.62	3.54	3.47	3.40
174.01	176.00	5.33	5.01	4.94	4.87	4.80	4.73	4.65	4.58	3.90	3.83	3.76	3.69	3.61	3.54	3.47
176.01	178.00	5.40	5.08	5.01	4.94	4.87	4.80	4.72	4.65	3.96	3.89	3.82	3.75	3.67	3.60	3.53
178.01	180.00	5.47	5.15	5.08	5.01	4.94	4.87	4.79	4.72	4.04	3.97	3.90	3.83	3.75	3.68	3.61
180.01	182.00	5.54	5.22	5.15	5.08	5.01	4.94	4.86	4.79	4.11	4.04	3.97	3.90	3.82	3.75	3.68
182.01	184.00	5.62	5.30	5.23	5.16	5.09	5.02	4.94	4.87	4.18	4.11	4.04	3.97	3.89	3.82	3.75
184.01	186.00	5.68	5.36	5.29	5.22	5.15	5.08	5.00	4.93	4.25	4.18	4.11	4.04	3.96	3.89	3.82
186.01	188.00	5.75	5.43	5.36	5.29	5.22	5.15	5.07	5.00	4.32	4.25	4.18	4.11	4.03	3.96	3.89
188.01	190.00	5.83	5.51	5.44	5.37	5.30	5.23	5.15	5.08	4.39	4.32	4.25	4.18	4.10	4.03	3.96
190.01	192.00	5.89	5.57	5.50	5.43	5.36	5.29	5.21	5.14	4.45	4.38	4.31	4.24	4.16	4.09	4.02
192.01	194.00	5.97	5.65	5.58	5.51	5.44	5.37	5.29	5.22	4.53	4.46	4.39	4.32	4.24	4.17	4.10
194.01	196.00	6.05	5.73	5.66	5.59	5.52	5.45	5.37	5.30	4.60	4.53	4.46	4.39	4.31	4.24	4.17
196.01	198.00	6.14	5.82	5.75	5.68	5.61	5.54	5.46	5.39	4.66	4.59	4.52	4.45	4.37	4.30	4.23
198.01	200.00	6.22	5.90	5.83	5.76	5.69	5.62	5.54	5.47	4.74	4.67	4.60	4.53	4.45	4.38	4.31
200.01	202.00	6.31	5.99	5.92	5.85	5.78	5.71	5.63	5.56	4.81	4.74	4.67	4.60	4.52	4.45	4.38
202.01	204.00	6.40	6.08	6.01	5.94	5.87	5.80	5.72	5.65	4.88	4.81	4.74	4.67	4.59	4.52	4.45
204.01	206.00	6.48	6.16	6.09	6.02	5.95	5.88	5.80	5.73	4.95	4.88	4.81	4.74	4.66	4.59	4.52
206.01	208.00	6.56	6.24	6.17	6.10	6.03	5.96	5.88	5.81	5.02	4.95	4.88	4.81	4.73	4.66	4.59
208.01	210.00	6.66	6.34	6.27	6.20	6.13	6.06	5.98	5.91	5.09	5.02	4.95	4.88	4.80	4.73	4.66
210.01	212.00	6.73	6.41	6.34	6.27	6.20	6.13	6.05	5.98	5.15	5.08	5.01	4.94	4.86	4.79	4.72
212.01	214.00	6.82	6.50	6.43	6.36	6.29	6.22	6.14	6.07	5.23	5.16	5.09	5.02	4.94	4.87	4.80
214.01	216.00	6.90	6.58	6.51	6.44	6.37	6.30	6.22	6.15	5.30	5.23	5.16	5.09	5.01	4.94	4.87
216.01	218.00	6.99	6.67	6.60	6.53	6.46	6.39	6.31	6.24	5.36	5.29	5.22	5.15	5.07	5.00	4.93
218.01	220.00	7.07	6.75	6.68	6.61	6.54	6.47	6.39	6.32	5.44	5.37	5.30	5.23	5.15	5.08	5.01
220.01	222.00	7.16	6.84	6.77	6.70	6.63	6.56	6.48	6.41	5.51	5.44	5.37	5.30	5.22	5.15	5.08
222.01	224.00	7.25	6.93	6.86	6.79	6.72	6.65	6.57	6.50	5.58	5.51	5.44	5.37	5.29	5.22	5.15
224.01	226.00	7.33	7.01	6.94	6.87	6.80	6.73	6.65	6.58	5.65	5.58	5.51	5.44	5.36	5.29	5.22
226.01	228.00	7.41	7.09	7.02	6.95	6.88	6.81	6.73	6.66	5.72	5.65	5.58	5.51	5.43	5.36	5.29
228.01	230.00	7.51	7.19	7.12	7.05	6.98	6.91	6.83	6.76	5.79	5.72	5.65	5.58	5.50	5.43	5.36
230.01	232.00	7.58	7.26	7.19	7.12	7.05	6.98	6.90	6.83	5.85	5.78	5.71	5.64	5.56	5.49	5.42
232.01	234.00	7.67	7.35	7.28	7.21	7.14	7.07	6.99	6.92	5.93	5.86	5.79	5.72	5.64	5.57	5.50
234.01	236.00	7.75	7.43	7.36	7.29	7.22	7.15	7.07	7.00	6.00	5.93	5.86	5.79	5.71	5.64	5.57
236.01	238.00	7.84	7.52	7.45	7.38	7.31	7.24	7.16	7.09	6.06	5.99	5.92	5.85	5.77	5.70	5.63
238.01	240.00	7.92	7.60	7.53	7.46	7.39	7.32	7.24	7.17	6.14	6.07	6.00	5.93	5.85	5.78	5.71
240.01	242.00	8.01	7.69	7.62	7.55	7.48	7.41	7.33	7.26	6.21	6.14	6.07	6.00	5.92	5.85	5.78
242.01	244.00	8.10	7.78	7.71	7.64	7.57	7.50	7.42	7.35	6.28	6.21	6.14	6.07	5.99	5.92	5.85
244.01	246.00	8.18	7.86	7.79	7.72	7.65	7.58	7.50	7.43	6.35	6.28	6.21	6.14	6.06	5.99	5.92
246.01	248.00	8.26	7.94	7.87	7.80	7.73	7.66	7.58	7.51	6.42	6.35	6.28	6.21	6.13	6.06	5.99
248.01	250.00	8.36	8.04	7.97	7.90	7.83	7.76	7.68	7.61	6.49	6.42	6.35	6.28	6.20	6.13	6.06
250.01	252.00	8.43	8.11	8.04	7.97	7.90	7.83	7.75	7.68	6.55	6.48	6.41	6.34	6.26	6.19	6.12
252.01	254.00	8.52	8.20	8.13	8.06	7.99	7.92	7.84	7.77	6.63	6.56	6.49	6.42	6.34	6.27	6.20
254.01	256.00	8.60	8.28	8.21	8.14	8.07	8.00	7.92	7.85	6.70	6.63	6.56	6.49	6.41	6.34	6.27
256.01	258.00	8.69	8.37	8.30	8.23	8.16	8.09	8.01	7.94	6.76	6.69	6.62	6.55	6.47	6.40	6.33
258.01	260.00	8.77	8.45	8.38	8.31	8.24	8.17	8.09	8.02	6.84	6.77	6.70	6.63	6.55	6.48	6.41
260.01	262.00	8.86	8.54	8.47	8.40	8.33	8.26	8.18	8.11	6.91	6.84	6.77	6.70	6.62	6.55	6.48
262.01	264.00	8.95	8.63	8.56	8.49	8.42	8.35	8.27	8.20	6.98	6.91	6.84	6.77	6.69	6.62	6.55
264.01	266.00	9.03	8.71	8.64	8.57	8.50	8.43	8.35	8.28	7.05	6.98	6.91	6.84	6.76	6.69	6.62
266.01	268.00	9.11	8.79	8.72	8.65	8.58	8.51	8.43	8.36	7.12	7.05	6.98	6.91	6.83	6.76	6.69
268.01	270.00	9.21	8.89	8.82	8.75	8.68	8.61	8.53	8.46	7.19	7.12	7.05	6.98	6.90	6.83	6.76
270.01	272.00	9.28	8.96	8.89	8.82	8.75	8.68	8.60	8.53	7.25	7.18	7.11	7.04	6.96	6.89	6.82
272.01	274.00	9.37	9.05	8.98	8.91	8.84	8.77	8.69	8.62	7.33	7.26	7.19	7.12	7.04	6.97	6.90
274.01	276.00	9.45	9.13	9.06	8.99	8.92	8.85	8.77	8.70	7.40	7.33	7.26	7.19	7.11	7.04	6.97
276.01	278.00	9.54	9.22	9.15	9.08	9.01	8.94	8.86	8.79	7.46	7.39	7.32	7.25	7.17	7.10	7.03
278.01	280.00	9.62	9.30	9.23	9.16	9.09	9.02	8.94	8.87	7.54	7.47	7.40	7.33	7.25	7.18	7.11
280.01	282.00	9.71	9.39	9.32	9.25	9.18	9.11	9.03	8.96	7.61	7.54	7.47	7.40	7.32	7.25	7.18
282.01	284.00	9.80	9.48	9.41	9.34	9.27	9.20	9.12	9.05	7.68	7.61	7.54	7.47	7.39	7.32	7.25
284.01	286.00	9.88	9.56	9.49	9.42	9.35	9.28	9.20	9.13	7.75	7.68	7.61	7.54	7.46	7.39	7.32
286.01	288.00	9.96	9.64	9.57	9.50	9.43	9.36	9.28	9.21	7.82	7.75	7.68	7.61	7.53	7.46	7.39

Daily Louisiana Income Tax Withholding Table																	
Exemptions:		0		1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
288.01	290.00	10.06	9.74	9.67	9.60	9.53	9.46	9.38	9.31	7.89	7.82	7.75	7.68	7.60	7.53	7.46	
290.01	292.00	10.13	9.81	9.74	9.67	9.60	9.53	9.45	9.38	7.95	7.88	7.81	7.74	7.66	7.59	7.52	
292.01	294.00	10.22	9.90	9.83	9.76	9.69	9.62	9.54	9.47	8.03	7.96	7.89	7.82	7.74	7.67	7.60	
294.01	296.00	10.30	9.98	9.91	9.84	9.77	9.70	9.62	9.55	8.10	8.03	7.96	7.89	7.81	7.74	7.67	
296.01	298.00	10.39	10.07	10.00	9.93	9.86	9.79	9.71	9.64	8.16	8.09	8.02	7.95	7.87	7.80	7.73	
298.01	300.00	10.47	10.15	10.08	10.01	9.94	9.87	9.79	9.72	8.24	8.17	8.10	8.03	7.95	7.88	7.81	
300.01	302.00	10.56	10.24	10.17	10.10	10.03	9.96	9.88	9.81	8.31	8.24	8.17	8.10	8.02	7.95	7.88	
302.01	304.00	10.65	10.33	10.26	10.19	10.12	10.05	9.97	9.90	8.38	8.31	8.24	8.17	8.09	8.02	7.95	
304.01	306.00	10.73	10.41	10.34	10.27	10.20	10.13	10.05	9.98	8.45	8.38	8.31	8.24	8.16	8.09	8.02	
306.01	308.00	10.81	10.49	10.42	10.35	10.28	10.21	10.13	10.06	8.52	8.45	8.38	8.31	8.23	8.16	8.09	
308.01	310.00	10.91	10.59	10.52	10.45	10.38	10.31	10.23	10.16	8.59	8.52	8.45	8.38	8.30	8.23	8.16	
310.01	312.00	10.98	10.66	10.59	10.52	10.45	10.38	10.30	10.23	8.65	8.58	8.51	8.44	8.36	8.29	8.22	
312.01	314.00	11.07	10.75	10.68	10.61	10.54	10.47	10.39	10.32	8.73	8.66	8.59	8.52	8.44	8.37	8.30	
314.01	316.00	11.15	10.83	10.76	10.69	10.62	10.55	10.47	10.40	8.80	8.73	8.66	8.59	8.51	8.44	8.37	
316.01	318.00	11.24	10.92	10.85	10.78	10.71	10.64	10.56	10.49	8.86	8.79	8.72	8.65	8.57	8.50	8.43	
318.01	320.00	11.32	11.00	10.93	10.86	10.79	10.72	10.64	10.57	8.94	8.87	8.80	8.73	8.65	8.58	8.51	
320.01	322.00	11.41	11.09	11.02	10.95	10.88	10.81	10.73	10.66	9.01	8.94	8.87	8.80	8.72	8.65	8.58	
322.01	324.00	11.50	11.18	11.11	11.04	10.97	10.90	10.82	10.75	9.08	9.01	8.94	8.87	8.79	8.72	8.65	
324.01	326.00	11.58	11.26	11.19	11.12	11.05	10.98	10.90	10.83	9.15	9.08	9.01	8.94	8.86	8.79	8.72	
326.01	328.00	11.66	11.34	11.27	11.20	11.13	11.06	10.98	10.91	9.22	9.15	9.08	9.01	8.93	8.86	8.79	
328.01	330.00	11.76	11.44	11.37	11.30	11.23	11.16	11.08	11.01	9.29	9.22	9.15	9.08	9.00	8.93	8.86	
330.01	332.00	11.83	11.51	11.44	11.37	11.30	11.23	11.15	11.08	9.35	9.28	9.21	9.14	9.06	8.99	8.92	
332.01	334.00	11.92	11.60	11.53	11.46	11.39	11.32	11.24	11.17	9.43	9.36	9.29	9.22	9.14	9.07	9.00	
334.01	336.00	12.00	11.68	11.61	11.54	11.47	11.40	11.32	11.25	9.50	9.43	9.36	9.29	9.21	9.14	9.07	
336.01	338.00	12.09	11.77	11.70	11.63	11.56	11.49	11.41	11.34	9.56	9.49	9.42	9.35	9.27	9.20	9.13	
338.01	340.00	12.17	11.85	11.78	11.71	11.64	11.57	11.49	11.42	9.64	9.57	9.50	9.43	9.35	9.28	9.21	
340.01	342.00	12.26	11.94	11.87	11.80	11.73	11.66	11.58	11.51	9.71	9.64	9.57	9.50	9.42	9.35	9.28	
342.01	344.00	12.35	12.03	11.96	11.89	11.82	11.75	11.67	11.60	9.78	9.71	9.64	9.57	9.49	9.42	9.35	
344.01	346.00	12.43	12.11	12.04	11.97	11.90	11.83	11.75	11.68	9.85	9.78	9.71	9.64	9.56	9.49	9.42	
346.01	348.00	12.51	12.19	12.12	12.05	11.98	11.91	11.83	11.76	9.92	9.85	9.78	9.71	9.63	9.56	9.49	
348.01	350.00	12.61	12.29	12.22	12.15	12.08	12.01	11.93	11.86	9.99	9.92	9.85	9.78	9.70	9.63	9.56	
350.01	352.00	12.68	12.36	12.29	12.22	12.15	12.08	12.00	11.93	10.05	9.98	9.91	9.84	9.76	9.69	9.62	
352.01	354.00	12.77	12.45	12.38	12.31	12.24	12.17	12.09	12.02	10.13	10.06	9.99	9.92	9.84	9.77	9.70	
354.01	356.00	12.85	12.53	12.46	12.39	12.32	12.25	12.17	12.10	10.20	10.13	10.06	9.99	9.91	9.84	9.77	
356.01	358.00	12.94	12.62	12.55	12.48	12.41	12.34	12.26	12.19	10.26	10.19	10.12	10.05	9.97	9.90	9.83	
358.01	360.00	13.02	12.70	12.63	12.56	12.49	12.42	12.34	12.27	10.34	10.27	10.20	10.13	10.05	9.98	9.91	
360.01	362.00	13.11	12.79	12.72	12.65	12.58	12.51	12.43	12.36	10.41	10.34	10.27	10.20	10.12	10.05	9.98	
362.01	364.00	13.20	12.88	12.81	12.74	12.67	12.60	12.52	12.45	10.48	10.41	10.34	10.27	10.19	10.12	10.05	
364.01	366.00	13.28	12.96	12.89	12.82	12.75	12.68	12.60	12.53	10.55	10.48	10.41	10.34	10.26	10.19	10.12	
366.01	368.00	13.36	13.04	12.97	12.90	12.83	12.76	12.68	12.61	10.62	10.55	10.48	10.41	10.33	10.26	10.19	
368.01	370.00	13.46	13.14	13.07	13.00	12.93	12.86	12.78	12.71	10.69	10.62	10.55	10.48	10.40	10.33	10.26	
370.01	372.00	13.53	13.21	13.14	13.07	13.00	12.93	12.85	12.78	10.75	10.68	10.61	10.54	10.46	10.39	10.32	
372.01	374.00	13.62	13.30	13.23	13.16	13.09	13.02	12.94	12.87	10.83	10.76	10.69	10.62	10.54	10.47	10.40	
374.01	376.00	13.70	13.38	13.31	13.24	13.17	13.10	13.02	12.95	10.90	10.83	10.76	10.69	10.61	10.54	10.47	
376.01	378.00	13.79	13.47	13.40	13.33	13.26	13.19	13.11	13.04	10.96	10.89	10.82	10.75	10.67	10.60	10.53	
378.01	380.00	13.87	13.55	13.48	13.41	13.34	13.27	13.19	13.12	11.04	10.97	10.90	10.83	10.75	10.68	10.61	
380.01	382.00	13.96	13.64	13.57	13.50	13.43	13.36	13.28	13.21	11.11	11.04	10.97	10.90	10.82	10.75	10.68	
382.01	384.00	14.05	13.73	13.66	13.59	13.52	13.45	13.37	13.30	11.18	11.11	11.04	10.97	10.89	10.82	10.75	
384.01	386.00	14.13	13.81	13.74	13.67	13.60	13.53	13.45	13.38	11.25	11.18	11.11	11.04	10.96	10.89	10.82	
										<i>(Add 4.25% for amounts in excess of \$386)</i>							

Weekly Louisiana Income Tax Withholding Table																	
Exemptions:		0		1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
-	50.00	<i>(1.85% of gross pay for \$50 and less with 0 Exemptions and 0 Dependents)</i>															
50.01	70.00	1.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
70.01	90.00	1.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
90.01	110.00	1.85	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
110.01	130.00	2.22	0.62	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
130.01	150.00	2.59	0.99	0.63	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
150.01	170.00	2.96	1.36	1.00	0.65	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
170.01	190.00	3.33	1.73	1.37	1.02	0.66	0.31	0.00	0.00	0.13	0.00	0.00	0.00	0.00	0.00	0.00	
190.01	210.00	3.70	2.10	1.74	1.39	1.03	0.68	0.32	0.00	0.50	0.14	0.00	0.00	0.00	0.00	0.00	
210.01	230.00	4.07	2.47	2.11	1.76	1.40	1.05	0.69	0.33	0.87	0.51	0.16	0.00	0.00	0.00	0.00	

Weekly Louisiana Income Tax Withholding Table

Exemptions:		1								2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
230.01	250.00	4.44	2.84	2.48	2.13	1.77	1.42	1.06	0.70	1.24	0.88	0.53	0.17	0.00	0.00	0.00
250.01	270.00	5.13	3.53	3.17	2.82	2.46	2.11	1.75	1.39	1.61	1.25	0.90	0.54	0.18	0.00	0.00
270.01	290.00	5.83	4.23	3.87	3.52	3.16	2.81	2.45	2.09	1.98	1.62	1.27	0.91	0.55	0.20	0.00
290.01	310.00	6.53	4.93	4.57	4.22	3.86	3.51	3.15	2.79	2.35	1.99	1.64	1.28	0.92	0.57	0.21
310.01	330.00	7.23	5.63	5.27	4.92	4.56	4.21	3.85	3.49	2.72	2.36	2.01	1.65	1.29	0.94	0.58
330.01	350.00	7.93	6.33	5.97	5.62	5.26	4.91	4.55	4.19	3.09	2.73	2.38	2.02	1.66	1.31	0.95
350.01	370.00	8.63	7.03	6.67	6.32	5.96	5.61	5.25	4.89	3.46	3.10	2.75	2.39	2.03	1.68	1.32
370.01	390.00	9.33	7.73	7.37	7.02	6.66	6.31	5.95	5.59	3.83	3.47	3.12	2.76	2.40	2.05	1.69
390.01	410.00	10.03	8.43	8.07	7.72	7.36	7.01	6.65	6.29	4.20	3.84	3.49	3.13	2.77	2.42	2.06
410.01	430.00	10.73	9.13	8.77	8.42	8.06	7.71	7.35	6.99	4.57	4.21	3.86	3.50	3.14	2.79	2.43
430.01	450.00	11.43	9.83	9.47	9.12	8.76	8.41	8.05	7.69	4.94	4.58	4.23	3.87	3.51	3.16	2.80
450.01	470.00	12.13	10.53	10.17	9.82	9.46	9.11	8.75	8.39	5.31	4.95	4.60	4.24	3.88	3.53	3.17
470.01	490.00	12.83	11.23	10.87	10.52	10.16	9.81	9.45	9.09	5.68	5.32	4.97	4.61	4.25	3.90	3.54
490.01	510.00	13.53	11.93	11.57	11.22	10.86	10.51	10.15	9.79	6.37	6.01	5.66	5.30	4.94	4.59	4.23
510.01	530.00	14.23	12.63	12.27	11.92	11.56	11.21	10.85	10.49	7.07	6.71	6.36	6.00	5.64	5.29	4.93
530.01	550.00	14.93	13.33	12.97	12.62	12.26	11.91	11.55	11.19	7.77	7.41	7.06	6.70	6.34	5.99	5.63
550.01	570.00	15.63	14.03	13.67	13.32	12.96	12.61	12.25	11.89	8.47	8.11	7.76	7.40	7.04	6.69	6.33
570.01	590.00	16.33	14.73	14.37	14.02	13.66	13.31	12.95	12.59	9.17	8.81	8.46	8.10	7.74	7.39	7.03
590.01	610.00	17.03	15.43	15.07	14.72	14.36	14.01	13.65	13.29	9.87	9.51	9.16	8.80	8.44	8.09	7.73
610.01	630.00	17.73	16.13	15.77	15.42	15.06	14.71	14.35	13.99	10.57	10.21	9.86	9.50	9.14	8.79	8.43
630.01	650.00	18.43	16.83	16.47	16.12	15.76	15.41	15.05	14.69	11.27	10.91	10.56	10.20	9.84	9.49	9.13
650.01	670.00	19.13	17.53	17.17	16.82	16.46	16.11	15.75	15.39	11.97	11.61	11.26	10.90	10.54	10.19	9.83
670.01	690.00	19.83	18.23	17.87	17.52	17.16	16.81	16.45	16.09	12.67	12.31	11.96	11.60	11.24	10.89	10.53
690.01	710.00	20.53	18.93	18.57	18.22	17.86	17.51	17.15	16.79	13.37	13.01	12.66	12.30	11.94	11.59	11.23
710.01	730.00	21.23	19.63	19.27	18.92	18.56	18.21	17.85	17.49	14.07	13.71	13.36	13.00	12.64	12.29	11.93
730.01	750.00	21.93	20.33	19.97	19.62	19.26	18.91	18.55	18.19	14.77	14.41	14.06	13.70	13.34	12.99	12.63
750.01	770.00	22.63	21.03	20.67	20.32	19.96	19.61	19.25	18.89	15.47	15.11	14.76	14.40	14.04	13.69	13.33
770.01	790.00	23.33	21.73	21.37	21.02	20.66	20.31	19.95	19.59	16.17	15.81	15.46	15.10	14.74	14.39	14.03
790.01	810.00	24.03	22.43	22.07	21.72	21.36	21.01	20.65	20.29	16.87	16.51	16.16	15.80	15.44	15.09	14.73
810.01	830.00	24.73	23.13	22.77	22.42	22.06	21.71	21.35	20.99	17.57	17.21	16.86	16.50	16.14	15.79	15.43
830.01	850.00	25.43	23.83	23.47	23.12	22.76	22.41	22.05	21.69	18.27	17.91	17.56	17.20	16.84	16.49	16.13
850.01	870.00	26.13	24.53	24.17	23.82	23.46	23.11	22.75	22.39	18.97	18.61	18.26	17.90	17.54	17.19	16.83
870.01	890.00	26.83	25.23	24.87	24.52	24.16	23.81	23.45	23.09	19.67	19.31	18.96	18.60	18.24	17.89	17.53
890.01	910.00	27.53	25.93	25.57	25.22	24.86	24.51	24.15	23.79	20.37	20.01	19.66	19.30	18.94	18.59	18.23
910.01	930.00	28.23	26.63	26.27	25.92	25.56	25.21	24.85	24.49	21.07	20.71	20.36	20.00	19.64	19.29	18.93
930.01	950.00	28.93	27.33	26.97	26.62	26.26	25.91	25.55	25.19	21.77	21.41	21.06	20.70	20.34	19.99	19.63
950.01	970.00	29.63	28.03	27.67	27.32	26.96	26.61	26.25	25.89	22.47	22.11	21.76	21.40	21.04	20.69	20.33
970.01	990.00	30.47	28.87	28.51	28.16	27.80	27.45	27.09	26.73	23.17	22.81	22.46	22.10	21.74	21.39	21.03
990.01	1,010.00	31.32	29.72	29.36	29.01	28.65	28.30	27.94	27.58	23.87	23.51	23.16	22.80	22.44	22.09	21.73
1,010.01	1,030.00	32.17	30.57	30.21	29.86	29.50	29.15	28.79	28.43	24.57	24.21	23.86	23.50	23.14	22.79	22.43
1,030.01	1,050.00	33.02	31.42	31.06	30.71	30.35	30.00	29.64	29.28	25.27	24.91	24.56	24.20	23.84	23.49	23.13
1,050.01	1,070.00	33.87	32.27	31.91	31.56	31.20	30.85	30.49	30.13	25.97	25.61	25.26	24.90	24.54	24.19	23.83
1,070.01	1,090.00	34.72	33.12	32.76	32.41	32.05	31.70	31.34	30.98	26.67	26.31	25.96	25.60	25.24	24.89	24.53
1,090.01	1,110.00	35.57	33.97	33.61	33.26	32.90	32.55	32.19	31.83	27.37	27.01	26.66	26.30	25.94	25.59	25.23
1,110.01	1,130.00	36.42	34.82	34.46	34.11	33.75	33.40	33.04	32.68	28.07	27.71	27.36	27.00	26.64	26.29	25.93
1,130.01	1,150.00	37.27	35.67	35.31	34.96	34.60	34.25	33.89	33.53	28.77	28.41	28.06	27.70	27.34	26.99	26.63
1,150.01	1,170.00	38.12	36.52	36.16	35.81	35.45	35.10	34.74	34.38	29.47	29.11	28.76	28.40	28.04	27.69	27.33
1,170.01	1,190.00	38.97	37.37	37.01	36.66	36.30	35.95	35.59	35.23	30.17	29.81	29.46	29.10	28.74	28.39	28.03
1,190.01	1,210.00	39.82	38.22	37.86	37.51	37.15	36.80	36.44	36.08	30.87	30.51	30.16	29.80	29.44	29.09	28.73
1,210.01	1,230.00	40.67	39.07	38.71	38.36	38.00	37.65	37.29	36.93	31.57	31.21	30.86	30.50	30.14	29.79	29.43
1,230.01	1,250.00	41.52	39.92	39.56	39.21	38.85	38.50	38.14	37.78	32.27	31.91	31.56	31.20	30.84	30.49	30.13
1,250.01	1,270.00	42.37	40.77	40.41	40.06	39.70	39.35	38.99	38.63	32.97	32.61	32.26	31.90	31.54	31.19	30.83
1,270.01	1,290.00	43.22	41.62	41.26	40.91	40.55	40.20	39.84	39.48	33.67	33.31	32.96	32.60	32.24	31.89	31.53
1,290.01	1,310.00	44.07	42.47	42.11	41.76	41.40	41.05	40.69	40.33	34.37	34.01	33.66	33.30	32.94	32.59	32.23
1,310.01	1,330.00	44.92	43.32	42.96	42.61	42.25	41.90	41.54	41.18	35.07	34.71	34.36	34.00	33.64	33.29	32.93
1,330.01	1,350.00	45.77	44.17	43.81	43.46	43.10	42.75	42.39	42.03	35.77	35.41	35.06	34.70	34.34	33.99	33.63
1,350.01	1,370.00	46.62	45.02	44.66	44.31	43.95	43.60	43.24	42.88	36.47	36.11	35.76	35.40	35.04	34.69	34.33
1,370.01	1,390.00	47.47	45.87	45.51	45.16	44.80	44.45	44.09	43.73	37.17	36.81	36.46	36.10	35.74	35.39	35.03
1,390.01	1,410.00	48.32	46.72	46.36	46.01	45.65	45.30	44.94	44.58	37.87	37.51	37.16	36.80	36.44	36.09	35.73
1,410.01	1,430.00	49.17	47.57	47.21	46.86	46.50	46.15	45.79	45.43	38.57	38.21	37.86	37.50	37.14	36.79	36.43
1,430.01	1,450.00	50.02	48.42	48.06	47.71	47.35	47.00	46.64	46.28	39.27	38.91	38.56	38.20	37.84	37.49	37.13
1,450.01	1,470.00	50.87	49.27	48.91	48.56	48.20	47.85	47.49	47.13	39.97	39.61	39.26	38.90	38.54	38.19	37.83
1,470.01	1,490.00	51.72	50.12	49.76	49.41	49.05	48.70	48.34	47.98	40.67	40.31	39.96	39.60	39.24	38.89	38.53
1,490.01	1,510.00	52.57	50.97	50.61	50.26	49.90	49.55	49.19	48.83	41.37	41.01	40.66	40.30	39.94	39.59	39.23
1,510.01	1,530.00	53.42	51.82	51.46	51.11	50.75	50.40	50.04	49.68	42.07	41.71	41.36	41.00	40.64	40.29	39.93
1,530.01	1,550.00	54.27	52.67	52.31	51.96	51.60	51.25	50.89	50.53	42.77	42.41	42.06	41.70	41.34	40.99	40.63
1,550.01	1,570.00	55.12	53.52	53.16	52.81	52.45	52.10	51.74	51.38	43.47	43.11	42.76	42.40	42.04	41.69	41.33

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
1,570.01	1,590.00	55.97	54.37	54.01	53.66	53.30	52.95	52.59	52.23	44.17	43.81	43.46	43.10	42.74	42.39	42.03
1,590.01	1,610.00	56.82	55.22	54.86	54.51	54.15	53.80	53.44	53.08	44.87	44.51	44.16	43.80	43.44	43.09	42.73
1,610.01	1,630.00	57.67	56.07	55.71	55.36	55.00	54.65	54.29	53.93	45.57	45.21	44.86	44.50	44.14	43.79	43.43
1,630.01	1,650.00	58.52	56.92	56.56	56.21	55.85	55.50	55.14	54.78	46.27	45.91	45.56	45.20	44.84	44.49	44.13
1,650.01	1,670.00	59.37	57.77	57.41	57.06	56.70	56.35	55.99	55.63	46.97	46.61	46.26	45.90	45.54	45.19	44.83
1,670.01	1,690.00	60.22	58.62	58.26	57.91	57.55	57.20	56.84	56.48	47.67	47.31	46.96	46.60	46.24	45.89	45.53
1,690.01	1,710.00	61.07	59.47	59.11	58.76	58.40	58.05	57.69	57.33	48.37	48.01	47.66	47.30	46.94	46.59	46.23
1,710.01	1,730.00	61.92	60.32	59.96	59.61	59.25	58.90	58.54	58.18	49.07	48.71	48.36	48.00	47.64	47.29	46.93
1,730.01	1,750.00	62.77	61.17	60.81	60.46	60.10	59.75	59.39	59.03	49.77	49.41	49.06	48.70	48.34	47.99	47.63
1,750.01	1,770.00	63.62	62.02	61.66	61.31	60.95	60.60	60.24	59.88	50.47	50.11	49.76	49.40	49.04	48.69	48.33
1,770.01	1,790.00	64.47	62.87	62.51	62.16	61.80	61.45	61.09	60.73	51.17	50.81	50.46	50.10	49.74	49.39	49.03
1,790.01	1,810.00	65.32	63.72	63.36	63.01	62.65	62.30	61.94	61.58	51.87	51.51	51.16	50.80	50.44	50.09	49.73
1,810.01	1,830.00	66.17	64.57	64.21	63.86	63.50	63.15	62.79	62.43	52.57	52.21	51.86	51.50	51.14	50.79	50.43
1,830.01	1,850.00	67.02	65.42	65.06	64.71	64.35	64.00	63.64	63.28	53.27	52.91	52.56	52.20	51.84	51.49	51.13
1,850.01	1,870.00	67.87	66.27	65.91	65.56	65.20	64.85	64.49	64.13	53.97	53.61	53.26	52.90	52.54	52.19	51.83
1,870.01	1,890.00	68.72	67.12	66.76	66.41	66.05	65.70	65.34	64.98	54.67	54.31	53.96	53.60	53.24	52.89	52.53
1,890.01	1,910.00	69.57	67.97	67.61	67.26	66.90	66.55	66.19	65.83	55.37	55.01	54.66	54.30	53.94	53.59	53.23
1,910.01	1,930.00	70.42	68.82	68.46	68.11	67.75	67.40	67.04	66.68	56.07	55.71	55.36	55.00	54.64	54.29	53.93
1,930.01	1,950.00	71.27	69.67	69.31	68.96	68.60	68.25	67.89	67.53	56.90	56.54	56.19	55.83	55.47	55.12	54.76
										<i>(Add 4.25% for amounts in excess of \$1,950)</i>						

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
-	100.00	<i>(1.85% of gross pay for \$100 and less with 0 Exemptions and 0 Dependents)</i>														
100.01	140.00	2.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	2.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	3.70	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	4.44	1.24	0.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.18	1.98	1.27	0.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	5.92	2.72	2.01	1.29	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340.01	380.00	6.66	3.46	2.75	2.03	1.32	0.61	0.00	0.00	0.26	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	7.40	4.20	3.49	2.77	2.06	1.35	0.64	0.00	1.00	0.28	0.00	0.00	0.00	0.00	0.00
420.01	460.00	8.14	4.94	4.23	3.51	2.80	2.09	1.38	0.67	1.74	1.02	0.31	0.00	0.00	0.00	0.00
460.01	500.00	8.88	5.68	4.97	4.25	3.54	2.83	2.12	1.41	2.48	1.76	1.05	0.34	0.00	0.00	0.00
500.01	540.00	10.27	7.07	6.36	5.64	4.93	4.22	3.51	2.80	3.22	2.50	1.79	1.08	0.37	0.00	0.00
540.01	580.00	11.67	8.47	7.76	7.04	6.33	5.62	4.91	4.20	3.96	3.24	2.53	1.82	1.11	0.40	0.00
580.01	620.00	13.07	9.87	9.16	8.44	7.73	7.02	6.31	5.60	4.70	3.98	3.27	2.56	1.85	1.14	0.43
620.01	660.00	14.47	11.27	10.56	9.84	9.13	8.42	7.71	7.00	5.44	4.72	4.01	3.30	2.59	1.88	1.17
660.01	700.00	15.87	12.67	11.96	11.24	10.53	9.82	9.11	8.40	6.18	5.46	4.75	4.04	3.33	2.62	1.91
700.01	740.00	17.27	14.07	13.36	12.64	11.93	11.22	10.51	9.80	6.92	6.20	5.49	4.78	4.07	3.36	2.65
740.01	780.00	18.67	15.47	14.76	14.04	13.33	12.62	11.91	11.20	7.66	6.94	6.23	5.52	4.81	4.10	3.39
780.01	820.00	20.07	16.87	16.16	15.44	14.73	14.02	13.31	12.60	8.40	7.68	6.97	6.26	5.55	4.84	4.13
820.01	860.00	21.47	18.27	17.56	16.84	16.13	15.42	14.71	14.00	9.14	8.42	7.71	7.00	6.29	5.58	4.87
860.01	900.00	22.87	19.67	18.96	18.24	17.53	16.82	16.11	15.40	9.88	9.16	8.45	7.74	7.03	6.32	5.61
900.01	940.00	24.27	21.07	20.36	19.64	18.93	18.22	17.51	16.80	10.62	9.90	9.19	8.48	7.77	7.06	6.35
940.01	980.00	25.67	22.47	21.76	21.04	20.33	19.62	18.91	18.20	11.36	10.64	9.93	9.22	8.51	7.80	7.09
980.01	1,020.00	27.07	23.87	23.16	22.44	21.73	21.02	20.31	19.60	12.10	11.38	10.66	9.94	9.23	8.51	7.80
1,020.01	1,060.00	28.47	25.27	24.56	23.84	23.13	22.42	21.71	21.00	12.84	12.12	11.40	10.68	9.96	9.24	8.51
1,060.01	1,100.00	29.87	26.67	25.96	25.24	24.53	23.82	23.11	22.40	13.58	12.86	12.14	11.42	10.70	9.26	8.52
1,100.01	1,140.00	31.27	28.07	27.36	26.64	25.93	25.22	24.51	23.80	14.32	13.60	12.88	12.16	11.44	9.28	8.53
1,140.01	1,180.00	32.67	29.47	28.76	28.04	27.33	26.62	25.91	25.20	15.06	14.34	13.62	12.18	11.46	9.30	8.54
1,180.01	1,220.00	34.07	30.87	30.16	29.44	28.73	28.02	27.31	26.60	15.80	15.08	14.36	13.64	12.18	11.48	9.31
1,220.01	1,260.00	35.47	32.27	31.56	30.84	30.13	29.42	28.71	28.00	16.54	15.80	15.08	14.36	13.66	12.20	9.32
1,260.01	1,300.00	36.87	33.67	32.96	32.24	31.53	30.82	30.11	29.40	17.28	16.52	15.80	15.08	14.38	12.22	9.33
1,300.01	1,340.00	38.27	35.07	34.36	33.64	32.93	32.22	31.51	30.80	18.02	17.24	16.52	15.80	15.10	12.24	9.34
1,340.01	1,380.00	39.67	36.47	35.76	35.04	34.33	33.62	32.91	32.20	18.76	17.96	17.24	16.52	15.82	12.26	9.35
1,380.01	1,420.00	41.07	37.87	37.16	36.44	35.73	35.02	34.31	33.60	19.50	18.68	17.96	17.24	16.54	12.28	9.36
1,420.01	1,460.00	42.47	39.27	38.56	37.84	37.13	36.42	35.71	35.00	20.24	19.40	18.68	17.96	17.26	12.30	9.37
1,460.01	1,500.00	43.87	40.67	39.96	39.24	38.53	37.82	37.11	36.40	20.98	20.12	19.40	18.68	17.28	12.32	9.38
1,500.01	1,540.00	45.27	42.07	41.36	40.64	39.93	39.22	38.51	37.80	21.72	20.84	20.12	19.40	18.70	12.34	9.39
1,540.01	1,580.00	46.67	43.47	42.76	42.04	41.33	40.62	39.91	39.20	22.46	21.56	20.84	20.12	19.72	12.36	9.40

Biweekly Louisiana Income Tax Withholding Table

Exemptions:		1								2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
1,580.01	1,620.00	48.07	44.87	44.16	43.44	42.73	42.02	41.31	40.60	33.73	33.01	32.30	31.59	30.88	30.17	29.46	
1,620.01	1,660.00	49.47	46.27	45.56	44.84	44.13	43.42	42.71	42.00	35.13	34.41	33.70	32.99	32.28	31.57	30.86	
1,660.01	1,700.00	50.87	47.67	46.96	46.24	45.53	44.82	44.11	43.40	36.53	35.81	35.10	34.39	33.68	32.97	32.26	
1,700.01	1,740.00	52.27	49.07	48.36	47.64	46.93	46.22	45.51	44.80	37.93	37.21	36.50	35.79	35.08	34.37	33.66	
1,740.01	1,780.00	53.67	50.47	49.76	49.04	48.33	47.62	46.91	46.20	39.33	38.61	37.90	37.19	36.48	35.77	35.06	
1,780.01	1,820.00	55.07	51.87	51.16	50.44	49.73	49.02	48.31	47.60	40.73	40.01	39.30	38.59	37.88	37.17	36.46	
1,820.01	1,860.00	56.47	53.27	52.56	51.84	51.13	50.42	49.71	49.00	42.13	41.41	40.70	39.99	39.28	38.57	37.86	
1,860.01	1,900.00	57.87	54.67	53.96	53.24	52.53	51.82	51.11	50.40	43.53	42.81	42.10	41.39	40.68	39.97	39.26	
1,900.01	1,940.00	59.27	56.07	55.36	54.64	53.93	53.22	52.51	51.80	44.93	44.21	43.50	42.79	42.08	41.37	40.66	
1,940.01	1,980.00	60.95	57.75	57.04	56.32	55.61	54.90	54.19	53.48	46.33	45.61	44.90	44.19	43.48	42.77	42.06	
1,980.01	2,020.00	62.65	59.45	58.74	58.02	57.31	56.60	55.89	55.18	47.73	47.01	46.30	45.59	44.88	44.17	43.46	
2,020.01	2,060.00	64.35	61.15	60.44	59.72	59.01	58.30	57.59	56.88	49.13	48.41	47.70	46.99	46.28	45.57	44.86	
2,060.01	2,100.00	66.05	62.85	62.14	61.42	60.71	60.00	59.29	58.58	50.53	49.81	49.10	48.39	47.68	46.97	46.26	
2,100.01	2,140.00	67.75	64.55	63.84	63.12	62.41	61.70	60.99	60.28	51.93	51.21	50.50	49.79	49.08	48.37	47.66	
2,140.01	2,180.00	69.45	66.25	65.54	64.82	64.11	63.40	62.69	61.98	53.33	52.61	51.90	51.19	50.48	49.77	49.06	
2,180.01	2,220.00	71.15	67.95	67.24	66.52	65.81	65.10	64.39	63.68	54.73	54.01	53.30	52.59	51.88	51.17	50.46	
2,220.01	2,260.00	72.85	69.65	68.94	68.22	67.51	66.80	66.09	65.38	56.13	55.41	54.70	53.99	53.28	52.57	51.86	
2,260.01	2,300.00	74.55	71.35	70.64	69.92	69.21	68.50	67.79	67.08	57.53	56.81	56.10	55.39	54.68	53.97	53.26	
2,300.01	2,340.00	76.25	73.05	72.34	71.62	70.91	70.20	69.49	68.78	58.93	58.21	57.50	56.79	56.08	55.37	54.66	
2,340.01	2,380.00	77.95	74.75	74.04	73.32	72.61	71.90	71.19	70.48	60.33	59.61	58.90	58.19	57.48	56.77	56.06	
2,380.01	2,420.00	79.65	76.45	75.74	75.02	74.31	73.60	72.89	72.18	61.73	61.01	60.30	59.59	58.88	58.17	57.46	
2,420.01	2,460.00	81.35	78.15	77.44	76.72	76.01	75.30	74.59	73.88	63.13	62.41	61.70	60.99	60.28	59.57	58.86	
2,460.01	2,500.00	83.05	79.85	79.14	78.42	77.71	77.00	76.29	75.58	64.53	63.81	63.10	62.39	61.68	60.97	60.26	
2,500.01	2,540.00	84.75	81.55	80.84	80.12	79.41	78.70	77.99	77.28	65.93	65.21	64.50	63.79	63.08	62.37	61.66	
2,540.01	2,580.00	86.45	83.25	82.54	81.82	81.11	80.40	79.69	78.98	67.33	66.61	65.90	65.19	64.48	63.77	63.06	
2,580.01	2,620.00	88.15	84.95	84.24	83.52	82.81	82.10	81.39	80.68	68.73	68.01	67.30	66.59	65.88	65.17	64.46	
2,620.01	2,660.00	89.85	86.65	85.94	85.22	84.51	83.80	83.09	82.38	70.13	69.41	68.70	67.99	67.28	66.57	65.86	
2,660.01	2,700.00	91.55	88.35	87.64	86.92	86.21	85.50	84.79	84.08	71.53	70.81	70.10	69.39	68.68	67.97	67.26	
2,700.01	2,740.00	93.25	90.05	89.34	88.62	87.91	87.20	86.49	85.78	72.93	72.21	71.50	70.79	70.08	69.37	68.66	
2,740.01	2,780.00	94.95	91.75	91.04	90.32	89.61	88.90	88.19	87.48	74.33	73.61	72.90	72.19	71.48	70.77	70.06	
2,780.01	2,820.00	96.65	93.45	92.74	92.02	91.31	90.60	89.89	89.18	75.73	75.01	74.30	73.59	72.88	72.17	71.46	
2,820.01	2,860.00	98.35	95.15	94.44	93.72	93.01	92.30	91.59	90.88	77.13	76.41	75.70	74.99	74.28	73.57	72.86	
2,860.01	2,900.00	100.05	96.85	96.14	95.42	94.71	94.00	93.29	92.58	78.53	77.81	77.10	76.39	75.68	74.97	74.26	
2,900.01	2,940.00	101.75	98.55	97.84	97.12	96.41	95.70	94.99	94.28	79.93	79.21	78.50	77.79	77.08	76.37	75.66	
2,940.01	2,980.00	103.45	100.25	99.54	98.82	98.11	97.40	96.69	95.98	81.33	80.61	79.90	79.19	78.48	77.77	77.06	
2,980.01	3,020.00	105.15	101.95	101.24	100.52	99.81	99.10	98.39	97.68	82.73	82.01	81.30	80.59	79.88	79.17	78.46	
3,020.01	3,060.00	106.85	103.65	102.94	102.22	101.51	100.80	100.09	99.38	84.13	83.41	82.70	81.99	81.28	80.57	79.86	
3,060.01	3,100.00	108.55	105.35	104.64	103.92	103.21	102.50	101.79	101.08	85.53	84.81	84.10	83.39	82.68	81.97	81.26	
3,100.01	3,140.00	110.25	107.05	106.34	105.62	104.91	104.20	103.49	102.78	86.93	86.21	85.50	84.79	84.08	83.37	82.66	
3,140.01	3,180.00	111.95	108.75	108.04	107.32	106.61	105.90	105.19	104.48	88.33	87.61	86.90	86.19	85.48	84.77	84.06	
3,180.01	3,220.00	113.65	110.45	109.74	109.02	108.31	107.60	106.89	106.18	89.73	89.01	88.30	87.59	86.88	86.17	85.46	
3,220.01	3,260.00	115.35	112.15	111.44	110.72	110.01	109.30	108.59	107.88	91.13	90.41	89.70	88.99	88.28	87.57	86.86	
3,260.01	3,300.00	117.05	113.85	113.14	112.42	111.71	111.00	110.29	109.58	92.53	91.81	91.10	90.39	89.68	88.97	88.26	
3,300.01	3,340.00	118.75	115.55	114.84	114.12	113.41	112.70	111.99	111.28	93.93	93.21	92.50	91.79	91.08	90.37	89.66	
3,340.01	3,380.00	120.45	117.25	116.54	115.82	115.11	114.40	113.69	112.98	95.33	94.61	93.90	93.19	92.48	91.77	91.06	
3,380.01	3,420.00	122.15	118.95	118.24	117.52	116.81	116.10	115.39	114.68	96.73	96.01	95.30	94.59	93.88	93.17	92.46	
3,420.01	3,460.00	123.85	120.65	119.94	119.22	118.51	117.80	117.09	116.38	98.13	97.41	96.70	95.99	95.28	94.57	93.86	
3,460.01	3,500.00	125.55	122.35	121.64	120.92	120.21	119.50	118.79	118.08	99.53	98.81	98.10	97.39	96.68	95.97	95.26	
3,500.01	3,540.00	127.25	124.05	123.34	122.62	121.91	121.20	120.49	119.78	100.93	100.21	99.50	98.79	98.08	97.37	96.66	
3,540.01	3,580.00	128.95	125.75	125.04	124.32	123.61	122.90	122.19	121.48	102.33	101.61	100.90	100.19	99.48	98.77	98.06	
3,580.01	3,620.00	130.65	127.45	126.74	126.02	125.31	124.60	123.89	123.18	103.73	103.01	102.30	101.59	100.88	100.17	99.46	
3,620.01	3,660.00	132.35	129.15	128.44	127.72	127.01	126.30	125.59	124.88	105.13	104.41	103.70	102.99	102.28	101.57	100.86	
3,660.01	3,700.00	134.05	130.85	130.14	129.42	128.71	128.00	127.29	126.58	106.53	105.81	105.10	104.39	103.68	102.97	102.26	
3,700.01	3,740.00	135.75	132.55	131.84	131.12	130.41	129.70	128.99	128.28	107.93	107.21	106.50	105.79	105.08	104.37	103.66	
3,740.01	3,780.00	137.45	134.25	133.54	132.82	132.11	131.40	130.69	129.98	109.33	108.61	107.90	107.19	106.48	105.77	105.06	
3,780.01	3,820.00	139.15	135.95	135.24	134.52	133.81	133.10	132.39	131.68	110.73	110.01	109.30	108.59	107.88	107.17	106.46	
3,820.01	3,860.00	140.85	137.65	136.94	136.22	135.51	134.80	134.09	133.38	112.13	111.41	110.70	109.99	109.28	108.57	107.86	
3,860.01	3,900.00	142.55	139.35	138.64	137.92	137.21	136.50	135.79	135.08	113.53	112.81	121.35	111.64	110.93	110.22	109.51	
		Add 4.25% for amounts in excess of \$3,900								Add 4.25% for amounts in excess of \$3,900							

Semimonthly Louisiana Income Tax Withholding Table

Exemptions:		0	1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
-	100.00	<i>(1.85% of gross pay for \$100 and less with 0 Exemptions and 0 Dependents)</i>														
100.01	140.00	2.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	2.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	3.70	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	4.44	0.97	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.18	1.71	0.94	0.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	5.92	2.45	1.68	0.91	0.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340.01	380.00	6.66	3.19	2.42	1.65	0.88	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	7.40	3.93	3.16	2.39	1.62	0.85	0.08	0.00	0.46	0.00	0.00	0.00	0.00	0.00	0.00
420.01	460.00	8.14	4.67	3.90	3.13	2.36	1.59	0.82	0.05	1.20	0.43	0.00	0.00	0.00	0.00	0.00
460.01	500.00	8.88	5.41	4.64	3.87	3.10	2.33	1.56	0.79	1.94	1.17	0.40	0.00	0.00	0.00	0.00
500.01	540.00	9.62	6.15	5.38	4.61	3.84	3.07	2.30	1.53	2.68	1.91	1.14	0.37	0.00	0.00	0.00
540.01	580.00	11.01	7.54	6.77	6.00	5.23	4.46	3.69	2.92	3.42	2.65	1.88	1.11	0.34	0.00	0.00
580.01	620.00	12.41	8.94	8.17	7.40	6.63	5.86	5.09	4.32	4.16	3.39	2.62	1.85	1.08	0.31	0.00
620.01	660.00	13.81	10.34	9.57	8.80	8.03	7.26	6.49	5.72	4.90	4.13	3.36	2.59	1.82	1.05	0.28
660.01	700.00	15.21	11.74	10.97	10.20	9.43	8.66	7.89	7.12	5.64	4.87	4.10	3.33	2.56	1.79	1.02
700.01	740.00	16.61	13.14	12.37	11.60	10.83	10.06	9.29	8.52	6.38	5.61	4.84	4.07	3.30	2.53	1.76
740.01	780.00	18.01	14.54	13.77	13.00	12.23	11.46	10.69	9.92	7.12	6.35	5.58	4.81	4.04	3.27	2.50
780.01	820.00	19.41	15.94	15.17	14.40	13.63	12.86	12.09	11.32	7.86	7.09	6.32	5.55	4.78	4.01	3.24
820.01	860.00	20.81	17.34	16.57	15.80	15.03	14.26	13.49	12.72	8.60	7.83	7.06	6.29	5.52	4.75	3.98
860.01	900.00	22.21	18.74	17.97	17.20	16.43	15.66	14.89	14.12	9.34	8.57	7.80	7.03	6.26	5.49	4.72
900.01	940.00	23.61	20.14	19.37	18.60	17.83	17.06	16.29	15.52	10.08	9.31	8.54	7.77	7.00	6.23	5.46
940.01	980.00	25.01	21.54	20.77	20.00	19.23	18.46	17.69	16.92	10.82	10.05	9.28	8.51	7.74	6.97	6.20
980.01	1,020.00	26.41	22.94	22.17	21.40	20.63	19.86	19.09	18.32	11.56	10.79	10.02	9.25	8.48	7.71	6.94
1,020.01	1,060.00	27.81	24.34	23.57	22.80	22.03	21.26	20.49	19.72	12.30	11.53	10.76	9.99	9.22	8.45	7.68
1,060.01	1,100.00	29.21	25.74	24.97	24.20	23.43	22.66	21.89	21.12	13.67	12.90	12.13	11.36	10.59	9.82	9.05
1,100.01	1,140.00	30.61	27.14	26.37	25.60	24.83	24.06	23.29	22.52	15.07	14.30	13.53	12.76	11.99	11.22	10.45
1,140.01	1,180.00	32.01	28.54	27.77	27.00	26.23	25.46	24.69	23.92	16.47	15.70	14.93	14.16	13.39	12.62	11.85
1,180.01	1,220.00	33.41	29.94	29.17	28.40	27.63	26.86	26.09	25.32	17.87	17.10	16.33	15.56	14.79	14.02	13.25
1,220.01	1,260.00	34.81	31.34	30.57	29.80	29.03	28.26	27.49	26.72	19.27	18.50	17.73	16.96	16.19	15.42	14.65
1,260.01	1,300.00	36.21	32.74	31.97	31.20	30.43	29.66	28.89	28.12	20.67	19.90	19.13	18.36	17.59	16.82	16.05
1,300.01	1,340.00	37.61	34.14	33.37	32.60	31.83	31.06	30.29	29.52	22.07	21.30	20.53	19.76	18.99	18.22	17.45
1,340.01	1,380.00	39.01	35.54	34.77	34.00	33.23	32.46	31.69	30.92	23.47	22.70	21.93	21.16	20.39	19.62	18.85
1,380.01	1,420.00	40.41	36.94	36.17	35.40	34.63	33.86	33.09	32.32	24.87	24.10	23.33	22.56	21.79	21.02	20.25
1,420.01	1,460.00	41.81	38.34	37.57	36.80	36.03	35.26	34.49	33.72	26.27	25.50	24.73	23.96	23.19	22.42	21.65
1,460.01	1,500.00	43.21	39.74	38.97	38.20	37.43	36.66	35.89	35.12	27.67	26.90	26.13	25.36	24.59	23.82	23.05
1,500.01	1,540.00	44.61	41.14	40.37	39.60	38.83	38.06	37.29	36.52	29.07	28.30	27.53	26.76	25.99	25.22	24.45
1,540.01	1,580.00	46.01	42.54	41.77	41.00	40.23	39.46	38.69	37.92	30.47	29.70	28.93	28.16	27.39	26.62	25.85
1,580.01	1,620.00	47.41	43.94	43.17	42.40	41.63	40.86	40.09	39.32	31.87	31.10	30.33	29.56	28.79	28.02	27.25
1,620.01	1,660.00	48.81	45.34	44.57	43.80	43.03	42.26	41.49	40.72	33.27	32.50	31.73	30.96	30.19	29.42	28.65
1,660.01	1,700.00	50.21	46.74	45.97	45.20	44.43	43.66	42.89	42.12	34.67	33.90	33.13	32.36	31.59	30.82	30.05
1,700.01	1,740.00	51.61	48.14	47.37	46.60	45.83	45.06	44.29	43.52	36.07	35.30	34.53	33.76	32.99	32.22	31.45
1,740.01	1,780.00	53.01	49.54	48.77	48.00	47.23	46.46	45.69	44.92	37.47	36.70	35.93	35.16	34.39	33.62	32.85
1,780.01	1,820.00	54.41	50.94	50.17	49.40	48.63	47.86	47.09	46.32	38.87	38.10	37.33	36.56	35.79	35.02	34.25
1,820.01	1,860.00	55.81	52.34	51.57	50.80	50.03	49.26	48.49	47.72	40.27	39.50	38.73	37.96	37.19	36.42	35.65
1,860.01	1,900.00	57.21	53.74	52.97	52.20	51.43	50.66	49.89	49.12	41.67	40.90	40.13	39.36	38.59	37.82	37.05
1,900.01	1,940.00	58.61	55.14	54.37	53.60	52.83	52.06	51.29	50.52	43.07	42.30	41.53	40.76	39.99	39.22	38.45
1,940.01	1,980.00	60.01	56.54	55.77	55.00	54.23	53.46	52.69	51.92	44.47	43.70	42.93	42.16	41.39	40.62	39.85
1,980.01	2,020.00	61.41	57.94	57.17	56.40	55.63	54.86	54.09	53.32	45.87	45.10	44.33	43.56	42.79	42.02	41.25
2,020.01	2,060.00	62.81	59.34	58.57	57.80	57.03	56.26	55.49	54.72	47.27	46.50	45.73	44.96	44.19	43.42	42.65
2,060.01	2,100.00	64.21	60.74	59.97	59.20	58.43	57.66	56.89	56.12	48.67	47.90	47.13	46.36	45.59	44.82	44.05
2,100.01	2,140.00	65.88	62.41	61.64	60.87	60.10	59.33	58.56	57.79	50.07	49.30	48.53	47.76	46.99	46.22	45.45
2,140.01	2,180.00	67.58	64.11	63.34	62.57	61.80	61.03	60.26	59.49	51.47	50.70	49.93	49.16	48.39	47.62	46.85
2,180.01	2,220.00	69.28	65.81	65.04	64.27	63.50	62.73	61.96	61.19	52.87	52.10	51.33	50.56	49.79	49.02	48.25
2,220.01	2,260.00	70.99	67.52	66.75	65.98	65.21	64.44	63.67	62.90	54.27	53.50	52.73	51.96	51.19	50.42	49.65
2,260.01	2,300.00	72.69	69.22	68.45	67.68	66.91	66.14	65.37	64.60	55.67	54.90	54.13	53.36	52.59	51.82	51.05
2,300.01	2,340.00	74.39	70.92	70.15	69.38	68.61	67.84	67.07	66.30	57.07	56.30	55.53	54.76	53.99	53.22	52.45
2,340.01	2,380.00	76.09	72.62	71.85	71.08	70.31	69.54	68.77	68.00	58.47	57.70	56.93	56.16	55.39	54.62	53.85
2,380.01	2,420.00	77.79	74.32	73.55	72.78	72.01	71.24	70.47	69.70	59.87	59.10	58.33	57.56	56.79	56.02	55.25
2,420.01	2,460.00	79.49	76.02	75.25	74.48	73.71	72.94	72.17	71.40	61.27	60.50	59.73	58.96	58.19	57.42	56.65
2,460.01	2,500.00	81.19	77.72	76.95	76.18	75.41	74.64	73.87	73.10	62.67	61.90	61.13	60.36	59.59	58.82	58.05
2,500.01	2,540.00	82.89	79.42	78.65	77.88	77.11	76.34	75.57	74.80	64.07	63.30	62.53	61.76	60.99	60.22	59.45
2,540.01	2,580.00	84.59	81.12	80.35	79.58	78.81	78.04	77.27	76.50	65.47	64.70	63.93	63.16	62.39	61.62	60.85
2,580.01	2,620.00	86.29	82.82	82.05	81.28	80.51	79.74	78.97	78.20	66.87	66.10	65.33	64.56	63.79	63.02	62.25
2,620.01	2,660.00	87.99	84.52	83.75	82.98	82.21	81.44	80.67	79.90	68.27	67.50	66.73	65.96	65.19	64.42	63.65
2,660.01	2,700.00	89.69	86.22	85.45	84.68	83.91	83.14	82.37	81.60	69.67	68.90	68.13	67.36	66.59	65.82	65.05
2,700.01	2,740.00	91.39	87.92	87.15	86.38	85.61	84.84	84.07	83.30	71.07	70.30	69.53	68.76	67.99	67.22	66.45

Semimonthly Louisiana Income Tax Withholding Table

Exemptions:		0		1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
2,740.01	2,780.00	93.09	89.62	88.85	88.08	87.31	86.54	85.77	85.00	72.47	71.70	70.93	70.16	69.39	68.62	67.85	
2,780.01	2,820.00	94.79	91.32	90.55	89.78	89.01	88.24	87.47	86.70	73.87	73.10	72.33	71.56	70.79	70.02	69.25	
2,820.01	2,860.00	96.49	93.02	92.25	91.48	90.71	89.94	89.17	88.40	75.27	74.50	73.73	72.96	72.19	71.42	70.65	
2,860.01	2,900.00	98.19	94.72	93.95	93.18	92.41	91.64	90.87	90.10	76.67	75.90	75.13	74.36	73.59	72.82	72.05	
2,900.01	2,940.00	99.89	96.42	95.65	94.88	94.11	93.34	92.57	91.80	78.07	77.30	76.53	75.76	74.99	74.22	73.45	
2,940.01	2,980.00	101.59	98.12	97.35	96.58	95.81	95.04	94.27	93.50	79.47	78.70	77.93	77.16	76.39	75.62	74.85	
2,980.01	3,020.00	103.29	99.82	99.05	98.28	97.51	96.74	95.97	95.20	80.87	80.10	79.33	78.56	77.79	77.02	76.25	
3,020.01	3,060.00	104.99	101.52	100.75	99.98	99.21	98.44	97.67	96.90	82.27	81.50	80.73	79.96	79.19	78.42	77.65	
3,060.01	3,100.00	106.69	103.22	102.45	101.68	100.91	100.14	99.37	98.60	83.67	82.90	82.13	81.36	80.59	79.82	79.05	
3,100.01	3,140.00	108.39	104.92	104.15	103.38	102.61	101.84	101.07	100.30	85.07	84.30	83.53	82.76	81.99	81.22	80.45	
3,140.01	3,180.00	110.09	106.62	105.85	105.08	104.31	103.54	102.77	102.00	86.47	85.70	84.93	84.16	83.39	82.62	81.85	
3,180.01	3,220.00	111.79	108.32	107.55	106.78	106.01	105.24	104.47	103.70	87.87	87.10	86.33	85.56	84.79	84.02	83.25	
3,220.01	3,260.00	113.49	110.02	109.25	108.48	107.71	106.94	106.17	105.40	89.27	88.50	87.73	86.96	86.19	85.42	84.65	
3,260.01	3,300.00	115.19	111.72	110.95	110.18	109.41	108.64	107.87	107.10	90.67	89.90	89.13	88.36	87.59	86.82	86.05	
3,300.01	3,340.00	116.89	113.42	112.65	111.88	111.11	110.34	109.57	108.80	92.07	91.30	90.53	89.76	88.99	88.22	87.45	
3,340.01	3,380.00	118.59	115.12	114.35	113.58	112.81	112.04	111.27	110.50	93.47	92.70	91.93	91.16	90.39	89.62	88.85	
3,380.01	3,420.00	120.29	116.82	116.05	115.28	114.51	113.74	112.97	112.20	94.87	94.10	93.33	92.56	91.79	91.02	90.25	
3,420.01	3,460.00	121.99	118.52	117.75	116.98	116.21	115.44	114.67	113.90	96.27	95.50	94.73	93.96	93.19	92.42	91.65	
3,460.01	3,500.00	123.69	120.22	119.45	118.68	117.91	117.14	116.37	115.60	97.67	96.90	96.13	95.36	94.59	93.82	93.05	
3,500.01	3,540.00	125.39	121.92	121.15	120.38	119.61	118.84	118.07	117.30	99.07	98.30	97.53	96.76	95.99	95.22	94.45	
3,540.01	3,580.00	127.09	123.62	122.85	122.08	121.31	120.54	119.77	119.00	100.47	99.70	98.93	98.16	97.39	96.62	95.85	
3,580.01	3,620.00	128.79	125.32	124.55	123.78	123.01	122.24	121.47	120.70	101.87	101.10	100.33	99.56	98.79	98.02	97.25	
3,620.01	3,660.00	130.49	127.02	126.25	125.48	124.71	123.94	123.17	122.40	103.27	102.50	101.73	100.96	100.19	99.42	98.65	
3,660.01	3,700.00	132.19	128.72	127.95	127.18	126.41	125.64	124.87	124.10	104.67	103.90	103.13	102.36	101.59	100.82	100.05	
3,700.01	3,740.00	133.89	130.42	129.65	128.88	128.11	127.34	126.57	125.80	106.07	105.30	104.53	103.76	102.99	102.22	101.45	
3,740.01	3,780.00	135.59	132.12	131.35	130.58	129.81	129.04	128.27	127.50	107.47	106.70	105.93	105.16	104.39	103.62	102.85	
3,780.01	3,820.00	137.29	133.82	133.05	132.28	131.51	130.74	129.97	129.20	108.87	108.10	107.33	106.56	105.79	105.02	104.25	
3,820.01	3,860.00	138.99	135.52	134.75	133.98	133.21	132.44	131.67	130.90	110.27	109.50	108.73	107.96	107.19	106.42	105.65	
3,860.01	3,900.00	140.69	137.22	136.45	135.68	134.91	134.14	133.37	132.60	111.67	110.90	110.13	109.36	108.59	107.82	107.05	
3,900.01	3,940.00	142.39	138.92	138.15	137.38	136.61	135.84	135.07	134.30	113.07	112.30	111.53	110.76	109.99	109.22	108.45	
3,940.01	3,980.00	144.09	140.62	139.85	139.08	138.31	137.54	136.77	136.00	114.47	113.70	112.93	112.16	111.39	110.62	109.85	
3,980.01	4,020.00	145.79	142.32	141.55	140.78	140.01	139.24	138.47	137.70	115.87	115.10	114.33	113.56	112.79	112.02	111.25	
4,020.01	4,060.00	147.49	144.02	143.25	142.48	141.71	140.94	140.17	139.40	117.27	116.50	115.73	114.96	114.19	113.42	112.65	
4,060.01	4,100.00	149.19	145.72	144.95	144.18	143.41	142.64	141.87	141.10	118.67	117.90	117.13	116.36	115.59	114.82	114.05	
4,100.01	4,140.00	150.89	147.42	146.65	145.88	145.11	144.34	143.57	142.80	120.07	119.30	118.53	117.76	116.99	116.22	115.45	
4,140.01	4,180.00	152.59	149.12	148.35	147.58	146.81	146.04	145.27	144.50	121.47	120.70	119.93	119.16	118.39	117.62	116.85	
4,180.01	4,220.00	154.29	150.82	150.05	149.28	148.51	147.74	146.97	146.20	123.12	122.35	121.58	120.81	120.04	119.27	118.50	
										<i>(Add 4.25% for amounts in excess of \$4,220)</i>							

Monthly Louisiana Income Tax Withholding Table

Exemptions:		0		1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
-	200.00	<i>(1.85% of gross pay for \$200 and less with 0 Exemptions and 0 Dependents)</i>															
200.01	280.00	4.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
280.01	360.00	5.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
360.01	440.00	7.40	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
440.01	520.00	8.88	1.94	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
520.01	600.00	10.36	3.42	1.88	0.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
600.01	680.00	11.84	4.90	3.36	1.82	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
680.01	760.00	13.32	6.38	4.84	3.30	1.76	0.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
760.01	840.00	14.80	7.86	6.32	4.78	3.24	1.70	0.15	0.00	0.92	0.00	0.00	0.00	0.00	0.00	0.00	
840.01	920.00	16.28	9.34	7.80	6.26	4.72	3.18	1.63	0.09	2.40	0.86	0.00	0.00	0.00	0.00	0.00	
920.01	1,000.00	17.76	10.82	9.28	7.74	6.20	4.66	3.11	1.57	3.88	2.34	0.80	0.00	0.00	0.00	0.00	
1,000.01	1,080.00	19.24	12.30	10.76	9.22	7.68	6.14	4.59	3.05	5.36	3.82	2.28	0.74	0.00	0.00	0.00	
1,080.01	1,160.00	22.01	15.07	13.53	11.99	10.45	8.91	7.36	5.82	6.84	5.30	3.76	2.22	0.68	0.00	0.00	
1,160.01	1,240.00	24.81	17.87	16.33	14.79	13.25	11.71	10.16	8.62	8.32	6.78	5.24	3.70	2.16	0.62	0.00	
1,240.01	1,320.00	27.61	20.67	19.13	17.59	16.05	14.51	12.96	11.42	9.80	8.26	6.72	5.18	3.64	2.10	0.55	
1,320.01	1,400.00	30.41	23.47	21.93	20.39	18.85	17.31	15.76	14.22	11.28	9.74	8.20	6.66	5.12	3.58	2.03	
1,400.01	1,480.00	33.21	26.27	24.73	23.19	21.65	20.11	18.56	17.02	12.76	11.22	9.68	8.14	6.60	5.06	3.51	
1,480.01	1,560.00	36.01	29.07	27.53	25.99	24.45	22.91	21.36	19.82	14.24	12.70	11.16	9.62	8.08	6.54	4.99	
1,560.01	1,640.00	38.81	31.87	30.33	28.79	27.25	25.71	24.16	22.62	15.72	14.18	12.64	11.10	9.56	8.02	6.47	
1,640.01	1,720.00	41.61	34.67	33.13	31.59	30.05	28.51	26.96	25.42	17.20	15.66	14.12	12.58	11.04	9.50	7.95	
1,720.01	1,800.00	44.41	37.47	35.93	34.39	32.85	31.31	29.76	28.22	18.68	17.14	15.60	14.06	12.52	10.98	9.43	
1,800.01	1,880.00	47.21	40.27	38.73	37.19	35.65	34.11	32.56	31.02	20.16	18.62	17.08	15.54	14.00	12.46	10.91	

Monthly Louisiana Income Tax Withholding Table

Exemptions:		0	1							2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
1,880.01	1,960.00	50.01	43.07	41.53	39.99	38.45	36.91	35.36	33.82	21.64	20.10	18.56	17.02	15.48	13.94	12.39
1,960.01	2,040.00	52.81	45.87	44.33	42.79	41.25	39.71	38.16	36.62	23.12	21.58	20.04	18.50	16.96	15.42	13.87
2,040.01	2,120.00	55.61	48.67	47.13	45.59	44.05	42.51	40.96	39.42	24.60	23.06	21.52	19.98	18.44	16.90	15.35
2,120.01	2,200.00	58.41	51.47	49.93	48.39	46.85	45.31	43.76	42.22	27.35	25.81	24.27	22.73	21.19	19.65	18.10
2,200.01	2,280.00	61.21	54.27	52.73	51.19	49.65	48.11	46.56	45.02	30.15	28.61	27.07	25.53	23.99	22.45	20.90
2,280.01	2,360.00	64.01	57.07	55.53	53.99	52.45	50.91	49.36	47.82	32.95	31.41	29.87	28.33	26.79	25.25	23.70
2,360.01	2,440.00	66.81	59.87	58.33	56.79	55.25	53.71	52.16	50.62	35.75	34.21	32.67	31.13	29.59	28.05	26.50
2,440.01	2,520.00	69.61	62.67	61.13	59.59	58.05	56.51	54.96	53.42	38.55	37.01	35.47	33.93	32.39	30.85	29.30
2,520.01	2,600.00	72.41	65.47	63.93	62.39	60.85	59.31	57.76	56.22	41.35	39.81	38.27	36.73	35.19	33.65	32.10
2,600.01	2,680.00	75.21	68.27	66.73	65.19	63.65	62.11	60.56	59.02	44.15	42.61	41.07	39.53	37.99	36.45	34.90
2,680.01	2,760.00	78.01	71.07	69.53	67.99	66.45	64.91	63.36	61.82	46.95	45.41	43.87	42.33	40.79	39.25	37.70
2,760.01	2,840.00	80.81	73.87	72.33	70.79	69.25	67.71	66.16	64.62	49.75	48.21	46.67	45.13	43.59	42.05	40.50
2,840.01	2,920.00	83.61	76.67	75.13	73.59	72.05	70.51	68.96	67.42	52.55	51.01	49.47	47.93	46.39	44.85	43.30
2,920.01	3,000.00	86.41	79.47	77.93	76.39	74.85	73.31	71.76	70.22	55.35	53.81	52.27	50.73	49.19	47.65	46.10
3,000.01	3,080.00	89.21	82.27	80.73	79.19	77.65	76.11	74.56	73.02	58.15	56.61	55.07	53.53	51.99	50.45	48.90
3,080.01	3,160.00	92.01	85.07	83.53	81.99	80.45	78.91	77.36	75.82	60.95	59.41	57.87	56.33	54.79	53.25	51.70
3,160.01	3,240.00	94.81	87.87	86.33	84.79	83.25	81.71	80.16	78.62	63.75	62.21	60.67	59.13	57.59	56.05	54.50
3,240.01	3,320.00	97.61	90.67	89.13	87.59	86.05	84.51	82.96	81.42	66.55	65.01	63.47	61.93	60.39	58.85	57.30
3,320.01	3,400.00	100.41	93.47	91.93	90.39	88.85	87.31	85.76	84.22	69.35	67.81	66.27	64.73	63.19	61.65	60.10
3,400.01	3,480.00	103.21	96.27	94.73	93.19	91.65	90.11	88.56	87.02	72.15	70.61	69.07	67.53	65.99	64.45	62.90
3,480.01	3,560.00	106.01	99.07	97.53	95.99	94.45	92.91	91.36	89.82	74.95	73.41	71.87	70.33	68.79	67.25	65.70
3,560.01	3,640.00	108.81	101.87	100.33	98.79	97.25	95.71	94.16	92.62	77.75	76.21	74.67	73.13	71.59	70.05	68.50
3,640.01	3,720.00	111.61	104.67	103.13	101.59	100.05	98.51	96.96	95.42	80.55	79.01	77.47	75.93	74.39	72.85	71.30
3,720.01	3,800.00	114.41	107.47	105.93	104.39	102.85	101.31	99.76	98.22	83.35	81.81	80.27	78.73	77.19	75.65	74.10
3,800.01	3,880.00	117.21	110.27	108.73	107.19	105.65	104.11	102.56	101.02	86.15	84.61	83.07	81.53	79.99	78.45	76.90
3,880.01	3,960.00	120.01	113.07	111.53	109.99	108.45	106.91	105.36	103.82	88.95	87.41	85.87	84.33	82.79	81.25	79.70
3,960.01	4,040.00	122.81	115.87	114.33	112.79	111.25	109.71	108.16	106.62	91.75	90.21	88.67	87.13	85.59	84.05	82.50
4,040.01	4,120.00	125.61	118.67	117.13	115.59	114.05	112.51	110.96	109.42	94.55	93.01	91.47	89.93	88.39	86.85	85.30
4,120.01	4,200.00	128.41	121.47	119.93	118.39	116.85	115.31	113.76	112.22	97.35	95.81	94.27	92.73	91.19	89.65	88.10
4,200.01	4,280.00	131.76	124.82	123.28	121.74	120.20	118.66	117.11	115.57	100.15	98.61	97.07	95.53	93.99	92.45	90.90
4,280.01	4,360.00	135.16	128.22	126.68	125.14	123.60	122.06	120.51	118.97	102.95	101.41	99.87	98.33	96.79	95.25	93.70
4,360.01	4,440.00	138.56	131.62	130.08	128.54	127.00	125.46	123.91	122.37	105.75	104.21	102.67	101.13	99.59	98.05	96.50
4,440.01	4,520.00	141.96	135.02	133.48	131.94	130.40	128.86	127.31	125.77	108.55	107.01	105.47	103.93	102.39	100.85	99.30
4,520.01	4,600.00	145.36	138.42	136.88	135.34	133.80	132.26	130.71	129.17	111.35	109.81	108.27	106.73	105.19	103.65	102.10
4,600.01	4,680.00	148.76	141.82	140.28	138.74	137.20	135.66	134.11	132.57	114.15	112.61	111.07	109.53	107.99	106.45	104.90
4,680.01	4,760.00	152.16	145.22	143.68	142.14	140.60	139.06	137.51	135.97	116.95	115.41	113.87	112.33	110.79	109.25	107.70
4,760.01	4,840.00	155.56	148.62	147.08	145.54	144.00	142.46	140.91	139.37	119.75	118.21	116.67	115.13	113.59	112.05	110.50
4,840.01	4,920.00	158.96	152.02	150.48	148.94	147.40	145.86	144.31	142.77	122.55	121.01	119.47	117.93	116.39	114.85	113.30
4,920.01	5,000.00	162.36	155.42	153.88	152.34	150.80	149.26	147.71	146.17	125.35	123.81	122.27	120.73	119.19	117.65	116.10
5,000.01	5,080.00	165.76	158.82	157.28	155.74	154.20	152.66	151.11	149.57	128.15	126.61	125.07	123.53	121.99	120.45	118.90
5,080.01	5,160.00	169.16	162.22	160.68	159.14	157.60	156.06	154.51	152.97	130.95	129.41	127.87	126.33	124.79	123.25	121.70
5,160.01	5,240.00	172.56	165.62	164.08	162.54	161.00	159.46	157.91	156.37	133.75	132.21	130.67	129.13	127.59	126.05	124.50
5,240.01	5,320.00	175.96	169.02	167.48	165.94	164.40	162.86	161.31	159.77	136.55	135.01	133.47	131.93	130.39	128.85	127.30
5,320.01	5,400.00	179.36	172.42	170.88	169.34	167.80	166.26	164.71	163.17	139.35	137.81	136.27	134.73	133.19	131.65	130.10
5,400.01	5,480.00	182.76	175.82	174.28	172.74	171.20	169.66	168.11	166.57	142.15	140.61	139.07	137.53	135.99	134.45	132.90
5,480.01	5,560.00	186.16	179.22	177.68	176.14	174.60	173.06	171.51	169.97	144.95	143.41	141.87	140.33	138.79	137.25	135.70
5,560.01	5,640.00	189.56	182.62	181.08	179.54	178.00	176.46	174.91	173.37	147.75	146.21	144.67	143.13	141.59	140.05	138.50
5,640.01	5,720.00	192.96	186.02	184.48	182.94	181.40	179.86	178.31	176.77	150.55	149.01	147.47	145.93	144.39	142.85	141.30
5,720.01	5,800.00	196.36	189.42	187.88	186.34	184.80	183.26	181.71	180.17	153.35	151.81	150.27	148.73	147.19	145.65	144.10
5,800.01	5,880.00	199.76	192.82	191.28	189.74	188.20	186.66	185.11	183.57	156.15	154.61	153.07	151.53	149.99	148.45	146.90
5,880.01	5,960.00	203.16	196.22	194.68	193.14	191.60	190.06	188.51	186.97	158.95	157.41	155.87	154.33	152.79	151.25	149.70
5,960.01	6,040.00	206.56	199.62	198.08	196.54	195.00	193.46	191.91	190.37	161.75	160.21	158.67	157.13	155.59	154.05	152.50
6,040.01	6,120.00	209.96	203.02	201.48	199.94	198.40	196.86	195.31	193.77	164.55	163.01	161.47	159.93	158.39	156.85	155.30
6,120.01	6,200.00	213.36	206.42	204.88	203.34	201.80	200.26	198.71	197.17	167.35	165.81	164.27	162.73	161.19	159.65	158.10
6,200.01	6,280.00	216.76	209.82	208.28	206.74	205.20	203.66	202.11	200.57	170.15	168.61	167.07	165.53	163.99	162.45	160.90
6,280.01	6,360.00	220.16	213.22	211.68	210.14	208.60	207.06	205.51	203.97	172.95	171.41	169.87	168.33	166.79	165.25	163.70
6,360.01	6,440.00	223.56	216.62	215.08	213.54	212.00	210.46	208.91	207.37	175.75	174.21	172.67	171.13	169.59	168.05	166.50
6,440.01	6,520.00	226.96	220.02	218.48	216.94	215.40	213.86	212.31	210.77	178.55	177.01	175.47	173.93	172.39	170.85	169.30
6,520.01	6,600.00	230.36	223.42	221.88	220.34	218.80	217.26	215.71	214.17	181.35	179.81	178.27	176.73	175.19	173.65	172.10
6,600.01	6,680.00	233.76	226.82	225.28	223.74	222.20	220.66	219.11	217.57	184.15	182.61	181.07	179.53	177.99	176.45	174.90
6,680.01	6,760.00	237.16	230.22	228.68	227.14	225.60	224.06	222.51	220.97	186.95	185.41	183.87	182.33	180.79	179.25	177.70
6,760.01	6,840.00	240.56	233.62	232.08	230.54	229.00	227.46	225.91	224.37	189.75	188.21	186.67	185.13	183.59	182.05	180.50
6,840.01	6,920.00	243.96	237.02	235.48	233.94	232.40	230.86	229.31	227.77	192.55	191.01	189.47	187.93	186.39		

Monthly Louisiana Income Tax Withholding Table

Exemptions:		0		1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
7,240.01	7,320.00	260.96	254.02	252.48	250.94	249.40	247.86	246.31	244.77	206.55	205.01	203.47	201.93	200.39	198.85	197.30	
7,320.01	7,400.00	264.36	257.42	255.88	254.34	252.80	251.26	249.71	248.17	209.35	207.81	206.27	204.73	203.19	201.65	200.10	
7,400.01	7,480.00	267.76	260.82	259.28	257.74	256.20	254.66	253.11	251.57	212.15	210.61	209.07	207.53	205.99	204.45	202.90	
7,480.01	7,560.00	271.16	264.22	262.68	261.14	259.60	258.06	256.51	254.97	214.95	213.41	211.87	210.33	208.79	207.25	205.70	
7,560.01	7,640.00	274.56	267.62	266.08	264.54	263.00	261.46	259.91	258.37	217.75	216.21	214.67	213.13	211.59	210.05	208.50	
7,640.01	7,720.00	277.96	271.02	269.48	267.94	266.40	264.86	263.31	261.77	220.55	219.01	217.47	215.93	214.39	212.85	211.30	
7,720.01	7,800.00	281.36	274.42	272.88	271.34	269.80	268.26	266.71	265.17	223.35	221.81	220.27	218.73	217.19	215.65	214.10	
7,800.01	7,880.00	284.76	277.82	276.28	274.74	273.20	271.66	270.11	268.57	226.15	224.61	223.07	221.53	219.99	218.45	216.90	
7,880.01	7,960.00	288.16	281.22	279.68	278.14	276.60	275.06	273.51	271.97	228.95	227.41	225.87	224.33	222.79	221.25	219.70	
7,960.01	8,040.00	291.56	284.62	283.08	281.54	280.00	278.46	276.91	275.37	231.75	230.21	228.67	227.13	225.59	224.05	222.50	
8,040.01	8,120.00	294.96	288.02	286.48	284.94	283.40	281.86	280.31	278.77	234.55	233.01	231.47	229.93	228.39	226.85	225.30	
8,120.01	8,200.00	298.36	291.42	289.88	288.34	286.80	285.26	283.71	282.17	237.35	235.81	234.27	232.73	231.19	229.65	228.10	
8,200.01	8,280.00	301.76	294.82	293.28	291.74	290.20	288.66	287.11	285.57	240.15	238.61	237.07	235.53	233.99	232.45	230.90	
8,280.01	8,360.00	305.16	298.22	296.68	295.14	293.60	292.06	290.51	288.97	242.95	241.41	239.87	238.33	236.79	235.25	233.70	
8,360.01	8,440.00	308.56	301.62	300.08	298.54	297.00	295.46	293.91	292.37	246.25	244.71	243.17	241.63	240.09	238.55	237.00	
										<i>(Add 4.25% for amounts in excess of \$8,440)</i>							

Annual Louisiana Income Tax Withholding Table

Exemptions:		0		1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
-	2,500.00	<i>(1.85% of gross pay for \$2,500 and less with 0 Exemptions and 0 Dependents)</i>															
2,501.00	2,900.00	49.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,901.00	3,300.00	57.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,301.00	3,700.00	64.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,701.00	4,100.00	72.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,101.00	4,500.00	79.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,501.00	4,900.00	86.95	3.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,901.00	5,300.00	94.35	11.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,301.00	5,700.00	101.75	18.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,701.00	6,100.00	109.15	25.90	7.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,101.00	6,500.00	116.55	33.30	14.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,501.00	6,900.00	123.95	40.70	22.20	3.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,901.00	7,300.00	131.35	48.10	29.60	11.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,301.00	7,700.00	138.75	55.50	37.00	18.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,701.00	8,100.00	146.15	62.90	44.40	25.90	7.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,101.00	8,500.00	153.55	70.30	51.80	33.30	14.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,501.00	8,900.00	160.95	77.70	59.20	40.70	22.20	3.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,901.00	9,300.00	168.35	85.10	66.60	48.10	29.60	11.10	0.00	0.00	1.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9,301.00	9,700.00	175.75	92.50	74.00	55.50	37.00	18.50	0.00	0.00	9.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9,701.00	10,100.00	183.15	99.90	81.40	62.90	44.40	25.90	7.40	0.00	16.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10,101.00	10,500.00	190.55	107.30	88.80	70.30	51.80	33.30	14.80	0.00	24.05	5.55	0.00	0.00	0.00	0.00	0.00	0.00
10,501.00	10,900.00	197.95	114.70	96.20	77.70	59.20	40.70	22.20	3.70	31.45	12.95	0.00	0.00	0.00	0.00	0.00	0.00
10,901.00	11,300.00	205.35	122.10	103.60	85.10	66.60	48.10	29.60	11.10	38.85	20.35	1.85	0.00	0.00	0.00	0.00	0.00
11,301.00	11,700.00	212.75	129.50	111.00	92.50	74.00	55.50	37.00	18.50	46.25	27.75	9.25	0.00	0.00	0.00	0.00	0.00
11,701.00	12,100.00	220.15	136.90	118.40	99.90	81.40	62.90	44.40	25.90	53.65	35.15	16.65	0.00	0.00	0.00	0.00	0.00
12,101.00	12,500.00	227.55	144.30	125.80	107.30	88.80	70.30	51.80	33.30	61.05	42.55	24.05	5.55	0.00	0.00	0.00	0.00
12,501.00	12,900.00	234.95	151.70	133.20	115.20	96.20	77.70	59.20	40.70	68.45	49.95	31.45	12.95	0.00	0.00	0.00	0.00
12,901.00	13,300.00	242.35	159.10	140.60	122.60	104.60	85.60	67.60	48.60	75.85	57.35	38.85	20.35	1.85	0.00	0.00	0.00
13,301.00	13,700.00	249.75	166.50	148.00	130.00	112.00	93.00	75.00	56.00	83.25	64.75	46.25	27.75	9.25	0.00	0.00	0.00
13,701.00	14,100.00	257.15	173.90	155.40	137.40	119.40	100.40	82.40	63.40	90.65	72.15	53.65	35.15	16.65	0.00	0.00	0.00
14,101.00	14,500.00	264.55	181.30	162.80	144.80	126.80	107.80	89.80	70.80	98.05	79.55	61.05	42.55	24.05	5.55	0.00	0.00
14,501.00	14,900.00	271.95	188.70	170.20	152.20	134.20	115.20	97.20	78.20	105.45	86.95	68.45	49.95	31.45	12.95	0.00	0.00
14,901.00	15,300.00	279.35	196.10	177.60	159.60	141.60	122.60	104.60	85.60	112.85	94.35	75.85	57.35	38.85	20.35	1.85	0.00
15,301.00	15,700.00	286.75	203.50	185.00	167.00	149.00	130.00	112.00	93.00	120.25	101.75	83.25	64.75	46.25	27.75	9.25	0.00
15,701.00	16,100.00	294.15	210.90	192.40	174.40	156.40	137.40	119.40	100.40	127.65	109.15	90.65	72.15	53.65	35.15	16.65	0.00
16,101.00	16,500.00	301.55	218.30	200.80	181.80	163.80	144.80	126.80	107.80	135.05	116.55	98.05	79.55	61.05	42.55	24.05	0.00
16,501.00	16,900.00	308.95	225.70	208.20	189.20	171.20	152.20	134.20	115.20	142.45	123.95	105.45	86.95	68.45	49.95	31.45	0.00
16,901.00	17,300.00	316.35	233.10	215.60	196.60	178.60	159.60	141.60	122.60	149.85	131.35	112.85	94.35	75.85	57.35	38.85	0.00
17,301.00	17,700.00	323.75	240.50	223.00	204.00	186.00	167.00	149.00	130.00	157.25	138.75	120.25	101.75	83.25	64.75	46.25	0.00
17,701.00	18,100.00	331.15	247.90	230.40	211.40	193.40	174.40	156.40	137.40	164.65	146.15	127.65	109.15	90.65	72.15	53.65	0.00
18,101.00	18,500.00	338.55	255.30	237.80	218.80	200.80	181.80	163.80	144.80	172.05	153.55	135.05	116.55	98.05	79.55	61.05	0.00
18,501.00	18,900.00	345.95	262.70	245.20	226.20	208.20	189.20	171.20	152.20	179.45	160.95	142.45	123.95	105.45	86.95	68.45	0.00
18,901.00	19,300.00	353.35	270.10	252.60	233.60	215.60	196.60	178.60	159.60	186.85	168.35	149.85	131.35	112.85	94.35	75.85	0.00
19,301.00	19,700.00	360.75	277.50	260.00	241.00	223.00	204.00	186.00	167.00	194.25	175.75	157.25	138.75	120.25	101.75	83.25	0.00

Annual Louisiana Income Tax Withholding Table

Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
19,701.00	20,100.00	490.25	407.00	388.50	370.00	351.50	333.00	314.50	296.00	201.65	183.15	164.65	146.15	127.65	109.15	90.65
20,101.00	20,500.00	504.25	421.00	402.50	384.00	365.50	347.00	328.50	310.00	209.05	190.55	172.05	153.55	135.05	116.55	98.05
20,501.00	20,900.00	518.25	435.00	416.50	398.00	379.50	361.00	342.50	324.00	216.45	197.95	179.45	160.95	142.45	123.95	105.45
20,901.00	21,300.00	532.25	449.00	430.50	412.00	393.50	375.00	356.50	338.00	223.85	205.35	186.85	168.35	149.85	131.35	112.85
21,301.00	21,700.00	546.25	463.00	444.50	426.00	407.50	389.00	370.50	352.00	231.25	212.75	194.25	175.75	157.25	138.75	120.25
21,701.00	22,100.00	560.25	477.00	458.50	440.00	421.50	403.00	384.50	366.00	238.65	220.15	201.65	183.15	164.65	146.15	127.65
22,101.00	22,500.00	574.25	491.00	472.50	454.00	435.50	417.00	398.50	380.00	246.05	227.55	209.05	190.55	172.05	153.55	135.05
22,501.00	22,900.00	588.25	505.00	486.50	468.00	449.50	431.00	412.50	394.00	253.45	234.95	216.45	197.95	179.45	160.95	142.45
22,901.00	23,300.00	602.25	519.00	500.50	482.00	463.50	445.00	426.50	408.00	260.85	242.35	223.85	205.35	186.85	168.35	149.85
23,301.00	23,700.00	616.25	533.00	514.50	496.00	477.50	459.00	440.50	422.00	268.25	249.75	231.25	212.75	194.25	175.75	157.25
23,701.00	24,100.00	630.25	547.00	528.50	510.00	491.50	473.00	454.50	436.00	275.65	257.15	238.65	220.15	201.65	183.15	164.65
24,101.00	24,500.00	644.25	561.00	542.50	524.00	505.50	487.00	468.50	450.00	283.05	264.55	246.05	227.55	209.05	190.55	172.05
24,501.00	24,900.00	658.25	575.00	556.50	538.00	519.50	501.00	482.50	464.00	290.45	271.95	253.45	234.95	216.45	197.95	179.45
24,901.00	25,300.00	672.25	589.00	570.50	552.00	533.50	515.00	496.50	478.00	299.50	281.00	262.50	244.00	225.50	207.00	188.50
25,301.00	25,700.00	686.25	603.00	584.50	566.00	547.50	529.00	510.50	492.00	313.50	295.00	276.50	258.00	239.50	221.00	202.50
25,701.00	26,100.00	700.25	617.00	598.50	580.00	561.50	543.00	524.50	506.00	327.50	309.00	290.50	272.00	253.50	235.00	216.50
26,101.00	26,500.00	714.25	631.00	612.50	594.00	575.50	557.00	538.50	520.00	341.50	323.00	304.50	286.00	267.50	249.00	230.50
26,501.00	26,900.00	728.25	645.00	626.50	608.00	589.50	571.00	552.50	534.00	355.50	337.00	318.50	300.00	281.50	263.00	244.50
26,901.00	27,300.00	742.25	659.00	640.50	622.00	603.50	585.00	566.50	548.00	369.50	351.00	332.50	314.00	295.50	277.00	258.50
27,301.00	27,700.00	756.25	673.00	654.50	636.00	617.50	599.00	580.50	562.00	383.50	365.00	346.50	328.00	309.50	291.00	272.50
27,701.00	28,100.00	770.25	687.00	668.50	650.00	631.50	613.00	594.50	576.00	397.50	379.00	360.50	342.00	323.50	305.00	286.50
28,101.00	28,500.00	784.25	701.00	682.50	664.00	645.50	627.00	608.50	590.00	411.50	393.00	374.50	356.00	337.50	319.00	300.50
28,501.00	28,900.00	798.25	715.00	696.50	678.00	659.50	641.00	622.50	604.00	425.50	407.00	388.50	370.00	351.50	333.00	314.50
28,901.00	29,300.00	812.25	729.00	710.50	692.00	673.50	655.00	636.50	618.00	439.50	421.00	402.50	384.00	365.50	347.00	328.50
29,301.00	29,700.00	826.25	743.00	724.50	706.00	687.50	669.00	650.50	632.00	453.50	435.00	416.50	398.00	379.50	361.00	342.50
29,701.00	30,100.00	840.25	757.00	738.50	720.00	701.50	683.00	664.50	646.00	467.50	449.00	430.50	412.00	393.50	375.00	356.50
30,101.00	30,500.00	854.25	771.00	752.50	734.00	715.50	697.00	678.50	660.00	481.50	463.00	444.50	426.00	407.50	389.00	370.50
30,501.00	30,900.00	868.25	785.00	766.50	748.00	729.50	711.00	692.50	674.00	495.50	477.00	458.50	440.00	421.50	403.00	384.50
30,901.00	31,300.00	882.25	799.00	780.50	762.00	743.50	725.00	706.50	688.00	509.50	491.00	472.50	454.00	435.50	417.00	398.50
31,301.00	31,700.00	896.25	813.00	794.50	776.00	757.50	739.00	720.50	702.00	523.50	505.00	486.50	468.00	449.50	431.00	412.50
31,701.00	32,100.00	910.25	827.00	808.50	790.00	771.50	753.00	734.50	716.00	537.50	519.00	500.50	482.00	463.50	445.00	426.50
32,101.00	32,500.00	924.25	841.00	822.50	804.00	785.50	767.00	748.50	730.00	551.50	533.00	514.50	496.00	477.50	459.00	440.50
32,501.00	32,900.00	938.25	855.00	836.50	818.00	799.50	781.00	762.50	744.00	565.50	547.00	528.50	510.00	491.50	473.00	454.50
32,901.00	33,300.00	952.25	869.00	850.50	832.00	813.50	795.00	776.50	758.00	579.50	561.00	542.50	524.00	505.50	487.00	468.50
33,301.00	33,700.00	966.25	883.00	864.50	846.00	827.50	809.00	790.50	772.00	593.50	575.00	556.50	538.00	519.50	501.00	482.50
33,701.00	34,100.00	980.25	897.00	878.50	860.00	841.50	823.00	804.50	786.00	607.50	589.00	570.50	552.00	533.50	515.00	496.50
34,101.00	34,500.00	994.25	911.00	892.50	874.00	855.50	837.00	818.50	800.00	621.50	603.00	584.50	566.00	547.50	529.00	510.50
34,501.00	34,900.00	1,008.25	925.00	906.50	888.00	869.50	851.00	832.50	814.00	635.50	617.00	598.50	580.00	561.50	543.00	524.50
34,901.00	35,300.00	1,022.25	939.00	920.50	902.00	883.50	865.00	846.50	828.00	649.50	631.00	612.50	594.00	575.50	557.00	538.50
35,301.00	35,700.00	1,036.25	953.00	934.50	916.00	897.50	879.00	860.50	842.00	663.50	645.00	626.50	608.00	589.50	571.00	552.50
35,701.00	36,100.00	1,050.25	967.00	948.50	930.00	911.50	893.00	874.50	856.00	677.50	659.00	640.50	622.00	603.50	585.00	566.50
36,101.00	36,500.00	1,064.25	981.00	962.50	944.00	925.50	907.00	888.50	870.00	691.50	673.00	654.50	636.00	617.50	599.00	580.50
36,501.00	36,900.00	1,078.25	995.00	976.50	958.00	939.50	921.00	902.50	884.00	705.50	687.00	668.50	650.00	631.50	613.00	594.50
36,901.00	37,300.00	1,092.25	1,009.00	990.50	972.00	953.50	935.00	916.50	898.00	719.50	701.00	682.50	664.00	645.50	627.00	608.50
37,301.00	37,700.00	1,106.25	1,023.00	1,004.50	986.00	967.50	949.00	930.50	912.00	733.50	715.00	696.50	678.00	659.50	641.00	622.50
37,701.00	38,100.00	1,120.25	1,037.00	1,018.50	1,000.00	981.50	963.00	944.50	926.00	747.50	729.00	710.50	692.00	673.50	655.00	636.50
38,101.00	38,500.00	1,134.25	1,051.00	1,032.50	1,014.00	995.50	977.00	958.50	940.00	761.50	743.00	724.50	706.00	687.50	669.00	650.50
38,501.00	38,900.00	1,148.25	1,065.00	1,046.50	1,028.00	1,009.50	991.00	972.50	954.00	775.50	757.00	738.50	720.00	701.50	683.00	664.50
38,901.00	39,300.00	1,162.25	1,079.00	1,060.50	1,042.00	1,023.50	1,005.00	986.50	968.00	789.50	771.00	752.50	734.00	715.50	697.00	678.50
39,301.00	39,700.00	1,176.25	1,093.00	1,074.50	1,056.00	1,037.50	1,019.00	1,000.50	982.00	803.50	785.00	766.50	748.00	729.50	711.00	692.50
39,701.00	40,100.00	1,190.25	1,107.00	1,088.50	1,070.00	1,051.50	1,033.00	1,014.50	996.00	817.50	799.00	780.50	762.00	743.50	725.00	706.50
40,101.00	40,500.00	1,204.25	1,121.00	1,102.50	1,084.00	1,065.50	1,047.00	1,028.50	1,010.00	831.50	813.00	794.50	776.00	757.50	739.00	720.50
40,501.00	40,900.00	1,218.25	1,135.00	1,116.50	1,098.00	1,079.50	1,061.00	1,042.50	1,024.00	845.50	827.00	808.50	790.00	771.50	753.00	734.50
40,901.00	41,300.00	1,232.25	1,149.00	1,130.50	1,112.00	1,093.50	1,075.00	1,056.50	1,038.00	859.50	841.00	822.50	804.00	785.50	767.00	748.50
41,301.00	41,700.00	1,246.25	1,163.00	1,144.50	1,126.00	1,107.50	1,089.00	1,070.50	1,052.00	873.50	855.00	836.50	818.00	799.50	781.00	762.50
41,701.00	42,100.00	1,260.25	1,177.00	1,158.50	1,140.00	1,121.50	1,103.00	1,084.50	1,066.00	887.50	869.00	850.50	832.00	813.50	795.00	776.50
42,101.00	42,500.00	1,274.25	1,191.00	1,172.50	1,154.00	1,135.50	1,117.00	1,098.50	1,080.00	901.50	883.00	864.50	846.00	827.50	809.00	790.50
42,501.00	42,900.00	1,288.25	1,205.00	1,186.50	1,168.00	1,149.50	1,131.00	1,112.50	1,094.00	915.50	897.00	878.50	860.00	841.50	823.00	804.50
42,901.00	43,300.00	1,302.25	1,219.00	1,200.50	1,182.00	1,163.50	1,145.00	1,126.50	1,108.00	929.50	911.00	892.50	874.00	855.50	837.00	818.50
43,301.00	43,700.00															

Annual Louisiana Income Tax Withholding Table

Exemptions:		0		1						2						
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
46,501.00	46,900.00	1,428.25	1,345.00	1,326.50	1,308.00	1,289.50	1,271.00	1,252.50	1,234.00	1,055.50	1,037.00	1,018.50	1,000.00	981.50	963.00	944.50
46,901.00	47,300.00	1,442.25	1,359.00	1,340.50	1,322.00	1,303.50	1,285.00	1,266.50	1,248.00	1,069.50	1,051.00	1,032.50	1,014.00	995.50	977.00	958.50
47,301.00	47,700.00	1,456.25	1,373.00	1,354.50	1,336.00	1,317.50	1,299.00	1,280.50	1,262.00	1,083.50	1,065.00	1,046.50	1,028.00	1,009.50	991.00	972.50
47,701.00	48,100.00	1,470.25	1,387.00	1,368.50	1,350.00	1,331.50	1,313.00	1,294.50	1,276.00	1,097.50	1,079.00	1,060.50	1,042.00	1,023.50	1,005.00	986.50
48,101.00	48,500.00	1,484.25	1,401.00	1,382.50	1,364.00	1,345.50	1,327.00	1,308.50	1,290.00	1,111.50	1,093.00	1,074.50	1,056.00	1,037.50	1,019.00	1,000.50
48,501.00	48,900.00	1,498.25	1,415.00	1,396.50	1,378.00	1,359.50	1,341.00	1,322.50	1,304.00	1,125.50	1,107.00	1,088.50	1,070.00	1,051.50	1,033.00	1,014.50
48,901.00	49,300.00	1,512.25	1,429.00	1,410.50	1,392.00	1,373.50	1,355.00	1,336.50	1,318.00	1,139.50	1,121.00	1,102.50	1,084.00	1,065.50	1,047.00	1,028.50
49,301.00	49,700.00	1,526.25	1,443.00	1,424.50	1,406.00	1,387.50	1,369.00	1,350.50	1,332.00	1,153.50	1,135.00	1,116.50	1,098.00	1,079.50	1,061.00	1,042.50
49,701.00	50,100.00	1,540.25	1,457.00	1,438.50	1,420.00	1,401.50	1,383.00	1,364.50	1,346.00	1,167.50	1,149.00	1,130.50	1,112.00	1,093.50	1,075.00	1,056.50
50,101.00	50,500.00	1,556.50	1,473.25	1,454.75	1,436.25	1,417.75	1,399.25	1,380.75	1,362.25	1,181.50	1,163.00	1,144.50	1,126.00	1,107.50	1,089.00	1,070.50
50,501.00	50,900.00	1,573.50	1,490.25	1,471.75	1,453.25	1,434.75	1,416.25	1,397.75	1,379.25	1,195.50	1,177.00	1,158.50	1,140.00	1,121.50	1,103.00	1,084.50
50,901.00	51,300.00	1,590.50	1,507.25	1,488.75	1,470.25	1,451.75	1,433.25	1,414.75	1,396.25	1,209.50	1,191.00	1,172.50	1,154.00	1,135.50	1,117.00	1,098.50
51,301.00	51,700.00	1,607.50	1,524.25	1,505.75	1,487.25	1,468.75	1,450.25	1,431.75	1,413.25	1,223.50	1,205.00	1,186.50	1,168.00	1,149.50	1,131.00	1,112.50
51,701.00	52,100.00	1,624.50	1,541.25	1,522.75	1,504.25	1,485.75	1,467.25	1,448.75	1,430.25	1,237.50	1,219.00	1,200.50	1,182.00	1,163.50	1,145.00	1,126.50
52,101.00	52,500.00	1,641.50	1,558.25	1,539.75	1,521.25	1,502.75	1,484.25	1,465.75	1,447.25	1,251.50	1,233.00	1,214.50	1,196.00	1,177.50	1,159.00	1,140.50
52,501.00	52,900.00	1,658.50	1,575.25	1,556.75	1,538.25	1,519.75	1,501.25	1,482.75	1,464.25	1,265.50	1,247.00	1,228.50	1,210.00	1,191.50	1,173.00	1,154.50
52,901.00	53,300.00	1,675.50	1,592.25	1,573.75	1,555.25	1,536.75	1,518.25	1,499.75	1,481.25	1,279.50	1,261.00	1,242.50	1,224.00	1,205.50	1,187.00	1,168.50
53,301.00	53,700.00	1,692.50	1,609.25	1,590.75	1,572.25	1,553.75	1,535.25	1,516.75	1,498.25	1,293.50	1,275.00	1,256.50	1,238.00	1,219.50	1,201.00	1,182.50
53,701.00	54,100.00	1,709.50	1,626.25	1,607.75	1,589.25	1,570.75	1,552.25	1,533.75	1,515.25	1,307.50	1,289.00	1,270.50	1,252.00	1,233.50	1,215.00	1,196.50
54,101.00	54,500.00	1,726.50	1,643.25	1,624.75	1,606.25	1,587.75	1,569.25	1,550.75	1,532.25	1,321.50	1,303.00	1,284.50	1,266.00	1,247.50	1,229.00	1,210.50
54,501.00	54,900.00	1,743.50	1,660.25	1,641.75	1,623.25	1,604.75	1,586.25	1,567.75	1,549.25	1,335.50	1,317.00	1,298.50	1,280.00	1,261.50	1,243.00	1,224.50
54,901.00	55,300.00	1,760.50	1,677.25	1,658.75	1,640.25	1,621.75	1,603.25	1,584.75	1,566.25	1,349.50	1,331.00	1,312.50	1,294.00	1,275.50	1,257.00	1,238.50
55,301.00	55,700.00	1,777.50	1,694.25	1,675.75	1,657.25	1,638.75	1,620.25	1,601.75	1,583.25	1,363.50	1,345.00	1,326.50	1,308.00	1,289.50	1,271.00	1,252.50
55,701.00	56,100.00	1,794.50	1,711.25	1,692.75	1,674.25	1,655.75	1,637.25	1,618.75	1,600.25	1,377.50	1,359.00	1,340.50	1,322.00	1,303.50	1,285.00	1,266.50
56,101.00	56,500.00	1,811.50	1,728.25	1,709.75	1,691.25	1,672.75	1,654.25	1,635.75	1,617.25	1,391.50	1,373.00	1,354.50	1,336.00	1,317.50	1,299.00	1,280.50
56,501.00	56,900.00	1,828.50	1,745.25	1,726.75	1,708.25	1,689.75	1,671.25	1,652.75	1,634.25	1,405.50	1,387.00	1,368.50	1,350.00	1,331.50	1,313.00	1,294.50
56,901.00	57,300.00	1,845.50	1,762.25	1,743.75	1,725.25	1,706.75	1,688.25	1,669.75	1,651.25	1,419.50	1,401.00	1,382.50	1,364.00	1,345.50	1,327.00	1,308.50
57,301.00	57,700.00	1,862.50	1,779.25	1,760.75	1,742.25	1,723.75	1,705.25	1,686.75	1,668.25	1,433.50	1,415.00	1,396.50	1,378.00	1,359.50	1,341.00	1,322.50
57,701.00	58,100.00	1,879.50	1,796.25	1,777.75	1,759.25	1,740.75	1,722.25	1,703.75	1,685.25	1,447.50	1,429.00	1,410.50	1,392.00	1,373.50	1,355.00	1,336.50
58,101.00	58,500.00	1,896.50	1,813.25	1,794.75	1,776.25	1,757.75	1,739.25	1,720.75	1,702.25	1,461.50	1,443.00	1,424.50	1,406.00	1,387.50	1,369.00	1,350.50
58,501.00	58,900.00	1,913.50	1,830.25	1,811.75	1,793.25	1,774.75	1,756.25	1,737.75	1,719.25	1,475.50	1,457.00	1,438.50	1,420.00	1,401.50	1,383.00	1,364.50
58,901.00	59,300.00	1,930.50	1,847.25	1,828.75	1,810.25	1,791.75	1,773.25	1,754.75	1,736.25	1,489.50	1,471.00	1,452.50	1,434.00	1,415.50	1,397.00	1,378.50
59,301.00	59,700.00	1,947.50	1,864.25	1,845.75	1,827.25	1,808.75	1,790.25	1,771.75	1,753.25	1,503.50	1,485.00	1,466.50	1,448.00	1,429.50	1,411.00	1,392.50
59,701.00	60,100.00	1,964.50	1,881.25	1,862.75	1,844.25	1,825.75	1,807.25	1,788.75	1,770.25	1,517.50	1,499.00	1,480.50	1,462.00	1,443.50	1,425.00	1,406.50
60,101.00	60,500.00	1,981.50	1,898.25	1,879.75	1,861.25	1,842.75	1,824.25	1,805.75	1,787.25	1,531.50	1,513.00	1,494.50	1,476.00	1,457.50	1,439.00	1,420.50
60,501.00	60,900.00	1,998.50	1,915.25	1,896.75	1,878.25	1,859.75	1,841.25	1,822.75	1,804.25	1,545.50	1,527.00	1,508.50	1,490.00	1,471.50	1,453.00	1,434.50
60,901.00	61,300.00	2,015.50	1,932.25	1,913.75	1,895.25	1,876.75	1,858.25	1,839.75	1,821.25	1,559.50	1,541.00	1,522.50	1,504.00	1,485.50	1,467.00	1,448.50
61,301.00	61,700.00	2,032.50	1,949.25	1,930.75	1,912.25	1,893.75	1,875.25	1,856.75	1,838.25	1,573.50	1,555.00	1,536.50	1,518.00	1,499.50	1,481.00	1,462.50
61,701.00	62,100.00	2,049.50	1,966.25	1,947.75	1,929.25	1,910.75	1,892.25	1,873.75	1,855.25	1,587.50	1,569.00	1,550.50	1,532.00	1,513.50	1,495.00	1,476.50
62,101.00	62,500.00	2,066.50	1,983.25	1,964.75	1,946.25	1,927.75	1,909.25	1,890.75	1,872.25	1,601.50	1,583.00	1,564.50	1,546.00	1,527.50	1,509.00	1,490.50
62,501.00	62,900.00	2,083.50	2,000.25	1,981.75	1,963.25	1,944.75	1,926.25	1,907.75	1,889.25	1,615.50	1,597.00	1,578.50	1,560.00	1,541.50	1,523.00	1,504.50
62,901.00	63,300.00	2,100.50	2,017.25	1,998.75	1,980.25	1,961.75	1,943.25	1,924.75	1,906.25	1,629.50	1,611.00	1,592.50	1,574.00	1,555.50	1,537.00	1,518.50
63,301.00	63,700.00	2,117.50	2,034.25	2,015.75	1,997.25	1,978.75	1,960.25	1,941.75	1,923.25	1,643.50	1,625.00	1,606.50	1,588.00	1,569.50	1,551.00	1,532.50
63,701.00	64,100.00	2,134.50	2,051.25	2,032.75	2,014.25	1,995.75	1,977.25	1,958.75	1,940.25	1,657.50	1,639.00	1,620.50	1,602.00	1,583.50	1,565.00	1,546.50
64,101.00	64,500.00	2,151.50	2,068.25	2,049.75	2,031.25	2,012.75	1,994.25	1,975.75	1,957.25	1,671.50	1,653.00	1,634.50	1,616.00	1,597.50	1,579.00	1,560.50
64,501.00	64,900.00	2,168.50	2,085.25	2,066.75	2,048.25	2,029.75	2,011.25	1,992.75	1,974.25	1,685.50	1,667.00	1,648.50	1,630.00	1,611.50	1,593.00	1,574.50
64,901.00	65,300.00	2,185.50	2,102.25	2,083.75	2,065.25	2,046.75	2,028.25	2,009.75	1,991.25	1,699.50	1,681.00	1,662.50	1,644.00	1,625.50	1,607.00	1,588.50
65,301.00	65,700.00	2,202.50	2,119.25	2,100.75	2,082.25	2,063.75	2,045.25	2,026.75	2,008.25	1,713.50	1,695.00	1,676.50	1,658.00	1,639.50	1,621.00	1,602.50
65,701.00	66,100.00	2,219.50	2,136.25	2,117.75	2,099.25	2,080.75	2,062.25	2,043.75	2,025.25	1,727.50	1,709.00	1,690.50	1,672.00	1,653.50	1,635.00	1,616.50
66,101.00	66,500.00	2,236.50	2,153.25	2,134.75	2,116.25	2,097.75	2,079.25	2,060.75	2,042.25	1,741.50	1,723.00	1,704.50	1,686.00	1,667.50	1,649.00	1,630.50
66,501.00	66,900.00	2,253.50	2,170.25	2,151.75	2,133.25	2,114.75	2,096.25	2,077.75	2,059.25	1,755.50	1,737.00	1,718.50	1,700.00	1,681.50	1,663.00	1,644.50
66,901.00	67,300.00	2,270.50	2,187.25	2,168.75	2,150.25	2,131.75	2,113.25	2,094.75	2,076.25	1,769.50	1,751.00	1,732.50	1,714.00	1,695.50	1,677.00	1,658.50
67,301.00	67,700.00	2,287.50	2,204.25	2,185.75	2,167.25	2,14										

Annual Louisiana Income Tax Withholding Table

Exemptions:		0		1						2							
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6	
Salary Range:																	
Min	Max																
73,301.00	73,700.00	2,542.50	2,459.25	2,440.75	2,422.25	2,403.75	2,385.25	2,366.75	2,348.25	1,993.50	1,975.00	1,956.50	1,938.00	1,919.50	1,901.00	1,882.50	
73,701.00	74,100.00	2,559.50	2,476.25	2,457.75	2,439.25	2,420.75	2,402.25	2,383.75	2,365.25	2,007.50	1,989.00	1,970.50	1,952.00	1,933.50	1,915.00	1,896.50	
74,101.00	74,500.00	2,576.50	2,493.25	2,474.75	2,456.25	2,437.75	2,419.25	2,400.75	2,382.25	2,021.50	2,003.00	1,984.50	1,966.00	1,947.50	1,929.00	1,910.50	
74,501.00	74,900.00	2,593.50	2,510.25	2,491.75	2,473.25	2,454.75	2,436.25	2,417.75	2,399.25	2,035.50	2,017.00	1,998.50	1,980.00	1,961.50	1,943.00	1,924.50	
74,901.00	75,300.00	2,610.50	2,527.25	2,508.75	2,490.25	2,471.75	2,453.25	2,434.75	2,416.25	2,049.50	2,031.00	2,012.50	1,994.00	1,975.50	1,957.00	1,938.50	
75,301.00	75,700.00	2,627.50	2,544.25	2,525.75	2,507.25	2,488.75	2,470.25	2,451.75	2,433.25	2,063.50	2,045.00	2,026.50	2,008.00	1,989.50	1,971.00	1,952.50	
75,701.00	76,100.00	2,644.50	2,561.25	2,542.75	2,524.25	2,505.75	2,487.25	2,468.75	2,450.25	2,077.50	2,059.00	2,040.50	2,022.00	2,003.50	1,985.00	1,966.50	
76,101.00	76,500.00	2,661.50	2,578.25	2,559.75	2,541.25	2,522.75	2,504.25	2,485.75	2,467.25	2,091.50	2,073.00	2,054.50	2,036.00	2,017.50	1,999.00	1,980.50	
76,501.00	76,900.00	2,678.50	2,595.25	2,576.75	2,558.25	2,539.75	2,521.25	2,502.75	2,484.25	2,105.50	2,087.00	2,068.50	2,050.00	2,031.50	2,013.00	1,994.50	
76,901.00	77,300.00	2,695.50	2,612.25	2,593.75	2,575.25	2,556.75	2,538.25	2,519.75	2,501.25	2,119.50	2,101.00	2,082.50	2,064.00	2,045.50	2,027.00	2,008.50	
77,301.00	77,700.00	2,712.50	2,629.25	2,610.75	2,592.25	2,573.75	2,555.25	2,536.75	2,518.25	2,133.50	2,115.00	2,096.50	2,078.00	2,059.50	2,041.00	2,022.50	
77,701.00	78,100.00	2,729.50	2,646.25	2,627.75	2,609.25	2,590.75	2,572.25	2,553.75	2,535.25	2,147.50	2,129.00	2,110.50	2,092.00	2,073.50	2,055.00	2,036.50	
78,101.00	78,500.00	2,746.50	2,663.25	2,644.75	2,626.25	2,607.75	2,589.25	2,570.75	2,552.25	2,161.50	2,143.00	2,124.50	2,106.00	2,087.50	2,069.00	2,050.50	
78,501.00	78,900.00	2,763.50	2,680.25	2,661.75	2,643.25	2,624.75	2,606.25	2,587.75	2,569.25	2,175.50	2,157.00	2,138.50	2,120.00	2,101.50	2,083.00	2,064.50	
78,901.00	79,300.00	2,780.50	2,697.25	2,678.75	2,660.25	2,641.75	2,623.25	2,604.75	2,586.25	2,189.50	2,171.00	2,152.50	2,134.00	2,115.50	2,097.00	2,078.50	
79,301.00	79,700.00	2,797.50	2,714.25	2,695.75	2,677.25	2,658.75	2,640.25	2,621.75	2,603.25	2,203.50	2,185.00	2,166.50	2,148.00	2,129.50	2,111.00	2,092.50	
79,701.00	80,100.00	2,814.50	2,731.25	2,712.75	2,694.25	2,675.75	2,657.25	2,638.75	2,620.25	2,217.50	2,199.00	2,180.50	2,162.00	2,143.50	2,125.00	2,106.50	
80,101.00	80,500.00	2,831.50	2,748.25	2,729.75	2,711.25	2,692.75	2,674.25	2,655.75	2,637.25	2,231.50	2,213.00	2,194.50	2,176.00	2,157.50	2,139.00	2,120.50	
80,501.00	80,900.00	2,848.50	2,765.25	2,746.75	2,728.25	2,709.75	2,691.25	2,672.75	2,654.25	2,245.50	2,227.00	2,208.50	2,190.00	2,171.50	2,153.00	2,134.50	
80,901.00	81,300.00	2,865.50	2,782.25	2,763.75	2,745.25	2,726.75	2,708.25	2,689.75	2,671.25	2,259.50	2,241.00	2,222.50	2,204.00	2,185.50	2,167.00	2,148.50	
81,301.00	81,700.00	2,882.50	2,799.25	2,780.75	2,762.25	2,743.75	2,725.25	2,706.75	2,688.25	2,273.50	2,255.00	2,236.50	2,218.00	2,199.50	2,181.00	2,162.50	
81,701.00	82,100.00	2,899.50	2,816.25	2,797.75	2,779.25	2,760.75	2,742.25	2,723.75	2,705.25	2,287.50	2,269.00	2,250.50	2,232.00	2,213.50	2,195.00	2,176.50	
82,101.00	82,500.00	2,916.50	2,833.25	2,814.75	2,796.25	2,777.75	2,759.25	2,740.75	2,722.25	2,301.50	2,283.00	2,264.50	2,246.00	2,227.50	2,209.00	2,190.50	
82,501.00	82,900.00	2,933.50	2,850.25	2,831.75	2,813.25	2,794.75	2,776.25	2,757.75	2,739.25	2,315.50	2,297.00	2,278.50	2,260.00	2,241.50	2,223.00	2,204.50	
82,901.00	83,300.00	2,950.50	2,867.25	2,848.75	2,830.25	2,811.75	2,793.25	2,774.75	2,756.25	2,329.50	2,311.00	2,292.50	2,274.00	2,255.50	2,237.00	2,218.50	
83,301.00	83,700.00	2,967.50	2,884.25	2,865.75	2,847.25	2,828.75	2,810.25	2,791.75	2,773.25	2,343.50	2,325.00	2,306.50	2,288.00	2,269.50	2,251.00	2,232.50	
83,701.00	84,100.00	2,984.50	2,901.25	2,882.75	2,864.25	2,845.75	2,827.25	2,808.75	2,790.25	2,357.50	2,339.00	2,320.50	2,302.00	2,283.50	2,265.00	2,246.50	
84,101.00	84,500.00	3,001.50	2,918.25	2,899.75	2,881.25	2,862.75	2,844.25	2,825.75	2,807.25	2,371.50	2,353.00	2,334.50	2,316.00	2,297.50	2,279.00	2,260.50	
84,501.00	84,900.00	3,018.50	2,935.25	2,916.75	2,898.25	2,879.75	2,861.25	2,842.75	2,824.25	2,385.50	2,367.00	2,348.50	2,330.00	2,311.50	2,293.00	2,274.50	
84,901.00	85,300.00	3,035.50	2,952.25	2,933.75	2,915.25	2,896.75	2,878.25	2,859.75	2,841.25	2,399.50	2,381.00	2,362.50	2,344.00	2,325.50	2,307.00	2,288.50	
85,301.00	85,700.00	3,052.50	2,969.25	2,950.75	2,932.25	2,913.75	2,895.25	2,876.75	2,858.25	2,413.50	2,395.00	2,376.50	2,358.00	2,339.50	2,321.00	2,302.50	
85,701.00	86,100.00	3,069.50	2,986.25	2,967.75	2,949.25	2,930.75	2,912.25	2,893.75	2,875.25	2,427.50	2,409.00	2,390.50	2,372.00	2,353.50	2,335.00	2,316.50	
86,101.00	86,500.00	3,086.50	3,003.25	2,984.75	2,966.25	2,947.75	2,929.25	2,910.75	2,892.25	2,441.50	2,423.00	2,404.50	2,386.00	2,367.50	2,349.00	2,330.50	
86,501.00	86,900.00	3,103.50	3,020.25	3,001.75	2,983.25	2,964.75	2,946.25	2,927.75	2,909.25	2,455.50	2,437.00	2,418.50	2,400.00	2,381.50	2,363.00	2,344.50	
86,901.00	87,300.00	3,120.50	3,037.25	3,018.75	3,000.25	2,981.75	2,963.25	2,944.75	2,926.25	2,469.50	2,451.00	2,432.50	2,414.00	2,395.50	2,377.00	2,358.50	
87,301.00	87,700.00	3,137.50	3,054.25	3,035.75	3,017.25	2,998.75	2,980.25	2,961.75	2,943.25	2,483.50	2,465.00	2,446.50	2,428.00	2,409.50	2,391.00	2,372.50	
87,701.00	88,100.00	3,154.50	3,071.25	3,052.75	3,034.25	3,015.75	2,997.25	2,978.75	2,960.25	2,497.50	2,479.00	2,460.50	2,442.00	2,423.50	2,405.00	2,386.50	
88,101.00	88,500.00	3,171.50	3,088.25	3,069.75	3,051.25	3,032.75	3,014.25	2,995.75	2,977.25	2,511.50	2,493.00	2,474.50	2,456.00	2,437.50	2,419.00	2,400.50	
88,501.00	88,900.00	3,188.50	3,105.25	3,086.75	3,068.25	3,049.75	3,031.25	3,012.75	2,994.25	2,525.50	2,507.00	2,488.50	2,470.00	2,451.50	2,433.00	2,414.50	
88,901.00	89,300.00	3,205.50	3,122.25	3,103.75	3,085.25	3,066.75	3,048.25	3,029.75	3,011.25	2,539.50	2,521.00	2,502.50	2,484.00	2,465.50	2,447.00	2,428.50	
89,301.00	89,700.00	3,222.50	3,139.25	3,120.75	3,102.25	3,083.75	3,065.25	3,046.75	3,028.25	2,553.50	2,535.00	2,516.50	2,498.00	2,479.50	2,461.00	2,442.50	
89,701.00	90,100.00	3,239.50	3,156.25	3,137.75	3,119.25	3,100.75	3,082.25	3,063.75	3,045.25	2,567.50	2,549.00	2,530.50	2,512.00	2,493.50	2,475.00	2,456.50	
90,101.00	90,500.00	3,256.50	3,173.25	3,154.75	3,136.25	3,117.75	3,099.25	3,080.75	3,062.25	2,581.50	2,563.00	2,544.50	2,526.00	2,507.50	2,489.00	2,470.50	
90,501.00	90,900.00	3,273.50	3,190.25	3,171.75	3,153.25	3,134.75	3,116.25	3,097.75	3,079.25	2,595.50	2,577.00	2,558.50	2,540.00	2,521.50	2,503.00	2,484.50	
90,901.00	91,300.00	3,290.50	3,207.25	3,188.75	3,170.25	3,151.75	3,133.25	3,114.75	3,096.25	2,609.50	2,591.00	2,572.50	2,554.00	2,535.50	2,517.00	2,498.50	
91,301.00	91,700.00	3,307.50	3,224.25	3,205.75	3,187.25	3,168.75	3,150.25	3,131.75	3,113.25	2,623.50	2,605.00	2,586.50	2,568.00	2,549.50	2,531.00	2,512.50	
91,701.00	92,100.00	3,324.50	3,241.25	3,222.75	3,204.25	3,185.75	3,167.25	3,148.75	3,130.25	2,637.50	2,619.00	2,600.50	2,582.00	2,563.50	2,545.00	2,526.50	
92,101.00	92,500.00	3,341.50	3,258.25	3,239.75	3,221.25	3,202.75	3,184.25	3,165.75	3,147.25	2,651.50	2,633.00	2,614.50	2,596.00	2,577.50	2,559.00	2,540.50	
92,501.00	92,900.00	3,358.50	3,275.25	3,256.75	3,238.25	3,219.75	3,201.25	3,182.75	3,164.25	2,665.50	2,647.00	2,628.50	2,610.00	2,591.50	2,573.00	2,554.50	
92,901.00	93,300.00	3,375.50	3,292.25	3,273.75	3,255.25	3,236.75	3,218.25	3,199.75	3,181.25	2,679.50	2,661.00	2,642.50	2,624.00	2,605.50	2,587.00	2,568.50	
93,301.00	93,700.00	3,392.50	3,309.25	3,290.75	3,272.25	3,253.75	3,235.25	3,216.75	3,198.25	2,693.50	2,675.00	2,656.50	2,638.00	2,619.50	2,601.00	2,582.50	
93,701.00	94,100.00	3,409.50	3,326.25	3,307.75	3,289.25	3,270.75	3,252.25	3,233.75	3,215.25	2,707.50	2,689.00	2,670.50	2,652.00	2,633.50	2,615.00	2,596.50	
94,101.00	94,500.00	3,426.50	3,343.25	3,324.75	3,306.25	3,287.75											

Annual Louisiana Income Tax Withholding Table

Exemptions:		1									2					
Dependents:		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
98,501.00	98,900.00	3,613.50	3,530.25	3,511.75	3,493.25	3,474.75	3,456.25	3,437.75	3,419.25	2,875.50	2,857.00	2,838.50	2,820.00	2,801.50	2,783.00	2,764.50
98,901.00	99,300.00	3,630.50	3,547.25	3,528.75	3,510.25	3,491.75	3,473.25	3,454.75	3,436.25	2,889.50	2,871.00	2,852.50	2,834.00	2,815.50	2,797.00	2,778.50
99,301.00	99,700.00	3,647.50	3,564.25	3,545.75	3,527.25	3,508.75	3,490.25	3,471.75	3,453.25	2,903.50	2,885.00	2,866.50	2,848.00	2,829.50	2,811.00	2,792.50
99,701.00	100,100.00	3,664.50	3,581.25	3,562.75	3,544.25	3,525.75	3,507.25	3,488.75	3,470.25	2,917.50	2,899.00	2,880.50	2,862.00	2,843.50	2,825.00	2,806.50
100,101.00	100,500.00	3,681.50	3,598.25	3,579.75	3,561.25	3,542.75	3,524.25	3,505.75	3,487.25	2,933.75	2,915.25	2,896.75	2,878.25	2,859.75	2,841.25	2,822.75
		<i>(Add 4.25% for amounts in excess of \$100,500)</i>									<i>(Add 4.25% for amounts in excess of \$100,500)</i>					

4. ...

D. Income Tax Withholding Formulas. The overall structure of the formulas used to compute the withholding tax is to calculate the tax on the total wage amount and then subtract the amount of tax calculated on the personal exemptions and dependency credits the taxpayer claims for withholding purposes. The correct withholding formula depends upon the number of personal exemptions claimed and annual wages.

1. Effective on or after January 1, 2022:

a. Withholding Formulas for Single or Married Taxpayers Claiming 0 or 1 Personal Exemption:

W is the withholding tax per pay period.
 S is employee's salary per pay period for each bracket.
 X is the number of personal exemptions; X must be 0 or 1.
 Y is the number of dependency credits; Y must be a whole number that is 0 or greater.
 N is the number of pay periods.
 A is the effect of the personal exemptions and dependency credits equal to or less than \$12,500;
 $A = .0185((X * 4500) + (Y * 1000)) \div N$.
 B is the effect of the personal exemptions and dependency credits in excess of \$12,500;
 $B = .0165(((X * 4500) + (Y * 1000)) - 12,500) \div N$.

If annual wages are less than or equal to \$12,500, then
 $W = .0185(S) - (A + B)$.

If annual wages are greater \$12,500, but less than or equal to \$50,000, then
 $W = .0185(S) + .0165(S - (12,500 \div N)) - (A + B)$.

If annual wages are greater than \$50,000, then
 $W = .0185(S) + .0165(S - (12,500 \div N)) + .0075(S - (50,000 \div N)) - (A + B)$.

b. Withholding Formulas for Married Taxpayers Claiming 2 Personal Exemptions:

W is the withholding tax per pay period.
 S is employee's salary per pay period for each bracket.
 X is the number of personal exemptions; X must be 2.
 Y is the number of dependency credits; Y must be 0 or greater.
 N is the number of pay periods.
 A is the effect of the personal exemptions and dependency credits equal to or less than \$25,000;
 $A = .0185((X * 4500) + (Y * 1000)) \div N$.
 B is the effect of the personal exemptions and dependency credits in excess of \$25,000;
 $B = .0165(((X * 4500) + (Y * 1000)) - 25,000) \div N$.

If annual wages are less than or equal to \$25,000, then
 $W = .0185(S) - (A + B)$.

If annual wages are greater \$25,000, but less than or equal to \$100,000, then
 $W = .0185(S) + .0165(S - (25,000 \div N)) - (A + B)$.

If annual wages are greater than \$100,000, then

$$W = .0185(S) + .0165(S - (25,000 \div N)) + .0075(S - (100,000 \div N)) - (A + B)$$

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:32, R.S. 47:112, R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 28:2557 (December 2002), amended LR 35:255 (February 2009), LR 35:1543 (August 2009), LR 44:1062 (June 2018), LR 48:2173 (August 2022).

Kevin J. Richard, CPA
 Secretary

2208#001

RULE

**Department of Transportation and Development
 Office of Multimodal Commerce**

State Safety Oversight for Rail Fixed Guideway Public
 Transportation Systems (LAC 70:IX.Chapter 15)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 48:214, that the Department of Transportation and Development, Office of Multimodal Commerce, State Safety Oversight Division has amended the rules for State Safety Oversight for Rail Fixed Guideway Public Transportation Systems. These amendments update the code to be compliant with the most current issue of the National Transit Database Safety and Security Policy Manual. The rule revision updates the State Safety Oversight Program Standard (SSOPS) required by 49 CFR Part 674 State Safety Oversight, to address a full transition from federal rule 49 CFR Part 659 to, 49 CFR Parts 673 and 674, as published by the Federal Transit Administration (FTA). Specifically, to transition references from 49 CFR Part 659 to refer to 49 CFR Part 673, and updates Accident Reporting requirements to reflect updated reportable thresholds contained in FTA Safety and Security Reporting Policy Manual. Consequently, there will be no impact to the public, businesses, local or state governmental entities. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION

**Part IX. Intermodal Transportation
 Chapter 15. State Safety Oversight for Rail Fixed
 Guideway Public Transportation Systems
 §1509. Oversight of RTA Safety Plans and Internal
 Safety Reviews**

A. RTA Safety Plan Review. The RTA is required to develop and submit a safety plan to the SSOA for its review

and written approval. The safety plan must be compliant with the SSOPS, any federal rules (i.e., 49 C.F.R. Part 673 and 49 U.S.C. 5329(d)) specifically addressing RTA safety plans, any specific guidance found in the SSOA procedures manual, and other guidance provided through FTAs national public transportation safety plan. The SSOA may require changes to safety plan based on changes in federal or state requirements, audit results, inspections, investigations, or findings based on safety data analysis. After written notification from the SSOA for safety plan modifications, the RTA and SSOA will determine a reasonable timeline for completing the revision(s). The RTA must assess its safety plan annually and revise it as needed to reflect changes in the organization, procedures, equipment, facilities, and operating environment. The RTA must submit any revisions to the SSOA to ensure compliance with the SSOPS. The SSOA will complete a compliance review of the safety plan within 30 calendar days of receipt, or notify the RTA if additional time is needed. If the RTA safety plan complies with the SSOPS and other guidance as necessary, the SSOA will issue a written approval of the safety plan (along with appropriate checklists) and request that the RTA send a final copy of the safety plan with appropriate signatures and other endorsements as required. The safety plan and any revisions to the safety plan must be approved by the RTA Board of Commissioners and signed by a designee of the RTA Board of Commissioners. The approved RTA safety plan remains in effect until another such safety plan or revisions to the existing safety plan is/are submitted and approved in accordance with this SSOPS. If the SSOA determines that the submitted safety plan does not meet the requirements of the SSOPS or other appropriate guidance, a written rejection of the safety plan will be sent to the RTA along with a description (comments and appropriate checklists) of necessary changes to gain approval. The RTA will make such changes in an expeditious manner, unless otherwise specified in the rejection letter. The RTA may request a meeting with the SSOA to discuss the safety plan review comments. In the event the RTA objects to a noted deficiency or requested change from the SSOA, a written notice of the objections and suggested alternatives will be provided to the SSOA within 30 days. Both the SSOA and the RTA must agree on an appropriate course of action or the SSOA will follow the escalation procedures.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:924 (May 2018), amended LR 48:2187 (August 2022).

§1513. Accident Notification

A. - A.1.v. ...

c. *substantial damage*—damage to any involved vehicles, facilities, equipment, rolling stock, or infrastructure that disrupts the operations of the rail transit agency and adversely affects the structural strength, performance, or operating characteristics of the asset, such that it requires towing, rescue, on-site maintenance, or immediate removal prior to safe operation;

- d. a collision involving a rail transit vehicle that:
 - i. meets an injury, fatality, substantial damage, or evacuation threshold;
 - ii. includes suicides or attempted suicides that involve contact with a transit vehicle;
 - iii. occurs at a rail grade crossing;
 - iv. involves an individual in the right-of-way;
 - v. involves a rail transit vehicle and a second rail transit vehicle; or
 - vi. includes collisions that do not involve a transit revenue vehicle but meet a threshold.
- e. a runaway train;
- f. an evacuation for life safety reasons;
- g. any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

A.2. - B.15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:925 (May 2018), amended LR 48:2144 (August 2022).

§1521. Procedures Manual Content

A. - A.2.k. ...

B. Minimum Safety Standards. RTA system safety and security related documents in effect January 2021.

Document	Current Version
2021 Agency Safety Plan (ASP)	March 2021
Security and Emergency Preparedness Plan (SEPP)	April 2021
Hurricane Emergency Preparedness Plan (HEPP)	April 2021
Operations Manual	In development
Continuity of Operations Plan (COOP) (in revision)	June 2020
Roadway Worker Protection Manual (RWPM)	In development
Safety and Security Certification Program Plan	August 2017
Transit Asset Management Plan	September 2018
Streetcar Operator Manual	2016
Dispatchers Training Manual	2016 (revisions in development)
Rail Maintenance Plan	May 2019
Vehicle Maintenance Plan	May 2019
Facilities Maintenance Plan	June 2019
Infectious Disease/Pandemic Plan	May 2020
Company Policies	August 2021
Employee Onboarding Handbook	November 2021
Employee Code of Conduct	November 2021
COVID-19 Plan	February 2021
Procurement Manual	October 2020
Safety Department SOPs	March 2021
RTA SOPs	In effect January 2021

C. Safety Plan Review

1. RTA system safety program plan must be compliant with 49 CFR Part 673.

2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:928 (May 2018), amended LR 48:2188 (August 2022).

Shawn D. Wilson, Ph.D.
Secretary

2208#044

RULE

**Department of Transportation and Development
Office of the Secretary**

Wireless Telecommunications Permit (LAC 70:II.1509)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 48:381.2, the Department of Transportation and Development, Office of the Secretary has amended the Rule for utilities fees and permits. These amendments address the continued need for Louisiana residents to work and attend school virtually due to the effects of COVID-19; thus, necessitating expansion and maximization of broadband capacity and wireless communication in communities that are markedly lacking in these services. In addition to the continued need created by COVID-19, the passage of the Infrastructure Investment and Jobs Act (IIJA) availed funds for future broadband infrastructure. As this infrastructure expands, small cell towers are the necessary last step to bring high speed internet to all Louisiana citizens, especially those located in rural areas. There are no estimated implementation costs or savings to state or local governmental units associated with the rule revision. The Department of Transportation and Development already issues permits for use of public rights-of-way to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way pursuant to R.S. 48:381.2. The permits in this Rule will be folded into LADOTD's existing processes, using existing staff. Consequently, there will be no adverse impact to the public, businesses, local or state governmental entities. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part II. Utilities

Chapter 15. DOTD Wireless Telecommunications Permit

§1509. Fees

A. Definitions for use in this Section:

Installation Facility—any tower or pole installed or utilized by a wireless telecommunications carrier for wireless audio and visual communications.

Monopole/Guyed Tower—tower that consists of one stem or one pole anchored to the ground and supported by a structurally designed foundation or guyed anchor system. The wires may be anchored to the top of the structure or to the ground.

Pole—column or post, constructed of wood or metal, supported by a simple concrete foundation up to 2 feet in diameter and/or with partial embedment.

Self-Supporting Tower—a three or four sided lattice structure with self-supporting frame made from solid rod, pipe, or angle.

Small Wireless Facility (“SWF”)—wireless communications facilities that meet each of the following conditions:

a. the facilities:

- i. are mounted on poles or other structures 50 feet or less in height including their antennas;
- ii. are mounted on poles or other structures no more than 10 percent taller than other adjacent poles or structures; or
- iii. do not extend existing poles or other structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- b. each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 ft³) in volume;
- c. all other wireless equipment associated with the pole or other structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the pole or other structure, is no more than 28 cubic feet (28 ft³) in volume;
- d. the facilities do not require antenna structure registration under C.F.R. Title 47, Chapter 1 Federal Communications Commission, Part 17;
- e. the facilities are not located on Tribal lands, as defined under 36 C.F.R. 800.16(x); and
- f. the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

Utility Pole—column or post used to support overhead power lines and various other public utilities, such as electrical cable, fiber optic cable, and related equipment such as transformers and streetlights.

B. The following fees shall apply to wireless telecommunications installations, except for small wireless facilities, placed within state highway rights-of-way.

Type of Tower	Annual Fee
Self-Supporting Tower/Antenna	\$3,500
Monopole/Antenna	\$2,000
Attachments to Existing Utility/Light Poles	\$1,500
Co-Location on DOTD Tower	\$3,500
Video Cameras	Supply feed to DOTD

C. Annual renewal fees for each Small Wireless Facility shall be \$270.00, regardless of location of the SWF. Permits are subject to a reevaluation cost every three years of an additional \$82.59 per permit. The following fees shall be assessed for each initial permit, based on the classifications of the roadway in accordance with the 2013 edition of the Federal Highway Administration’s “Highway Functional Classification Concepts, Criteria, and Procedures.”

Highway Classification	Installation of SWF on a New Pole	Installation of New SWF on Existing Pole
Interstate Urban	\$2100	\$1850
Interstate Rural	\$1575	\$1387.50
Freeway/Expressway Urban	\$2100	\$1850
Freeway/Expressway Rural	\$1575	\$1387.50
Principal Arterial Urban	\$1575	\$1387.50
Principal Arterial Rural	\$1050	\$925
Minor Arterial Urban	\$1050	\$925
Minor Arterial Rural	\$525	\$462.50
Major Collector Urban	\$525	\$462.50
Major Collector Rural	\$210	\$185
Minor Collector Urban	\$525	\$462.50
Minor Collector Rural	\$210	\$185

D. All permit fees must be paid to the department by check or money order. The department will not accept cash.

E. All permits will be in force and effect for a period of one year from the date the permit was issued.

F. The department may waive fees in exchange for shared resources.

G. The department may waive fees for those permit applicants who erect facilities, attachments or cameras for the use of the department or other state agencies or political subdivisions to conduct departmental or state work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:98 (January, 1999), amended LR 30:272 (February 2004), amended by the Department of Transportation and Development, Office of Secretary, LR 48:2189 (August 2022).

Shawn D. Wilson, Ph.D.
Secretary

2208#039

RULE

Department of Treasury

Municipal Police Employee’s Retirement System

Mandatory Enrollment of Employees Employed by 11:157 Employers (LAC 58:XVIII.1701)

The Municipal Police Employees’ Retirement System has adopted LAC 58:XVIII Chapter 17 as authorized by R.S. 11:2225(A)(1). This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Board of Trustees of the Municipal Police Employees’ Retirement System has created a new Chapter 17 to the *Louisiana Administrative Code* that deals with automatic enrollment of new employees of participating employers. This Rule is codifying current statute. This Rule is hereby adopted on the day of promulgation.

Title 58

EMPLOYERS

Part XVIII. Municipal Police Employees' Retirement System

Chapter 17. Employers

§1701. Mandatory Enrollment of Employees Employed by 11:157 Employers

A. To comply with the mandatory enrollment provisions of R.S. 11:157(A), an employer must enroll each employee in the retirement system on the first day the employee qualifies for membership. The employer shall remit to the retirement system the required employee and employer contributions no later than the fifteenth day of the month following the first day the employee qualifies for membership. If the employee subsequently submits an affidavit under R.S. 11:157(C) before the end of the first calendar month during which the employee qualified for membership in the retirement system, a prorated amount of employer contributions shall be refunded to the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees’ Retirement System, LR 48:2190 (August 2022).

Benjamin A. Huxen
Executive Director
and General Counsel

2208#073

RULE

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

Chronic Wasting Disease Control Areas (LAC 76:V.137)

The Wildlife and Fisheries Commission has adopted §137, cervid carcass exportation and baiting regulations within Louisiana Department of Wildlife and Fisheries (LDWF) designated chronic wasting disease (CWD) control areas. On February 2, 2022, the Louisiana Animal Disease Diagnostic Laboratory at LSU detected CWD in a sample submitted by LDWF from a hunter harvested adult buck in Tensas Parish. The sample was subsequently confirmed by the National Veterinary Services Laboratory in Ames, Iowa. Upon detection, LDWF has implemented its CWD Response Plan to curb the spread of CWD in Louisiana. The action is intended to reduce further spread of the disease through anthropogenic pathways. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§137. Rules and Regulations for Chronic Wasting Disease Control Areas

A. Definitions

Cervid—any animal of the family *Cervidae* including, but not limited to, white-tailed deer, mule deer, elk, moose, caribou “reindeer”, fallow deer, axis deer, sika deer, and red deer.

Chronic Wasting Disease (CWD)—Neurodegenerative disease found in most deer species, including white-tailed deer, mule deer, elk, red deer, moose, and caribou. It is infectious, always fatal, and has no treatment. CWD is part of a group of diseases known as transmissible spongiform encephalopathies (TSEs) and is similar to BSE (mad cow disease) in cattle and scrapie in sheep. These diseases cause irreversible damage to brain tissue, which leads to excessive salivation, neurological symptoms, emaciation, and death of the animal.

Control Area—LDWF designated area consisting of the CWD infectious zone and buffer zone where mitigation measures and regulations are applied to curb further spread of the disease. The control area shall be listed on the LDWF website.

LDWF—The Louisiana Department of Wildlife and Fisheries.

B. Baiting, placement of bait, or hunting over bait is prohibited within a LDWF designated CWD control area. It is the responsibility of hunters to check their hunting area for bait prior to each hunt. A baited area is an area on which salt,

grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attractant for wild quadrupeds or wild birds via ingestion. The use of approved bait not normally ingested by deer for feral hog trapping will still be allowed.

C. The export of any cervid carcass or part of a cervid carcass originating within a LDWF designated CWD control area is prohibited, except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts, and cleaned cervid teeth.

D. Approved parts transported out of the CWD control area must be legally possessed. Approved parts must contain a possession tag with the hunter's name, address, LDWF license number, parish of harvest, date of harvest, and sex of deer. All cervid parts transported out of the control area that are in violation of the provisions of this ban shall be seized and disposed of in accordance with the Wildlife and Fisheries Commission and Department of Wildlife and Fisheries rules.

E. Prior to the 2022-23 deer hunting season, LDWF is directed to determine whether there is sufficient capacity to perform taxidermy services for cervids taken within the control area and report those findings to the Wildlife and Fisheries Commission. If it is determined that there is insufficient capacity to provide adequate taxidermy services for cervids harvested within the control area, LDWF shall establish a permitting system to be in effect no later than the opening of the 2022-23 deer hunting season to allow for uncleaned cervid heads to be transported out of the control area solely for taxidermy purposes.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:2190 (August 2022).

Jack Montoucet
Secretary

2208#046

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Horticulture and Quarantine Programs
Lethal Bronzing and Lethal Yellowing Disease Quarantine
(LAC 7:XV.173 and 175)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1652, notice is hereby given that Department of Agriculture and Forestry ("Department") intends to adopt the rules set forth below establishing lethal bronzing and lethal yellowing quarantine parishes within the state. Lethal bronzing disease is a bacterial infection that causes palm plants to decline quickly. Once a plant is infected with lethal bronzing disease, there is no cure. Lethal yellowing is a bacterial disease that attacks palm plants. This disease is also fatal to palms. The only way to eradicate these diseases is by prevention. The proposed rules establish lethal bronzing quarantine areas in East Baton Rouge Parish, Iberia Parish, Jefferson Parish, Orleans Parish and West Baton Rouge Parish and lethal yellowing quarantine areas in East Baton Rouge Parish and Jefferson Parish. Therefore, any regulated articles may not be moved from quarantined areas to non-quarantined areas unless treated with an approved insecticide. Limiting the spread of lethal bronzing and lethal yellowing will protect Louisiana's nursery industry, which has a gross farm value of \$115.2 million.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter I. Lethal Bronzing and Lethal Yellowing Quarantine

§173. Lethal Bronzing Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the disease, lethal bronzing, *Candidatus phytoplasma palmae*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantine areas in this state include:

1. the entire parishes of East Baton Rouge, Iberia, Jefferson, Orleans and West Baton Rouge.

2. A declaration of quarantine for lethal bronzing covering any other specific parishes or areas of Louisiana shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Section shall be moved out of any area of this state that is listed in this Section as a quarantined area for lethal bronzing, except as provided in this Section.

D. The following articles are deemed to be regulated articles of lethal bronzing for purposes of this Subsection:

1. the disease, lethal bronzing, *Candidatus phytoplasma palmae*; phytoplasma strain 16SrIV-D;

2. all plant parts of:
 - a. Canary Island date palm, *Phoenix canariensis*;
 - b. edible date palm, *Phoenix dactylifera*;
 - c. silver date palm, *Phoenix sylvestris*; Wild date palm, *Phoenix reclinata*;
 - d. cabbage palm, *Sabal palmetto*; and
 - e. queen palm, *Syagrus romanzoffiana*.
3. Tools used in the pruning and handling of regulated articles.

E. Regulated articles may be moved from quarantined areas to non-quarantined areas within or outside of Louisiana only if moved under the following conditions:

1. palms must be inspected within 48 hours prior to shipment with no symptoms of lethal bronzing apparent;

2. host palms shall be treated with an insecticide labeled for leafhoppers six weeks prior to shipment and also receive a final treatment within 48 hours prior to movement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 48:

§175. Lethal Yellowing Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the disease, lethal yellowing, *Candidatus phytoplasma palmae*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B.1. Quarantine areas in this state include the entire parishes of East Baton Rouge and Jefferson;

2. A declaration of quarantine for lethal yellowing covering any other specific parishes or areas of Louisiana shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Section shall be moved out of any area of this state that is listed in this Section as a quarantined area for lethal yellowing, except as provided in this Section.

D. The following articles are deemed to be regulated articles of lethal yellowing for purposes of this Subsection:

1. the disease, lethal yellowing, *Candidatus phytoplasma palmae*; phytoplasma strain 16SrIV-A;

2. all plant parts of *Cocos nucifera* L. (Coconut palm) all varieties, including Malayan dwarf, *Veitchia* spp., *Pritchardia* spp., *Arikuryroba schizophylla* (Mart.) Bailey (Arikury palm), *Corypha elata* Roxb. (Buri palm, Gebang palm), *Phoenix reclinata* Jacq. (Senegal date palm), *Phoenix canariensis* Hort. ex Chab. (Canary Island date palm), *Phoenix dactylifera* (L.) date palm, *Phoenix sylvestris* (L.) Roxb. (Sylvester date palm), *Chrysalidocarpus cabadae* H.E. Moore (Cabada palm), *Dictyosperma album* (Bory) H. Wendl. and Drude (hurricane or princess palm), *Aiphanes lindeniana* (H. Wendl.), *Allagoptera arenaria* (Gomes) Kuntze, *Arenga engleri* Becc., *Ravenea hildebrandti* Wendl. ex Bouche, *Gaussia attenuata* (O.F. Cook) Beccari (Puerto Rican *Gaussia*), *Howeia belmoreana* (C. Moore and F. Muell.) Becc. (sentry palm), *Latania* spp. (all species),

Livistonia chinensis (N.J. Jacquin) R. Br. ex Mart. (Chinese fan palm), *Trachycarpus fortunei* (Hook) Wendl. (Chinese windmill palm), *Hyophorbe (Mascarena) verschaffeltii* H. Wendl. (Spindle palm), *Caryota mitis* Lour (cluster fishtail palm), *Borassus flabellifer* L. (Palmyra palm), *Nannorrhops ritchiana* (W. Griffith) J.E.T. Aitchison (Mazari palm), and *Neodypsis decaryi* Jumelle (triangle palm).

3. Tools used in the pruning and handling of regulated articles.

E. Regulated articles may be moved from quarantined areas to non-quarantined areas within or outside of Louisiana only if moved under the following conditions:

1. palms must be inspected within 48 hours prior to shipment with no symptoms of lethal yellowing apparent;
2. host palms shall be treated with an insecticide labeled for leafhoppers six weeks prior to shipment and also receive a final treatment within 48 hours prior to movement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 48:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Tina Peltier, Director of the Horticulture Commission, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3002, Baton Rouge, Louisiana 70806 and must be received no later than 4:00 p.m. on September 10, 2022. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Horticulture and Quarantine Programs Lethal Bronzing and Lethal Yellowing Disease Quarantine

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

The proposed rule will not result in any costs or savings to state or local governmental units. The proposed rule establishes a Lethal Bronzing (LB) quarantine in the parishes of East Baton Rouge, Iberia, Jefferson, Orleans, and West Baton Rouge and establishes a Lethal Yellowing (LY) quarantine in the parishes of East Baton Rouge and Jefferson.

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

The proposed rule will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Nursery stock dealers and nursery growers will be directly affected by the proposed rule. The proposed rule establishes a Lethal Bronzing quarantine in the parishes of East Baton Rouge, Iberia, Jefferson, Orleans, and West Baton Rouge and establishes a Lethal Yellowing quarantine in the parishes of East Baton Rouge and Jefferson. Therefore, any regulated articles may not be moved from quarantined areas to non-quarantined areas unless treated with an insecticide labeled for leafhoppers. The average cost of insecticide is between \$65 and \$70 per gallon. Treatment can cost anywhere from \$1-\$22 depending on method and concentration. Limiting the spread of LB and LY will protect Louisiana's nursery industry, which has a gross farm value of \$115.2 million.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not affect competition and employment.

Dane Morgan
Asst. Commissioner
2208#040

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Structural Pest Control
(LAC 7:XXV.101, 107, 109, and 141)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:3366, notice is hereby given that the Department of Agriculture and Forestry (“Department”) intends to amend LAC 7:XXV.101, 107, 109, and 141. The definition of General Pest Control is being updated to reflect current industry standards. Examination procedures are being updated to allow more flexible examination dates and locations. The word “written” is being removed from the regulations in reference to exams to allow for computer-based examinations. This change is made pursuant to Act 8 of the 2022 Louisiana Regular Legislative Session which amended R.S. 3:3368 to remove the word “written” from the law and to allow examinations at any approved location. Act 8 was effective on May 13, 2022. The requirement for faxing in pre-treatment notifications is being removed to allow for pre-treatment notifications to be submitted via online form which makes notifications easier for the pest control operators. The Louisiana Structural Pest Control Commission unanimously approved the promulgation of these rules at their meeting held on June 22, 2022.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§101. Definitions

* * *

License—a document issued by the commission which authorizes the practice and/or supervision of one or more phases of structural pest control work as follows:

a. *General Pest Control*—the application of remedial or preventive measures to control, prevent or eradicate household pests by use of pesticides used as sprays, dusts, aerosols, thermal fogs, barriers, traps and baits;

b. - e. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 46:1541 (November 2020), LR 47:1100 (August 2021), LR 48:

§107. License to Engage in Structural Pest Control Work Required

A. - F.2. ...

3. have successfully completed an examination for licensure no more than two years prior to the date of issuance of the license.

G. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 19:1009 (August 1993), LR 23:855 (July 1997), LR 23:1493 (November 1997), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 31:2761 (November 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1016 (June 2006), amended LR 37:276 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 48:

§109. Application for Examination; Contents of Application

A. - F. ...

G. Once the application has been approved by the Commission, examinations for a structural pest control license will be given upon request of the applicant at a department approved location, during business hours. Requests for exams shall be made at least seven days in advance and will be scheduled based on availability.

H. The examination may be supplemented by oral examination and/or visual identification of specific pests and insects.

I. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 35:206 (February 2009), LR 37:278 (January 2011), LR 48:

§141. Minimum Specifications for Termite Control Work

A. - E.3. ...

4. All pre-treatment of slabs or pier type construction shall be submitted by online form or called in to the department's district office in which the pretreat occurs, a minimum of one hour prior to beginning the application of termiticides. The information provided shall include treatment company name; treatment structure street address, city, zip code, parish; if available; and/or directions to the property being pre-treated; date and time of beginning the application of termiticides to the property; estimated square or linear footage of each structure to be treated; and number of reported structures. All pest control operators shall keep a log of all pretreats including the information noted. The following is a list of parishes in each of the department's eight district offices. Pretreatments in a parish shall be submitted by online form or called into the corresponding district office:

E.4.a. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016), LR 46:1542 (November 2020), LR 47:1100 (August 2021), LR 48:994 (April 2022), LR 48:994 (April 2022), LR 48:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Kelly Moore, Director, Structural Pest Control, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3000, Baton Rouge, LA 70806 and must be received no later than 4:00 p.m. on September 10, 2022. All written comments must be signed and dated.

Public Hearing

A public hearing will be held on Monday, September 26, 2022, at 10:00 a.m. in the Veterans' Auditorium at the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Kelly Moore at the address given above in Public Comments Section or at (225) 952-8100.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Structural Pest Control

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

The proposed rule will have no associated costs or savings to the Louisiana Department of Agriculture and Forestry (LDAF) other than the cost of rule promulgation in FY 22, which is normally included in the department's annual operating budget. The proposed rules will have no associated costs or savings to local governmental units.

The proposed rules update the definition of General Pest Control to reflect current industry standards. Also, examination procedures are being updated to allow more flexible examination dates and locations. The word "written" is being removed from the regulations in reference to exams to allow for computer-based examinations. This change is made pursuant to Act 8 of the 2022 Louisiana Regular Legislative Session which amended La. R.S. 3:3368 to remove the word "written" from the law and to allow examinations at any approved location. Act 8 was effective on May 13, 2022. Finally, the requirement for faxing in pre-treatment notifications is being removed to allow for pre-treatment notifications to be submitted via an online form which makes notifications easier for the pest control operators.

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

The proposed rule is not anticipated to have any effect on revenue collections for state or local governmental entities.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated additional costs or economic benefits to affected person, small businesses, or non-governmental groups as a result of the proposed rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to impact competition and employment.

Dane Morgan
Asst. Commissioner
2208#041

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

Disclosure Forms (LAC 52:I.1309)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics, has initiated rulemaking procedures to make amendments to the Rules for the Board of Ethics to codify the rules with current statutory provisions.

**Title 52
ETHICS**

Part 1. Board of Ethics

Chapter 13. Records and Reports

§1309. Disclosure Forms Filed Pursuant to R.S.

42:1119(B)(2) of the Code

A. Disclosure forms filed pursuant to R.S. 42:1119(B)(2)(a) of the code shall:

1. be on a form approved by the board or a form which is substantially the same as the form approved by the board;
2. be filed by September 15th of each school year;
3. be signed by the school board member or superintendent and contain:
 - a. the name, address, and position of the school board member or superintendent;
 - b. the name, relationship, and position of the immediate family member and the date of the family member's employment;
 - c. the parish in which the school board member or superintendent serves and the date of the commencement of such service; and
 - d. which of the following exceptions applies to the immediate family member:
 - i. classroom teacher certified to teach;
 - ii. employed by school board for more than one year prior to the school board member, or charter school board member or the superintendent becoming a member of the school board or the superintendent; or
 - iii. served in public employment on April 1, 1980, the effective date of the code;
 - iv. certified school bus operator;
 - v. brother/sister-in-law employed before August 15, 1999.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1300 (October 1997), amended LR 26:629 (April 2000), LR 42:1655 (October 2016), amended LR 48:

Family Impact Statement

The proposed Rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule changes have no known impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:974.5.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on September 10, 2022.

Kathleen M. Allen
Ethics Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Disclosure Forms**

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

The proposed rule provides amendments to codify the Board of Ethics rules to recent changes in statute. Act 199 of the 2021 Regular Session and Act 50 of the 2022 Regular Session amended R.S. 42:1119(B)(2), which requires amending the administrative rules. The proposed rule provide the exception to allow an immediate family member of a local school board member to be employed as a certified school bus driver and that each disclosure be filed by September 15th of each school year. The only estimated cost to implement the proposed rule is \$320 in FY 22-23, which includes the cost to publish the Notice of Intent and the proposed rule in the State Register.

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

The proposed rule will have no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will require directly affected persons to file a disclosure form with the Board of Ethics by September 15th of each school year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no anticipated effect on competition and employment.

Kristy Gary Deputy Ethics Administrator 2208#052	Alan M. Boxberger Interim Legislative Fiscal Officer Legislative Fiscal Office
--	--

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.903)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education

proposes to amend LAC 28:CLXVII: in *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The proposed revisions establish the timeline for review of the Early Childhood Education Fund by the Early Childhood Care and Education Advisory Council. Current policy requires review prior to the start of the 2022-2023 school year based on learnings from the first two years. Since no funding was appropriated prior to the 2022-2023 school year, the updated timeframe for review is being extended to the 2024-2025 academic year. Initial allocations are expected to be distributed from the fund beginning with the 2022-2023 school year.

Title 28
EDUCATION

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 9. Louisiana Early Childhood Education Fund

§903. Eligibility Requirements

A. - E. ...

F. Prior to the start of the 2024-2025 school year, the Early Childhood Care and Education Advisory Council shall review this Chapter and, as necessary, recommend revisions to BESE based on learnings from the first two years of the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:555 (April 2020), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:974.5, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, September 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 140—Louisiana Early
Childhood Care and Education Network**

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

The proposed revisions will not have an effect on costs or savings to state or local governmental units. The proposed revisions establish the timeline for review of the Early Childhood Education Fund by the Early Childhood Care and

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.303 and 1360)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI.303 and 1360 in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions relate to the availability of an add-on endorsement to teach geometry, which will be available to teachers with an existing Louisiana teaching certification.

Title 28

EDUCATION

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

Chapter 3. Initial Teacher Certification

Subchapter B. Testing Required for Certification

§303. Certification Exams and Scores

A. - B. ...

Education Advisory Council. Current policy requires review prior to the start of the 2022-2023 school year based on learnings from the first two years. Since no funding was appropriated prior to the 2022-2023 school year, the updated timeframe for review is being extended to the 2024-2025 academic year. Initial allocations are expected to be distributed from the fund beginning with the 2022-2023 school year.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2208#048

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

C. Certification Areas

1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12

General Science	General Science: Content Knowledge (0435 or 5435) Effective 9/1/2012-8/31/2023	156	---	---	157
	General Science: Content Knowledge (5436) Effective 9/1/2022	141			
Geometry	Geometry (5163) Effective 6/15/2022	148	---	---	
German	German: World Language (5183)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		

C.2. - G. ...

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

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

Chapter 13. Endorsements to Existing Certificates
Subchapter C. All Other Teaching Endorsement Areas

§1360. Geometry

A. Eligibility requirements:

1. valid standard, professional level Louisiana teaching certificate or higher; and
2. pass the Geometry content exam.

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

HISTORICAL NOTE Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? Yes.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:974.5, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, September 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed revisions will not have an effect on costs or savings to state or local governmental units.
The proposed revisions make the previously-approved geometry certification examination and add-on certification opportunity immediately available to teachers who hold a Louisiana teaching certification.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed revisions will not have an effect on revenue collections of state or local governmental units. While the original revisions approved in April 2022 will lead to an increase in state revenues associated with application fees, the currently proposed revisions simply make the previously-approved geometry certification examination and add-on certification opportunity immediately available to teachers who hold a Louisiana teaching certification.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
Educators who choose to add a geometry endorsement to an existing certificate will need to take the Geometry Praxis examination, test code 5163, at a cost of \$130. A \$25 application fee is required to update the teaching certificate.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
With the passage of Act 447 of the 2022 Regular Legislative Session, the need for geometry teachers is projected to increase. Secondary math teachers are already in short supply. Making this endorsement immediately available to teachers and schools may help to address this demand.

Beth Scioneaux
Deputy Superintendent
2208#049

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

Schedule of Benefits—Emergency Room Copayment
(LAC 32:V.205 and 305)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 42:801 and 42:802, the Office of the Governor, Division of Administration, Office of Group Benefits, proposes to amend Chapters 2 and 3, of LAC 32:V, Additional Plans and Operations. The Rule is revised to amend the schedule of benefits. The schedule of benefits is amended to increase the emergency room (facility charge) copayment amount to \$200 for the Magnolia Open Access and the Magnolia Local plans.

Title 32

EMPLOYEE BENEFITS

Part V. Additional Plans and Operations

Chapter 2. PPO Plan Structure—Magnolia Open Access Plan

§205. Schedule of Benefits

A. Benefits and Coinsurance

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers
Physician Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • General Practice • Family Practice • Internal Medicine • OB/GYN • Pediatrics 	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Allied Health/Other Professional Visits: <ul style="list-style-type: none"> • Chiropractors • Federally Funded Qualified Rural Health Clinics • Nurse Practitioners • Retail Health Clinics • Physician Assistants 	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Specialist (Physician) Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • Physician • Podiatrist • Optometrist • Midwife • Audiologist • Registered Dietician • Sleep Disorder Clinic 	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Ambulance Services - Ground (for Emergency Medical Transportation only)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹

	Coinsurance						
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)				
	Network Providers	Non- Network Providers	Network and Non-Network Providers				
Ambulance Services - Air (for Emergency Medical Transportation only) Non-emergency requires prior authorization ²	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹				
Ambulatory Surgical Center and Outpatient Surgical Facility	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹				
Birth Control Devices - Insertion and Removal (as listed in the Preventive and Wellness Care Article in the Benefit Plan)	100% - 0%	70% - 30% ¹	Network Providers 100% - 0%				
			Non-Network Providers 80% - 20% ¹				
Cardiac Rehabilitation (limit of 36 visits per Plan Year)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}				
Chemotherapy/Radiation Therapy (Authorization not required when performed in Physician's office)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}				
Diabetes Treatment	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹				
Diabetic/Nutritional Counseling - Clinics and Outpatient Facilities	90% - 10% ¹	Not Covered	80% - 20% ¹				
Dialysis	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹				
Durable Medical Equipment (DME), Prosthetic Appliances and Orthotic Devices	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}				
Emergency Room (Facility Charge)	\$200 Copayment ¹ ; Waived if admitted to the same facility						
Emergency Medical Services (Non-Facility Charges)	90% - 10% ¹	90% - 10% ¹	80% - 20% ¹				
Eye-glass Frames and One Pair of Eye-glass Lenses or One Pair of Contact Lenses (purchased within six months following cataract surgery)	Eye-glass Frames - Limited to a Maximum Benefit of \$50 ¹						
Flu shots and H1N1 vaccines (administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair)	100% - 0%	100% - 0%	100% - 0%				
Hearing Aids (Hearing Aids are not covered for individuals age eighteen (18) and older)	90% - 10% ^{1,3}	70% - 30% ^{1,3}	80% - 20% ^{1,3}				
Hearing Impaired Interpreter Expense	100% - 0%	100% - 0%	100% - 0%				
High-Tech Imaging – Outpatient <ul style="list-style-type: none"> • CT Scans • MRA/MRI • Nuclear Cardiology • PET Scans 	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}				
				Home Health Care (limit of 60 Visits per Plan Year)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	Not Covered
				Hospice Care (limit of 180 Days per Plan Year)	80% - 20% ^{1,2}	70% - 30% ^{1,2}	Not Covered

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers
Injections Received in a Physician's Office (when no other health service is received)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Inpatient Hospital Admission, All Inpatient Hospital Services Included Per Day Copayment Day Maximum Coinsurance	\$0 Not Applicable 90% - 10% ^{1,2}	\$50 5 Days 70% - 30% ^{1,2}	\$0 Not Applicable 80% - 20% ^{1,2}
Inpatient and Outpatient Professional Services	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Mastectomy Bras - Ortho-Mammary Surgical (limit of three (3) per Plan Year)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Mental Health/Substance Abuse - Inpatient Treatment and Intensive Outpatient Programs Per Day Copayment Day Maximum Coinsurance	\$0 Not Applicable 90% - 10% ^{1,2}	\$50 5 Days 70% - 30% ^{1,2}	\$0 Not Applicable 80% - 20% ^{1,2}
Mental Health/Substance Abuse - Office Visit and Outpatient Treatment (Other than Intensive Outpatient Programs)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Newborn - Sick, Services Excluding Facility	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Newborn - Sick, Facility Per Day Copayment Day Maximum Coinsurance	\$0 Not Applicable 90% - 10% ^{1,2}	\$50 5 Days 70% - 30% ^{1,2}	\$0 Not Applicable 80% - 20% ^{1,2}
Oral Surgery for Impacted Teeth	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Pregnancy Care - Physician Services	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Preventive Care - Services include screening to detect illness or health risks during a Physician office visit. The Covered Services are based on prevailing medical standards and may vary according to age and family history. (For a complete list of benefits, refer to the Preventive and Wellness Care Article in the Benefit Plan.)	100% - 0% ³	70% - 30% ^{1,3}	Network 100% - 0% ³ Non-Network 80% - 20% ^{1,3}
Rehabilitation Services - Outpatient: <ul style="list-style-type: none"> Speech Physical/Occupational (Limited to 50 Visits combined PT/OT per Plan Year. Authorization required for visits over the combined limit of 50.) (Visit limits do not apply when services are provided for Autism Spectrum Disorders)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers
Skilled Nursing Facility (limit 90 days per Plan Year)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Sonograms and Ultrasounds (Outpatient)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Urgent Care Center	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Vision Care (Non-Routine) Exam	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
X-ray and Laboratory Services (low-tech imaging)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
¹ Subject to Plan Year Deductible, if applicable			
² Pre-Authorization Required, if applicable. Not applicable for Medicare primary.			
³ Age and/or Time Restrictions Apply			

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:356 (February 2015), effective March 1, 2015, amended LR 43:2155 (November 2017), effective January 1, 2018, LR 48:

Chapter 3. Narrow Network HMO Plan Structure—Magnolia Local Plan (in certain geographical areas)

§305. Schedule of Benefits

A. Benefits, Copayments, and Coinsurance

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Physician Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> General Practice Family Practice Internal Medicine OB/GYN Pediatrics 	\$25 Copayment per Visit	No Coverage
Allied Health/Other Professional Visits: <ul style="list-style-type: none"> Chiropractors Federally Funded Qualified Rural Health Clinics Nurse Practitioners Retail Health Clinics Physician Assistants 	\$25 Copayment per Visit	No Coverage
Specialist Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> Physician Podiatrist Optometrist Midwife Audiologist Registered Dietician Sleep Disorder Clinic 	\$50 Copayment per Visit	No Coverage
Ambulance Services - Ground (for Emergency Medical Transportation only)	\$50 Copayment	\$50 Copayment

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Ambulance Services - Air <i>(for Emergency Medical Transportation only)</i> Non-emergency requires prior authorization ²	\$250 Copayment	No Coverage
Ambulatory Surgical Center and Outpatient Surgical Facility	\$100 Copayment	No Coverage
Birth Control Devices - Insertion and Removal <i>(as listed in the Preventive and Wellness Article in the Benefit Plan.)</i>	100% - 0%	No Coverage
Cardiac Rehabilitation <i>(limit of 36 visits per Plan Year)</i>	\$25/\$50 Copayment per day depending on Provider Type ² \$50 Copayment-Outpatient Facility ²	No Coverage
Chemotherapy/Radiation Therapy <i>(Authorization not required when performed in Physician's office)</i>	Office – \$25 Copayment per Visit Outpatient Facility 100% - 0% ^{1,2}	No Coverage
Diabetes Treatment	80% - 20% ¹	No Coverage
Diabetic/Nutritional Counseling - Clinics and Outpatient Facilities	\$25 Copayment	No Coverage
Dialysis	100% - 0% ¹	No Coverage
Durable Medical Equipment (DME), Prosthetic Appliances and Orthotic Devices	80% - 20% ^{1,2} of first \$5,000 Allowable per Plan Year; 100% - 0% of Allowable in Excess of \$5,000 per Plan Year	No Coverage
Emergency Room <i>(Facility Charge)</i>	\$200 Copayment; Waived if admitted to the same facility	
Emergency Medical Services <i>(Non-Facility Charges)</i>	100% - 0% ¹	100% - 0% ¹
Eyeglass Frames and One Pair of Eyeglass Lenses or One Pair of Contact Lenses <i>(purchased within six months following cataract surgery)</i>	Eyeglass Frames – Limited to a Maximum Benefit of \$50 ¹	No Coverage
Flu shots and H1N1 vaccines <i>(administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair)</i>	100% - 0%	No Coverage
Hearing Aids <i>(Hearing Aids are not covered for individuals age eighteen (18) and older.)</i>	80% - 20% ^{1,3}	No Coverage
Hearing Impaired Interpreter Expense	100% - 0%	No Coverage
High-Tech Imaging - Outpatient <ul style="list-style-type: none"> • CT Scans • MRA/MRI • Nuclear Cardiology • PET Scans 	\$50 Copayment ²	No Coverage
Home Health Care <i>(limit of 60 Visits per Plan Year)</i>	100% - 0% ^{1,2}	No Coverage
Hospice Care <i>(limit of 180 Days per Plan Year)</i>	100% - 0% ^{1,2}	No Coverage
Injections Received in a Physician's Office <i>(when no other health service is received)</i>	100% - 0% ¹	No Coverage

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Inpatient Hospital Admission, All Inpatient Hospital Services Included	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Inpatient and Outpatient Professional Services for which a Copayment is Not Applicable	100% - 0% ¹	No Coverage
Mastectomy Bras <i>(limited to three (3) per Plan Year)</i>	80% - 20% ¹ of first \$5,000 Allowable per Plan Year; 100% - 0% of Allowable in Excess of \$5,000 per Plan Year	No Coverage
Mental Health/Substance Abuse - Inpatient Treatment and Intensive Outpatient Programs	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Mental Health/Substance Abuse – Office Visit and Outpatient Treatment <i>(Other than Intensive Outpatient Programs)</i>	\$25 Copayment per Visit	No Coverage
Newborn - Sick, Services excluding Facility	100% - 0% ¹	No Coverage
Newborn - Sick, Facility	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Oral Surgery	100% - 0% ^{1,2}	No Coverage
Pregnancy Care - Physician Services	\$90 Copayment per pregnancy	No Coverage
Preventive Care - Services include screening to detect illness or health risks during a Physician office visit. The Covered Services are based on prevailing medical standards and may vary according to age and family history. <i>(For a complete list of benefits, refer to the Preventive and Wellness Article in the Benefit Plan.)</i>	100% - 0% ³	No Coverage
Rehabilitation Services - Outpatient: <ul style="list-style-type: none"> • Speech • Physical/Occupational <i>(Limited to 50 Visits combined PT/OT per Plan Year. Authorization required for visits over the combined limit of 50.) (Visit limits do not apply when services are provided for Autism Spectrum Disorders.)</i>	\$25 Copayment per Visit	No Coverage
Skilled Nursing Facility <i>(limit of 90 days per Plan Year)</i>	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Sonograms and Ultrasounds <i>(Outpatient)</i>	\$50 Copayment	No Coverage
Urgent Care Center	\$50 Copayment	No Coverage
Vision Care (Non-Routine) Exam	\$25/\$50 Copayment depending on Provider Type	No Coverage

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Schedule of Benefits
Emergency Room Copayment**

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
X-ray and Laboratory Services (low-tech imaging)	Hospital Facility 100% - 0% ¹ Office or Independent Lab 100% - 0%	No Coverage
¹ Subject to Plan Year Deductible, if applicable		
² Pre-Authorization Required, if applicable. Not applicable for Medicare primary.		
³ Age and/or Time Restrictions Apply		

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:359 (February 2015), effective March 1, 2015, amended LR 43:2157 (November 2017), effective January 1, 2018, LR 48:

Family Impact Statement

The proposed repeal of this Rule is not anticipated to have an impact on family formation, functioning, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed repeal of this Rule is not anticipated to have an impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed repeal of this Rule is not anticipated to have an adverse effect or economic impact on small businesses in accordance with the Regulatory Flexibility Act.

Provider Impact Statement

The proposed repeal of this Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments about the proposed Rules to the Office of Group Benefits, Attn.: Bill Guerra, P.O. Box 44036, Baton Rouge, LA 70804. The deadline for receipt of written comments is Monday, September 12, 2022 by 4:30 PM.

Public Hearing

A public hearing on the proposed repeal of this Rule may be held on Wednesday, September 28, 2022, beginning at 10:00 AM, in the Louisiana Purchase Room (Room 1-100) on the first floor of the Claiborne Building, located at 1201 North Third Street, Baton Rouge, LA 70802, if such a hearing is requested by Monday, September 12, 2022 by 4:30 PM. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing. Individuals with disabilities who require special services or accommodations should contact Bill Guerra by phone at 225-342-9637 or by email at bill.guerra@la.gov at least seven working days in advance of the hearing. For assistance in determining if a hearing will be held, please call OGB Customer Service at 225-925-6625, or at 1-800-272-8451.

David W. Couvillon
Chief Executive Officer

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

The proposed amendment to LAC 32:V.205 – Schedule of Benefits, and to LAC 32:V.305 – Schedule of Benefits is estimated to decrease the expenditures of the Office of Group Benefits (“OGB”) by \$530,000 from FY 2023 through FY 2025 (\$90,000 in FY 23 and \$220,000 each in FY 24 and FY 25).

These proposed rule amendments increase the emergency room (facility charge) copayment amount from \$150 per visit to \$200 per visit for the Magnolia Open Access and Magnolia Local plans.

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

The proposed amendment to LAC 32:V.205 – Schedule of Benefits, and to LAC 32:V.305 – Schedule of Benefits will not have an impact on the collection of revenues of OGB or local governmental units. The proposed rule amendments will, however, allow OGB to retain revenues which otherwise would have been expended on Magnolia Open Access and Magnolia Local plan medical claims, as the proposed rule amendments shift a greater portion of the cost to utilize emergency room services from OGB to the members of the aforementioned plans.

All unexpended funds as a result of the proposed rule amendments will contribute to OGB’s reserves/fund balance. As an ancillary appropriated state agency, OGB is allowed to retain all unexpended funds at the end of each fiscal year, which are carried forward for agency use in subsequent fiscal years. As of May 31, 2022, OGB’s accrual fund balance was \$384.7 million.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed amendment to LAC 32:V.205 – Schedule of Benefits, and to LAC 32:V.305 – Schedule of Benefits is estimated to increase the out-of-pocket expenditures incurred by the plan members of the Magnolia Open Access and Magnolia Local plans (in total) by \$530,000 from FY 2023 through FY 2025.

As of July 1, 2022, the total membership in the Magnolia Open Access and Magnolia Local plans were 31,243 and 1,466, respectively.

Each individual member of the Magnolia Open Access and Magnolia Local plans who elects to utilize a hospital emergency room for healthcare services, and who is not admitted to the hospital as a result of their visit, will pay an additional \$50 per visit as a result of the proposed amendment to LAC 32:V.205 – Schedule of Benefits, and to LAC 32:V.305 – Schedule of Benefits. Member emergency room copayments are waived when the member is admitted to the same facility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendment to LAC 32:V.205 – Schedule of Benefits, and to LAC 32:V.305 – Schedule of Benefits will not have no effect on competition and employment.

David W. Couvillon
Chief Executive Officer
2208#074

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Real Estate Appraisers Board

Fee Appraisers Compensation (LAC 46:LXVII.31101)

The Louisiana Real Estate Appraisers Board (“Board”) gives this notice in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., including but not limited to R.S. 49:953.1, and as authorized by the Louisiana Real Estate Appraisers Law, R.S. 37:3391 et seq.

On April 1, 2022, the Federal Trade Commission (“FTC”) issued a final decision and order, requiring, in part, that the Board revise LAC 46:LXVII.31101, relative to the compensation of fee appraisers, by rescinding Subsections A through C of the Section. Accordingly, the board has determined it necessary to rescind the current Subsections A through C of LAC 46:LXVII.31101 to avoid additional penalties or other sanctions.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate

Subpart 3. Appraisal Management Companies
Chapter 311. Compensation of Fee Appraisers
§31101. General Provisions; Timely Payment

A. Except in the case of breach of contract or substandard performance of real estate appraisal activity, an appraisal management company shall make payment to an independent contractor appraiser for the completion of an appraisal or appraisal review assignment within 30 days after the appraiser provides the completed appraisal report to the appraisal management company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3415.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:3073 (November 2013), amended LR 42:872 (June 2016), repromulgated LR 43:2161 (November 2017), amended LR 48:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the August 20, 2022 *Louisiana Register*: The proposed rule has no known impact on family, formation, stability, or autonomy.

Poverty Impact Statement

The proposed rule has no known impact on poverty as described in R.S. 49:973.

Provider Statement

The proposed rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested parties may submit written comments on the proposed regulations to Ryan Shaw, Louisiana Real Estate Appraisers Board, 9071 Interline Avenue, Baton Rouge, LA 70809 or rshaw@lrec.gov, through September 10, 2022 at 4:30 p.m.

Public Hearing

If it becomes a necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held on September 26, 2022 at 10:00 a.m. at the office of the Louisiana Real Estate

Appraisers Board, 9071 Interline Avenue, Baton Rouge, LA 70809.

Summer S. Mire
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Fee Appraisers Compensation

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

There are no implementation costs or savings to state or local governmental units associated with the proposed changes other than a one-time minimal cost of publishing the rule.

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

There is no anticipated impact to revenue collections to state or local governmental units as a result of the proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs associated with the proposed changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes will have no effect on competition and employment.

Summer S. Mire
Executive Director
2208#055

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Real Estate Commission

Documentation (LAC 46:LXVII.Chapter 41)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to adopt LAC 46:LXVII.Chapter 41.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate
Subpart 1. Real Estate

Chapter 41. Investigations and Hearings
§4101. Complaints; Adjudicatory Procedure

A. A complaint filed with the commission alleging one or more violations of the Louisiana Real Estate License Law or this Subpart shall bear the signature of the complainant or that of his or her legal representative. The commission shall not be required to take any action relating to an unsigned or anonymous complaint.

B. The commission conducts adjudicatory proceedings according to the Louisiana Real Estate License Law (R.S. 37:1430 et seq.) and the Administrative Procedure Act (R.S. 49:950 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), amended LR 48:

§4103. Addition of Respondents to Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), repealed LR 48:

§4105. Executive Director May Authorize Investigations

A. The commission's executive director may issue written authorization, upon documented probable cause, to investigate apparent violations of the Louisiana Real Estate License Law or this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:49 (January 2000), amended LR 37:3010 (October 2011), amended LR 48:

§4107. Adjudicatory Proceedings

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:49 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), repealed LR 48:

§4109. Appellate Proceedings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development Real Estate Commission, LR 26:49 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), repealed LR 48:

§4111. Stay of Enforcement

A. The filing of a petition for judicial review by a respondent licensee does not itself stay enforcement of an order issued by the commission. A stay of enforcement shall be granted only when ordered by a court of appropriate jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), amended LR 48:

§4113. Costs of Adjudicatory Proceedings. A. Following a finding that a respondent has committed one or more violations alleged in any adjudicatory proceeding, the commission may assess the respondent with the administrative costs of the proceeding, as reasonably determined by the commission. Payment of the assessed costs shall be a condition of satisfying any order issued by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), LR 48:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the April 20, 2022 *Louisiana Register*: The proposed rule has no known impact on family, formation, stability, or autonomy.

Poverty Impact Statement

The proposed rule has no known impact on poverty as described in R.S. 49:973.

Provider Statement

The proposed rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested parties may submit written comments on the proposed regulations to Ryan Shaw, Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809 or rshaw@lrec.gov, through May 6, 2022 at 4:30 p.m.

Public Hearing

If it becomes a necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held on May 26, 2022 at 10:00 a.m. at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Documentation**

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

There are no implementation costs or savings to state or local governmental units associated with the proposed changes other than a one-time minimal cost of publishing the rule.

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

There is no anticipated impact to revenue collections to state or local governmental units as a result of the proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs associated with the proposed changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes will have no effect on competition and employment.

Bruce Unangst
Executive Director
2208#004

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Applied Behavior Analysis-Based Therapy Services Place of Service Limitations (LAC 50:XV.301)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XV.301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing applied behavior analysis-based (ABA) therapy services in order to remove non-conventional place of service limitations to ensure ABA services can be delivered in a community setting (*Louisiana Register*, Volume 48, Number 7). This proposed Rule is being promulgated in order to continue the provisions of the July 15, 2022 Emergency Rule.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Applied Behavior Analysis-Based Therapy Services

Chapter 3. Services

§301. Covered Services and Limitations

A. - D. ...

E. Service Limitations

1. ...

2. Services must be delivered in a natural setting (e.g., home and community-based settings, including schools and clinics).

a. Services delivered in a school must not duplicate services rendered under an individualized family service plan (IFSP) or an individualized educational program (IEP) as required under the federal Individuals with Disabilities Education Act (IDEA).

3. ...

F. Not Medically Necessary/Non-Covered Services. The following services do not meet medical necessity criteria, nor qualify as Medicaid covered ABA-based therapy services:

1. - 3. ...

4. treatment whose purpose is vocationally- or recreationally-based; and

5. - 5.a.ii. ...

iii. could be provided by persons without professional skills or training.

6. - 6.d. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:926 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:2498 (December 2017), LR 48:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 since it will increase the number of locations where services can be provided.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 29, 2022 in Room 118 of

the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Applied Behavior Analysis-Based
Therapy Services
Place of Service Limitations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23, since no changes are being made to the units of service approved for beneficiaries and the rates for those services. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 22-23. It is anticipated that \$270 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
This proposed rule continues the provisions of the July 15, 2022 Emergency Rule which amended the provisions governing applied behavior analysis-based (ABA) therapy services in order to remove non-conventional place of service limitations to ensure ABA services can be delivered in a community setting. This proposed rule will be beneficial by improving access to services for ABA beneficiaries and allowing providers to deliver these services in settings that were previously not approved. It is anticipated that implementation of this proposed rule will not result in costs to ABA providers for FY 22-23, FY 23-24, and FY 24-25, since the units of service approved in the beneficiary's behavior treatment plan and the rates for these services are not being changed.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2208#057

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Department of Health
Bureau of Health Services Financing**

Behavioral Health Service Providers
Licensing Standards
(LAC 48:I.Chapters 56 and 57)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapters 56 and 57 and to adopt §5733 as authorized by R.S. 36:254. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing of behavioral health service (BHS) providers in order to comply with the requirements of the following Acts of the 2022 Regular Session of the Louisiana Legislature: Act 151 authorizes and provides conditions for licensed BHS providers to employ peer support specialists who have been convicted of certain offenses; Act 344 allows BHS providers to operate within a 50 mile radius of the providers' business offices and within a 50 mile radius of one designated offsite location; Act 390 authorizes BHS providers to furnish services regardless of where the client or patient is located within the state; and, Act 503 requires updates to the provisions governing psychosocial rehabilitation services (PSR) and community psychiatric support and treatment services (CPST). In addition, Act 309 requires the department to adopt provisions establishing requirements for the treatment of opioid use disorder in pregnant women by licensed BHS providers.

In compliance with Acts 151, 344, 390, 503 and 309, the Department of Health, Bureau of Health Services Financing hereby proposes to amend the provisions governing the licensing of BHS providers and to adopt provisions establishing requirements for the treatment of opioid use disorder in pregnant women.

**Title 48
PUBLIC HEALTH-GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 56. Behavioral Health Service Providers
Subchapter A. General Provisions
§5603. Definitions**

Community Psychiatric Support and Treatment (CPST)—Centers for Medicare and Medicaid Services (CMS) approved Medicaid mental health rehabilitation services designed to reduce disability from mental illness, restore functional skills of daily living, build natural supports, and achieve identified person-centered goals or objectives through counseling, clinical psycho-education, and ongoing monitoring needs as set forth in an individualized treatment plan.

Geographic Service Area—the geographic service location for a public or private behavioral health services provider licensed pursuant to this Part shall be defined to include all of the following:

1. - 2. ...
3. any location within a 50 mile radius of the provider's business office.

* * *

Off-Site—a parent facility's alternate location or premises that provides behavioral health services on a routine basis within the geographic service area of the licensed BHS provider that:

1. ...
2. is owned by, leased by or donated or loaned to the parent provider for the purpose of providing behavioral health services; and
 - a. - c. Repealed.
3. has a sub-license issued under the parent facility's license.
4. Repealed.

* * *

Onsite Access—for purposes of §5712 and §5733 of this Rule, the delivery of the treatment to the patient at the location of the substance use disorder facility. For purposes of §5712 and §5733, onsite access shall not mean that the substance use disorder facility is required to maintain stock of the medication-assisted treatment at the facility.

* * *

Peer Support Specialist—an individual with personal lived experience with a minimum of 12 consecutive months of recovery from behavioral health conditions and successfully navigating the behavioral health services system. Recognized peer support specialists must successfully complete an OBH-approved peer training program, continuing education requirements, and clinical supervision in order to provide peer support services.

* * *

Psychosocial Rehabilitation (PSR) Services—CMS approved Medicaid mental health rehabilitation services designed to assist the individual with compensating for or eliminating functional deficits and interpersonal or environmental barriers associated with mental illness through skill building and supportive interventions to restore and rehabilitate social and interpersonal skills and daily living skills.

* * *

Substance Use Disorder Facilities/Addiction Treatment Service—a service related to the screening, diagnosis, management, or treatment for the use of or addiction to controlled dangerous substances, drugs or inhalants, alcohol, problem gambling or a combination thereof; may also be referred to as substance use disorder service.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:

Subchapter B. Licensing
§5605. General Provisions

A. - F.3. ...

G. Off-Sites. A licensed BHS provider may have an off-site location with the approval of HSS that meets the following requirements.

1. The off-site may share a name with the parent facility if a geographic indicator (e.g., street, city or parish) is added to the end of the off-site name.

2. - 4. ...

5. The licensed BHS provider may operate within a 50 mile radius of one designated off-site location.

6. A residential off-site shall be reviewed under the plan review process.

7. An initial survey may be required prior to opening a residential off-site.

8. An off-site shall have staff to comply with all requirements in this Chapter and who are present during established operating hours to meet the needs of the clients.

9. Personnel records and client records may be housed at the parent facility.

10. Clients who do not receive all treatment services at an off-site may receive the services at the parent facility or be referred to another licensed provider that provides those services.

11. The off-site may offer fewer services than the parent facility and/or may have less staff than the parent facility.

12. The off-site together with the parent facility provides all core functions of a BHS provider and meets all licensing requirements of a BHS provider.

H. - L.9. ...

M. Geographic Service Area

1. - 2.d.i. ...

ii. for providers of outpatient services (other than providers with a mental health service program that provide services only in the home and community – see below) the geographic service area shall be:

(a). - (c). ...

(d). in a home or community location in any parish contiguous to the parish in which the BHS provider's primary business office is located;

(e). in a home or community location that is within a 50 mile radius of the BHS provider's primary business office; and

(f). in a home or community location that is within a 50 mile radius of one designated off-site location.

iii. - iii.(c). ...

3. A BHS provider that is not a licensed mental health professional or a provisionally licensed mental health professional acting within his/her scope of practice may not provide telehealth services outside of its geographic service area.

4. A licensed mental health professional or a provisionally licensed mental health professional acting within his scope of practice, who is employed by a behavioral health service provider licensed pursuant to this Part, may provide professional outpatient psychiatric services to any established client or patient, regardless of the client's or patient's particular location within the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1687 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:588 (April 2020), LR 48:1281 (May 2022), LR 48:

§5606. License Restrictions and Exceptions

A. - B.5. ...

C. The provider shall not provide services to a client residing outside of the provider's designated geographic service area unless the provider has received a written waiver request approval from HSS or meets the requirements of Subsection B of this Section.

D. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:588 (April 2020), amended LR 48:1281 (May 2022), LR 48:

Subchapter E. Personnel

§5641. General Requirements

A. - D.1.b. ...

2. For any provider that is treating adults, prior to any employer making an offer to employ or contract with a non-licensed person or any licensed person, the provider shall obtain a statewide criminal background check in accordance with R.S. 40:1203.1 et seq. At the latest, the background check shall be conducted within 90 days prior to hire or employment.

D.3. - F. ...

1. The provider is prohibited from knowingly employing or contracting with, or retaining the employment of or contract with, a member of the direct care staff who:

a. has entered a plea of guilty or nolo contendere, no contest, or has been convicted of a felony listed in R.S. 40:1203.3, unless the individual meets one of the exceptions allowed by the statute; or

i. - v. Repealed.

F.1.b. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1699 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§5643. Core Staffing Personnel Qualifications and Responsibilities

A. - C.1.b.vi. ...

2. CPST Professionals

a. The provider shall maintain a sufficient number of CPST professionals to meet the needs of its clients;

b. CPST professionals shall:

i. provide direct care to clients and may serve as primary clinician to specified caseload under clinical supervision;

ii. - iv. ...

v. prepare and write notes or other documents related to recovery (e.g., assessment, progress notes, treatment plans, etc.).

3. Unlicensed Professionals

a. The provider shall maintain a sufficient number of UPs to meet the needs of its clients;

b. The UP shall:

i. provide direct care to clients and may serve as primary case worker to specified caseload under clinical supervision;

ii. serve as resource person for other professionals and paraprofessionals in their specific area of expertise;

iii. attend and participate in individual care conferences, treatment planning activities and discharge planning;

iv. function as the client's advocate in all treatment decisions affecting the client; and

v. prepare and write notes or other documents related to recovery (e.g., assessment, progress notes, treatment plans, etc.).

c - d.x. Repealed.

4. Direct Care Aides

a. A residential provider shall have a sufficient number of direct care aides to meet the needs of the clients;

i. - viii. Repealed.

b. A provider that provides outpatient services shall use direct care aides as needed;

i. - v. Repealed.

c. Direct care aides shall meet the following minimum qualifications:

i. have obtained a high school diploma or equivalent; and

ii. be at least 18 years old in an adult provider and 21 years old in a provider that treats children and/or adolescents.

iii. Repealed.

d. Direct care aides shall have the following responsibilities:

i. ensure a safe environment for clients;

ii. exercise therapeutic communication skills;

iii. take steps to de-escalate distressed clients;

iv. observe and document client behavior;

v. assist with therapeutic and recreational activities;

vi. monitor clients' physical well-being;

vii. provide input regarding client progress to the interdisciplinary team;

viii. oversee the activities of the facility when there is no professional staff on duty;

ix. possess adequate orientation and skills to assess situations related to relapse and to provide access to appropriate medical care when needed; and

x. function as client advocate.

5. Volunteers

a. If a BHS provider utilizes volunteers, provider shall ensure that each volunteer is:

i. supervised to protect clients and staff;

ii. oriented to the provider, job duties, and other pertinent information;

iii. trained to meet the requirements of duties assigned;

iv. given a written job description or written agreement;

v. identified as a volunteer;

vi. trained in privacy measures;

vii. required to sign a written confidentiality agreement; and

viii. required to submit to a statewide criminal background check by an agency authorized by the Office of the State Police to conduct criminal background checks prior to providing direct care.

b. If a BHS provider utilizes student volunteers, it shall ensure that each student volunteer:

- i. has current registration with the applicable Louisiana professional board, when required, and is in good standing at all times that is verified by the provider;
 - ii. is actively pursuing a degree in a human service field or professional level licensure or certification at all times;
 - iii. provides direct client care utilizing the standards developed by the professional board;
 - iv. provides care only under the direct supervision of the appropriate supervisor; and
 - v. provides only those services for which the student has been trained and deemed competent to perform.
- c. A volunteer's duties may include:
- i. direct care activities only when qualified provider personnel are present;
 - ii. errands, recreational activities; and
 - iii. individual assistance to support services.
- d. The provider shall designate a volunteer coordinator who:
- i. has the experience and training to supervise the volunteers and their activities; and
 - ii. is responsible for selecting, evaluating and supervising the volunteers and their activities.

6. Care Coordinator

- a. The provider shall ensure that each care coordinator:
- i. has a high school diploma or equivalent;
 - ii. is at least 18 years old in an adult provider and 21 years old in provider that treats children and/or adolescents; and
 - iii. has been trained to perform assigned job duties.

D. Multiple Positions. If a BHS provider employs a staff member in more than one position, the provider shall ensure that:

- 1. the person is qualified to function in both capacities; and
- 2. one person is able to perform the responsibilities of both jobs.

E. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1700 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1383 (July 2017), LR 48:1283 (May 2022), LR 48:

Subchapter L. Additional Requirements for Mental Health Programs

§5689. Community Psychiatric Support and Treatment

A. The provider that provides community psychiatric support and treatment (CPST) services shall:

- 1. - 3. ...
- 4. provide counseling, solution-focused interventions, emotional and behavioral management and problem behavior analysis with the client; and
- 5. participate in and utilize strengths-based planning and treatments, that includes identifying strengths and needs, resources, natural supports and developing goals and objectives to address functional deficits associated with the client's mental illness.

6. Repealed.

B. Staffing Requirements

1. Professionals Providing CPST Services

- a. The program's professionals that provide CPST shall be one of the following:
- i. licensed mental health professional (LMHP);
 - ii. provisionally licensed professional counselor (PLPC);
 - iii. provisionally licensed marriage and family therapist (PLMFT);
 - iv. licensed master social worker (LMSW);
 - v. certified social worker (CSW); or
 - vi. psychology intern from an American Psychological Association approved internship program.
- b. The responsibilities of any professionals providing CPST services include:
- i. assisting the client with effectively responding to or avoiding identified precursors or triggers that would risk the client remaining in a natural community location; and
 - ii. assisting the client and family members to identify strategies or treatment options associated with the client's mental illness.

c. - c.iii. Repealed.

2. Licensed Mental Health Professionals

a. - b. ...

c. The LMHP is responsible for rendering the assessment and treatment planning components of CPST.

3. - 3.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1713 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

Subchapter O. Additional Requirement for Substance Opioid Treatment Programs

§5733. Treatment to Pregnant Women

A. Each substance use disorder facility licensed as an OTP provider that provides treatment for opioid use disorder to pregnant women shall provide onsite access to at least one form of FDA-approved opioid agonist treatment.

1. An OTP shall not be found to be in violation of this Section if prior authorization from a patient's health insurer, including the Medicaid program, is required and the preapproval request is denied by the patient's health insurer.

B. Each OTP that provides treatment for opioid use disorder to pregnant women shall submit to the department, on its initial licensing application or its annual licensing renewal application, an attestation as to whether it is complying with the requirements of Subsection A of this Section. The requirement for submission of the attestation shall commence on January 1, 2023.

1. If the OTP is not fully complying with the requirements of Subsection A of this Section, then the attestation that the OTP submits shall include a report addressing its progress toward satisfying those requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Behavioral Health Service Providers Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$2,268 will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the fees from currently licensed providers will continue to be collected in the same amounts.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

In compliance with Acts 151, 344, 390, 503 and 309 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the licensing of behavioral health service (BHS) providers and establishes requirements for the treatment of opioid use disorder in pregnant women by licensed BHS providers. This proposed rule will be beneficial by ensuring that legislative mandates regarding employment of peer support specialists, geographic service locations, specialized behavioral health rehabilitation services, and providing opioid use disorder treatment to pregnant women are included in the administrative licensing rule for providers of these services. It is anticipated that implementation of this proposed rule will not result in costs to BHS providers or small businesses for FY 22-23, FY 23-24, and FY 24-25, since it updates requirements in the Louisiana Administrative Code that BHS providers already have to meet for licensure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2208#058

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Inpatient Hospital Services
Urban Metropolitan Statistical Area Facility
(LAC 50:V.Chapter 19)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 19 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility and the reimbursement methodology for the provision of inpatient services (*Louisiana Register*, Volume 48, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2022 Emergency Rule.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 19. Urban Metropolitan Statistical Area (MSA) Facility

§1901. Qualifying Criteria

A. In order to qualify as an urban metropolitan statistical area (MSA) facility, the hospital:

1. has a facility type code of acute and opened subsequent to the March 12, 2020 presidential declaration of a national emergency due to COVID-19 to provide availability of additional beds and services for COVID-19 patients;

2. must have been licensed and certified no later than June 30, 2020, and located in zip code 70806, east of I-110, north of I-10, and south of Business Highway 190;

3. is located in an urban metropolitan statistical area (MSA) as defined by the United States Office of Management and Budget;

4. has an operational emergency room and is located greater than five miles in distance from the closest hospital emergency room; and

5. is located on a single site.

a. The addition of any off-site campus location to the license of this hospital will invalidate the provisions of this reimbursement methodology.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing LR 48:

§1903. Reimbursement Methodology

A. Effective July 1, 2022, the inpatient hospital per diem rate paid to an urban MSA facility for acute care services shall be increased by indexing annually to 95 percent of the small rural hospital acute per diem rate in effect.

B. Effective July 1, 2022, the inpatient hospital per diem rate paid to an urban MSA facility for psychiatric services shall be increased by indexing annually to 95 percent of the small rural hospital psychiatric per diem rate in effect.

C. These rates are conditional on the hospital continuing to meet all qualifying criteria included in §1901. If the hospital no longer qualifies, payments will revert back to appropriate non-rural, non-state hospital assigned rates effective on the date that the qualification(s) in §1901 are no longer met.

D. The department may review all above provisions every three years, at a minimum, to evaluate continuation of these enhanced reimbursements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing LR 48:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170, since this proposed Rule increases payments to providers for the same services they already render.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to

public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Inpatient Hospital Services
Urban Metropolitan Statistical Area Facility**

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

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$989,785 for FY 22-23, \$989,461 for FY 23-24 and \$989,461 for FY 24-25. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$2,204,734 for FY 22-23, \$2,204,410 for FY 23-24 and \$2,204,410 for FY 24-25. It is anticipated that \$324 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule continues the provisions of the July 1, 2022 Emergency Rule which adopted provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility and the reimbursement methodology for the provision of inpatient services. This proposed rule will benefit Medicaid beneficiaries by ensuring continued access to an urban MSA facility. Implementation of this proposed rule is anticipated to increase Medicaid payments to a qualifying hospital by approximately \$3,193,871 for FY 22-23, \$3,193,871 for FY 23-24 and \$3,193,871 for FY 24-25, which will assist the hospital in achieving financial viability and continuing operations so vital healthcare services remain available.

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

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2208#059

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Outpatient Hospital Services
Urban Metropolitan Statistical Area Facility
(LAC 50:V.Chapter 69)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 69 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility and the reimbursement methodology for the provision of outpatient services (*Louisiana Register*, Volume 48, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2022 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

**Chapter 69. Urban Metropolitan Statistical Area
(MSA) Facility**

§6901. Qualifying Criteria

A. In order to qualify as an urban metropolitan statistical area (MSA) facility, the hospital:

1. has a facility type code of acute and opened subsequent to the March 12, 2020 presidential declaration of a national emergency due to COVID-19 to provide availability of additional beds and services for COVID-19 patients;

2. must have been licensed and certified no later than June 30, 2020, and located in zip code 70806, east of I-110, north of I-10, and south of Business Highway 190;

3. is located in an urban metropolitan statistical area (MSA) as defined by the United States Office of Management and Budget;

4. has an operational emergency room and is located greater than five miles in distance from the closest hospital emergency room; and

5. is located on a single site.

a. The addition of any off-site campus location to the license of this hospital will invalidate the provisions of this reimbursement methodology.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

§6903. Reimbursement Methodology

A. Effective for dates of service on or after July 1, 2022, payments for outpatient services to qualifying urban MSA hospitals who meet all of the criteria in §6901 shall be made as follows.

1. Outpatient Surgery. The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

2. Clinic Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

3. Laboratory Services. The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. Rehabilitation Services. The reimbursement amount for outpatient rehabilitation services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

5. Other Outpatient Hospital Services. The reimbursement amount for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services, and outpatient hospital facility fees shall be an interim payment equal to 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

B. The department may review all above provisions every three years, at a minimum, to evaluate continuation of these enhanced reimbursements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170, since this proposed Rule increases payments to providers for the same services they already render.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this

proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Outpatient Hospital Services Urban Metropolitan Statistical Area Facility

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

It is anticipated that implementation of this proposed rule will result in estimated programmatic costs of approximately \$143,286 for FY 22-23, \$142,908 for FY 23-24 and \$142,908 for FY 24-25. It is anticipated that \$756 (\$378 SGF and \$378 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed and final rule.

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

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$318,762 for FY 22-23, \$318,384 for FY 23-24, and \$318,384 for FY 24-25. It is anticipated that \$378 will be collected for the federal share of the expense for promulgation of the proposed and final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the July 1, 2022 Emergency Rule which adopted provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility and the reimbursement methodology for the provision of outpatient services. This proposed rule will benefit Medicaid beneficiaries by ensuring continued access to an urban MSA facility. This proposed rule is anticipated to increase Medicaid payments to a qualifying hospital by approximately \$461,292 for FY 22-23, \$461,292 for FY 23-24 and \$461,292 for FY 24-25, which will assist the hospital in achieving financial viability and continuing operations so vital healthcare services remain available.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2208#060

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Rule 9—Prelicensing Education
(LAC 37:XI.Chapter 5)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to repeal Rule 9—Prelicensing Education. The Department of Insurance is repealing Rule 9 as required by Act 273 of the 2022 Regular Legislative Session.

Title 37

INSURANCE

Part XI. Rules

Chapter 5. Rule Number 9—Prelicensing Education

§501. Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2168 (July 2011), amended LR 47:595 (May 2021), repealed LR 48:

§503. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2168 (July 2011), amended LR 47:595 (May 2021), repealed LR 48:

§505. Applicability and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2169 (July 2011), amended LR 47:595 (May 2021), repealed LR 48:

§507. Effective Date

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2169 (July 2011), amended LR 47:595 (May 2021), repealed LR 48:

§509. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2169 (July 2011), amended LR 47:595 (May 2021), repealed LR 48:

§511. Prelicensing Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2169 (July 2011), amended LR 47:596 (May 2021), repealed LR 48:

§513. Program Certification Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2170 (July 2011), amended LR 47:596 (May 2021), repealed LR 48:

§515. Measurement of Credit Hours

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2171 (July 2011), amended LR 47:597 (May 2021), repealed LR 48:

§517. Provider Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2171 (July 2011), amended LR 47:597 (May 2021), repealed LR 48:

§519. Instructor Qualifications

[Formerly §517]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2171 (July 2011), amended LR 47:598 (May 2021), repealed LR 48:

§521. Training Facilities Requirements

[Formerly §519]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:598 (May 2021), repealed LR 48:

§523. Authority of the Commissioner to Conduct On-Site Review of Prelicensing Programs [Formerly §521]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:598 (May 2021), repealed LR 48:

§525. Program Completion [Formerly §523]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:

§527. Fees

[Formerly §525]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:

§529. Complaints

[Formerly §527]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:

§531. Violations

[Formerly §529]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills

Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., September 12, 2022.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rule 9—Prelicensing Education

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

The proposed rule change will not result in additional costs or savings for state or local governmental units. The rule revisions repeal Rule 9, which was implemented to establish the curricula for programs of instruction required to be completed by applicants seeking an insurance license in the state of Louisiana; to establish criteria for approval of prelicensing program providers; and to establish a mechanism of examination and review of the performance and quality of the instruction. LDI is repealing Rule 9 due to the passage of Act 273 of the 2022 Regular Legislative Session, which repeals prelicensing requirements for insurance producers.

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

The proposed rule will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revision repeals Rule 9 due to the passage of Act 273 of the 2022 Regular Legislative Session.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact upon competition and employment in the state.

S. Denise Gardner
Chief of Staff
2208#042

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Rule 10—Continuing Education (LAC 37:XI.Chapter 7)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Rule 10—Continuing Education. The amendment of Rule 10 implements the provisions of Act 56 and Act 273 of the 2022 Regular Session of the Louisiana Legislature. The purpose of the amendment to Rule 10 is to (1) remove the first renewal exemption for completion of continuing education as prelicensing education is no longer required; (2) include required information that must be submitted to qualify for continuing education credit for participation in professional association activities; (3) clarify what data is required in association with the renewal of a continuing education course; (4) modify terminology relative to accident and health insurance and the commissioner; and (5) provide for technical changes.

Title 37 INSURANCE Part XI. Rules

Chapter 7. Rule Number 10—Continuing Education §703. Purpose

A. The purpose of this Rule is to protect the public, maintain high standards of professional competency in the insurance industry, and maintain and improve the insurance skills and knowledge of producers, adjusters, and insurance consultants licensed by the commissioner. This shall be accomplished by prescribing the following:

1. - 2. ...

3. a procedure for establishing to the commissioner that continuing education requirements have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), repromulgated LR 47:600 (May 2021), amended LR 48:

§705. Applicability and Scope

A. This Rule applies to all natural persons who are licensed by the commissioner as producers for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines or title and all adjusters and insurance consultants licensed by the commissioner. This Rule shall

also apply to the providers of continuing education programs and instructors for such programs.

B. - B.1. ...

2. an individual renewing a resident claims adjuster license for the first time after initial issuance. Thereafter the licensee shall be subject to all applicable continuing education requirements;

3. an individual renewing a public adjuster license within one year of initial issuance;

4. an individual licensed as an insurance producer who, on the date of renewal submission, is 65 years or older and who has at least 15 years of experience and who either:

a. - b. ...

C. Any person seeking an exemption to the continuing education requirements pursuant to the provisions of Paragraph B.4 above shall attest to his eligibility for the exemption on a form provided by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:

§709. Definitions

A. As used in this Rule, unless the context otherwise requires, the following definitions shall be applicable.

Adjuster—an individual who is licensed by the commissioner as a claims adjuster pursuant to the provisions of R.S. 22:1661-1678 or as a public adjuster pursuant to the provisions R.S. 22:1691-1708.

Claims Adjuster—an individual who is licensed by the commissioner as a claims adjuster pursuant to the provisions of R.S. 22:1661-1678.

Commissioner—the commissioner of insurance of Louisiana.

Insurance Consultant—an individual licensed as an insurance consultant pursuant to the provisions of R.S. 22:1808.1-1808.13.

Insurance Producer or Producer—an individual who is licensed by the commissioner as an insurance producer pursuant to the provisions of R.S. 22:1541-1566.

Licensee—an individual licensed as an insurance producer or insurance consultant for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines, title, or as a claims adjuster or a public adjuster by the commissioner.

Provider—an entity presenting a continuing education program.

Public Adjuster—an individual who is licensed by the commissioner as a public adjuster pursuant to the provisions of R.S. 22:1691-1708.

Renewal Period—the two years immediately preceding expiration of a producer or adjuster license. For the purposes of a newly issued license “renewal period” shall mean the time between the issuance of the license and the next scheduled expiration of the license.

Self-Study—an internet, CD-ROM, DVD, or other computer based presentation or a correspondence course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:

§711. Continuing Education Requirements

A. As a condition of the renewal of a license, the continuing education provider or licensee must furnish the commissioner, prior to the license expiration date, proof of satisfactory completion of approved programs having the required minimum hours of continuing education credit.

1. Insurance producers or insurance consultants licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines—24 hours.

2. - 4. ...

B. The 24 hours of continuing education required for insurance producers or insurance consultants licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of ethics.

C. The 24 hours of continuing education required for insurance producers or insurance consultants licensed for one or more of the lines of property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of flood insurance.

D. - K. ...

L. Subject to the provisions of Subsection K above, a licensee who acts as an instructor for any program approved for continuing education credit by the commissioner shall receive the same number of hours as would be granted to a licensee taking and successfully completing the program.

M. - N. ...

O.1. Insurance producers who are members of state or national insurance associations may be granted up to four continuing education credits each renewal period for actively participating in a state or national insurance association in any of the following methods:

a. attend a formal meeting of a state or national insurance association where a formal business program is presented and attendance is verified in a manner consistent with the provisions of this Rule;

b. serve on the board of directors or a formal committee of a state or national chapter of the insurance association, and actively participate in the activities of the board or committee;

c. participate in industry, regulatory, or legislative meetings held by or on behalf of a state or national chapter of the insurance association; or

d. participate in other formal insurance business activities of a state or national chapter of the insurance association.

2. To qualify for continuing education credit under this provision, members must participate in qualified activities as described in Paragraph O.1 of this Section. The state or national insurance association shall be responsible for verifying participation. Attendance at meetings which are otherwise approved for continuing education credit do not qualify under the terms of this provision. The state or national insurance association shall submit a formal request to the commissioner for approval of continuing education credits issued under the terms of this provision. The request shall include the name and Louisiana license number for all producers for whom credit is being requested and

information on the completed activities including the dates, times and descriptions of those activities. Such requests shall be made to the commissioner no more than 365 days after completion of the activity and shall be made in increments of not less than one hour. The commissioner shall review the requests and grant credit to the producers only after determining that the request is consistent with the provisions of this Rule.

3. ...

4. Regardless of the number of state or national insurance associations in which an insurance producer actively participates, under no circumstances shall an insurance producer receive more than four credit hours per renewal period for such participation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:

§715. Program Certification Requirements

A. An application for certification of a continuing education program shall be submitted to the commissioner not less than 30 days prior to the expected use of the program. Each application shall be submitted electronically using the "CE Course Administration Module" of the Industry Access System or succeeding system and shall include:

1. - 2. ...

3. a statement of the method used to determine the course has been completed and whether there has been a positive achievement of education on the part of the licensee participating in the program. Such method may be a written examination, a written report by the licensee, certification by the organization providing the program of the attendance or completion of the program by the licensee, or any other method approved by the commissioner as appropriate for the subject;

4. - 9. ...

10. payment of all fees as required by R.S. 22:821(B)(29).

B. - L. ...

M. A request for renewal of an internet-based self-study program shall include statistical information related to the program including the total number of Louisiana resident licensees who participated in the program in the previous three years and the average and median amount of time spent in the course environment by those licensees. In addition to the required information, the provider may also include information for all participants of the program. This information may be used by the commissioner in determining the appropriate number of credit hours to be awarded to the program upon renewal.

N. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2175 (July 2011), amended LR 47:602 (May 2021), amended LR 48:

§717. Measurement of Credit Hours

A. ...

B. Credit for continuing education programs shall be given in full hours only.

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:602 (May 2021), amended LR 48:

§719. Provider Requirements

A. - B.8. ...

9. the fee required by R.S. 22:821(B)(29);

B.10 - D.6. ...

E. Every certification of a provider by the commissioner shall expire three years from the date of issuance and may be renewed by filing a renewal application as required by the commissioner not less than 90 days prior to expiration.

F. If the certification of a provider expires without renewal or is rescinded or renewal refused, the commissioner's approvals of continuing education programs presented by that provider shall be rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:603 (May 2021), amended LR 48:

§721. Instructor Qualifications

[Formerly §719]

A. Every provider of a continuing education program shall designate an individual as a supervisory instructor. The supervisory instructor shall be responsible for the conduct of all other instructors or guest instructors and shall be responsible for assuring the quality of the instructional program. Every supervisory instructor shall have a minimum of five years of insurance experience and/or graduate level or professional education satisfactory to the commissioner.

B. - D.4 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), repromulgated LR 47:603 (May 2021), amended LR 48:

§727. Program Completion

[Formerly §725]

A. - C. ...

D. A provider may not provide credit unless the licensee has completed the full continuing education program. A licensee may not receive partial credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR

§729. Fees

[Formerly §727]

A. All applications submitted to the commissioner seeking certification of a continuing education program or provider shall be accompanied by the fee set forth in R.S. 22:821(B)(29).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:

§733. Violations

[Formerly §731]

A. The commissioner may deny, suspend, rescind, or refuse to renew the certification of a continuing education program or provider should he find the program, the supervisory instructor, instructor or the provider of the program has violated any provision of this Rule or any applicable provisions of the Louisiana Insurance Code or should he find that continued operation of the continuing education program is not in the best interest of the citizens of this state or the insurance buying public.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation

should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana

Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., September 12, 2022.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Rule 10—Continuing Education**

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

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to implement the provisions of Act 56 and Act 273 of the 2022 Louisiana Regular Legislative Session. The amendments remove the first renewal exemption for completion of continuing education as prelicensing education is no longer required. Also, the amendments update the required information that must be submitted to qualify for continuing education credit for participation in professional association activities; clarifies what data is required in association with the renewal of continuing education courses; modifies terminology relative to accident and health insurance and terminology related to the commissioner; and makes other technical changes.

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

The proposed rule will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed is amended to update the continuing education requirements as implemented under the provisions of Act 56 and Act 273 of the 2022 Louisiana Regular Legislative Session.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact upon competition and employment in the state.

S. Denise Gardner
Chief of Staff
2208#043

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Regulation 114—Claims Adjuster Pre-Licensing
Education Program (LAC 37:XIII.Chapter 165)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance hereby gives notice of its intent to repeal Regulation 114—Claims Adjuster Pre-Licensing Education Program. The Department of Insurance is repealing Regulation 114 in light of Acts 2022, No. 273, §1 of the Regular Session of the Louisiana Legislature that amended

and reenacted R.S. 22:821(B)(29), 1551(A) and (B), the heading of Subpart B of Part I of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:1573(B), 1574(A)(4), 1581(B)(1), 1808.2(C)(6) and (E), and 1808.6(A) and (B) and repealed R.S. 22:513(B)(6), 1545(C), 1546(A)(4), 1571, 1808.2(C)(1) through (5), and 1808.3(A)(4), relative to pre-licensing requirements for insurance producers and bail enforcement agents.

The purpose of Regulation 114 was to provide for the submission of approved pre-licensing education programs to be listed on the web page of the Louisiana Department of Insurance and to establish the requirements and set forth the procedure for pre-licensing programs and providers of programs by the Commissioner.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 165 Regulation Number 114—Claims
Adjuster Pre-Licensing Education
Program**

§16501. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16503. Applicability and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16505. Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16507. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

**§16509. Claims Adjuster Pre-Licensing Education
Program Optional**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

**§16511. Posting of Information for Claims Adjuster Pre-
Licensing Education**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16513. Program Approval Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16515. Program Expiration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16517. Provider Approval Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16519. Provider Approval Expiration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16521. Instructor Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16523. Training Facilities Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16525. Program Oversight

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16527. Program Completion

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16529. Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16531. Complaints

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16533. Violations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16535. Effective Date

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

§16537. Severability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 2022, No. 273, §1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:37 (January 2020), repealed LR 48:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically to regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., September 12, 2022.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 114—Claims Adjuster Pre-Licensing Education Program

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

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The rule revisions repeal Regulation 114, which was implemented to provide for the submission of approved pre-licensing education programs to be listed on the web page of the Louisiana Department of Insurance and to establish the requirements and set forth the procedure for pre-licensing programs and providers of programs by the Commissioner. LDI is repealing Regulation 114 in light of Act 273 of 2022, which repeals pre-licensing requirements for insurance producers and bail enforcement agents.

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

The proposed rule changes will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or nongovernmental groups. The rule revisions repeal Regulation 114, which was implemented to provide for the submission of approved pre-licensing education programs to be listed on the web page of the Louisiana Department of Insurance and to establish the requirements and set forth the procedure for pre-licensing programs and providers of programs by the Commissioner. LDI is repealing Regulation 114 in light of Act 273 of 2022, which repeals pre-licensing requirements for insurance producers and bail enforcement agents.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

The proposed rule changes will not affect competition or employment.

S. Denise Gardner
Chief of Staff
2208#045

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Regulation 123—Producer Responsibility
for Bail Bond Collateral
(LAC 37:XIII.Chapter 187)

The Department of Insurance, pursuant to the authority provided in R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 123—Producer Responsibility for Bail Bond Collateral. Regulation 123 establishes requirements and restrictions imposed upon bail bond producers and sureties who receive collateral in connection with a bail bond transaction. The regulation also sets forth standards for collecting, holding, and returning collateral upon the final termination of liability on the bond. Lastly, Regulation 123 requires that a written collateral agreement accompany all bail bond transactions involving collateral security.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 187. Regulation 123—Producer Responsibility
for Bail Bond Collateral**

§18701. Authority

A. This regulation is promulgated on behalf of the Department of Insurance by the Commissioner of Insurance pursuant to the authority granted under Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18703. Purpose

A. The purpose of this regulation is to establish and identify the responsibilities of an insurance producer licensed for the line of bail bonds with respect to collateral accepted and held by the producer pursuant to a written bail bond collateral agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18705. Scope and Applicability

A. Regulation 123 sets forth requirements related to bail bond collateral agreements and identifies the responsibilities of a bail bond producer with respect to any collateral received as part of a bail bond transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18707. Severability

A. The provisions of this Subpart are severable. If any provision or item of this Subpart, or application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Subpart which are to be given effect without the invalid provision, item, or application of the Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18709. Definitions

A. These terms when used in this Chapter shall have the following meanings.

Bail—the security given by a person to assure a defendant's appearance before the proper criminal court whenever required.

Bail Bond Producer—any person, corporation, or partnership which holds an insurance license and has a contract and an appointment from an insurer licensed and authorized to provide surety in Louisiana.

Bail Bond Transaction—a transaction between a bail bond producer or agency and defendant or person on behalf of defendant to secure collateral, premiums, and fees for securing the release of a defendant and guaranteeing a set sum of money to the court if the defendant fails to appear in criminal court when required. Furthermore, a bail bond transaction includes the solicitation and inducement, preliminary negotiation, and effectuation of a contract of surety insurance and matters related thereto, all in connection with the defendant's release.

Collateral—anything of value, including money, personal property, or real property, which is accepted by a bail bond producer as security against potential losses arising from a contract of surety and is utilized as part of a bail bond transaction.

Commissioner—the Louisiana Commissioner of Insurance.

Fiduciary—a person who holds a thing in trust for another, such as a trustee; a person holding the character of a trustee, or a character analogous to that of a trustee, with respect to the trust and confidence involved in it and the scrupulous good faith and candor which it requires; a person having the duty, created by his undertaking, to act primarily for another's benefit in matters connected with such undertaking.

Forfeiture—the issuance of a judgment of bond forfeiture resulting from a defendant's failure to appear in court when required or to otherwise comply with any court ordered conditions of release as contemplated in the Code of Criminal Procedure.

Insurance Producer—a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance, and includes all persons or business entities otherwise referred to in Title 22 of the Louisiana Insurance Code as insurance agent or agent, or insurance broker or broker, or insurance solicitor or solicitor, or surplus lines broker.

Surety—an insurer licensed and authorized to provide surety in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18711. Necessity of a Written Agreement for Collateral

A. All agreements concerning collateral must be in writing.

B. Written collateral agreements shall not contain any provision that is contrary to the requirements of this regulation or to those set forth in any law in Louisiana regarding bail bonds.

C. Written collateral agreements must include the full name of the person pledging the collateral, the full name of the defendant to be released, an accurate and sufficiently detailed description of the collateral, the bond amount, the power of attorney number, and such other information as necessary to specify the bail bond related to the collateral agreement.

D. A copy of the written collateral agreement and a written receipt for the collateral shall be provided to the person offering the collateral at the time of the transaction.

E. Written collateral agreements must also contain assurances that the collateral will not be used by the bail bond producer or surety for personal benefit or gain and that the collateral will be returned in the same condition as pledged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18713. Requirements for Collateral

A. A bail bond producer or surety that accepts collateral as security for a bail bond shall comply with all of the following requirements:

1. For a bail bond producer or surety to accept collateral, the person pledging the collateral must have voluntarily pledged it at the time of the bail bond transaction and execution of the written collateral agreement. The intent to pledge collateral to secure the defendant's release must be clearly stated and verified by the signature of the person pledging the collateral.

2. The collateral shall be received and held in the surety's name by the bail bond producer or surety in a fiduciary capacity.

3. The collateral must be reasonable in relation to the face amount of the bond, and the collateral's value must be determined before the collateral agreement is executed.

4. The bail bond producer or surety shall keep and maintain collateral separate and apart from any other funds or assets.

5. It shall be a prohibited act pursuant to R.S. 22:1562 for any bail bond producer or surety to use any collateral for personal benefit or gain, or to fail to return the collateral to the person pledging it in the same condition as received by the bail bond producer or surety.

6. The bail bond producer or surety shall provide the person pledging the collateral a written receipt for the collateral received. The written receipt must include a detailed and specific description of the collateral, the full

name of the person pledging the collateral, the full name of the defendant, the date of the bond, the approximate value of any non-cash collateral, and the specific amount of cash or other collateral.

7. If the parties to the collateral agreement subsequently agree to substitute other things of value as collateral, the substitution must be reflected in a new written collateral agreement, and the bail bond producer or surety must issue a new written receipt to the person pledging the substituted collateral.

8. The bail bond producer or surety shall return the collateral to the person who pledged the collateral not more than 30 days after the bail obligation is discharged in accordance with article 331 of the Code of Criminal Procedure.

B. If a forfeiture of the bail bond occurs, the bail bond producer or surety shall provide the person who pledged the collateral 10 days written notice from the date that a judgment of bond forfeiture is signed of the bail bond producer or surety's intent to take possession of the collateral deposit to satisfy the forfeiture. The notice shall be sent by certified mail, return receipt requested, to the last known address of the person who pledged the collateral. If the collateral received by a bail bond producer is in excess of the bail forfeited, the bail bond producer or surety shall return the excess to the person who pledged the collateral within 30 days from the date a judgment of bond forfeiture is satisfied, less any verifiable and appropriate administrative expenses specifically provided for in Section 18715 below.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, C.Cr.P. art 311, et seq, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18715. Deductions from Collateral

A. Only the premium amounts, fees, and expenses authorized pursuant to R.S. 22:1443, or as otherwise permitted in accordance with applicable state law, shall be recoverable by any bail bond producer or surety. No fee or other charge of any nature shall be deducted from the collateral due or charged in association with the storage or keeping of the collateral by the bail bond producer or surety.

B. A documented and itemized list of any such fees or expenses shall be given to the person who pledged the collateral. A copy of such documentation and itemization shall also be available to the Commissioner upon his request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18717. Violations

A. Failure to comply with the provisions of this regulation may be determined by the Commissioner to be a violation of R.S. 22:1562, and the violator shall be subject to penalties pursuant to R.S. 22:1554.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

§18719. Effective Date

A. This regulation shall become effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1542, 22:1547, 22:1554, 22:1562, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income, assets, and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Philip Dominique, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., September 12, 2022.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 123—Producer Responsibility for Bail Bond Collateral

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

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is promulgated to establish requirements and impose restrictions applicable to bail bond producers and sureties who receive collateral pledged in connection with a bail bond transaction. The proposed rule further prescribes protocols pertaining to the collection, maintenance, and return of collateral upon the final termination of liability on a bond, and it requires that a written collateral agreement accompany all bail bond transactions involving collateral security.

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

The proposed rule will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule may affect any bail bond producer and surety licensed in Louisiana. The proposed rule sets forth the duties and responsibilities of bail bond producers and sureties when collateral is pledged to secure a criminal defendant's release from custody.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact upon competition and employment in the state.

S. Denise Gardner
Chief of Staff
2208#075

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Corporation Income Tax
(LAC 61:I.1122, 1124, and 1125)

Under the authority of R.S. 47:1511 and 287.86 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.1122 and to repeal 1124 and 1125.

The primary purpose of the proposed regulation is to implement Act 103 of the 2015 Regular Session of the Louisiana Legislature, which repeals the carryback provisions as it relates to net operating losses for corporations.

**Title 61
REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the
Secretary of the Department of Revenue**

Chapter 11. Corporation Income Tax

§1122. Taxes Not Deductible

- A. - B. ...
- C. - D. Repealed.
- E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.83, R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:96 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:470 (March 2004), amended by the Department of Revenue, Policy Services Division, LR 33:295 (February 2007), amended by the Department of Revenue, Policy Services Division, LR 48:

§1124. Net Operating Loss Deduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.86, R.S. 47:287.785 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:2494 (November 2004), repealed LR 48:

§1125. Application of Net Operating Losses Carryover to Otherwise Closed Years

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.86 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:2290 (October 2010), repealed LR 48:

Family Impact Statement

The proposed amendment of LAC 61:I.1122 and repeal of §§1124 and 1125, regarding the repeal of net operating loss carrybacks, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of these proposed rules will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Poverty Statement

The proposed amendments and proposed repeal will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed amendments and proposed repeal will have no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the provider to provide the same level of service;
3. the overall effect on the ability of the provider to provide the same level of service.

Small Business Analysis

It is anticipated that the proposed amendments and proposed repeal should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting these proposed amendments to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding the proposed amendments and/or repeal to Brad Blanchard, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Wednesday, September 28, 2022.

Public Hearing

A public hearing will be held on Thursday, September 29, 2022 at 10 a.m. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Corporation Income Tax

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed amendments to LAC 61:I.1122; 1124, and 1125 remove various administrative provisions made obsolete by Act 103 of the 2015 Regular Session, which repealed the carryback provisions as it relates to net operating losses (“NOL”) for corporations.
No impacts on costs borne by state or local governmental units are anticipated due to this proposed rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No material impacts on revenue collections of state or local governmental units are anticipated due to this proposed rule change. This proposal is repealing rules that are no longer relevant due to change in statute.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
No material impacts on costs or economic benefits are anticipated for affected personal, small business or non-governmental groups due to this proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No material impact on competition or employment is anticipated due to this proposed rule change.

Kevin J. Richard, CPA
Secretary
2208#067

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Donation to Qualified Foster Care Charitable Organization Credit and Certain Adoptions Deductions (LAC 61:I.1925, 1927, and 1929)

Under the authority of R.S. 47:293(9)(a)(xxiii) and (xxiv), 297.20, 297.21, 1511 and 6042 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division gives notice that rulemaking procedures have been initiated to adopt LAC 61:I.1925 relative to the Donation to Qualifying Foster Care Charitable Organization Income Tax Credit and LAC 61:I.1927 and 1929 relative to the individual income tax deductions for individuals who adopt a child under certain circumstances.

Revised Statute 47:6042 authorizes a nonrefundable tax credit for donations made to Qualifying Foster Care Charitable Organizations that are used to provide services to qualified individuals. In addition, Revised Statutes

47:297.20 and 297.21 authorize an individual income tax deduction of \$5,000 for taxpayers who adopt a youth from foster care, or an infant through private adoption, or an attorney. The primary purpose of this proposed regulation is to implement Act 378 of the 2021 Regular Session of the Louisiana Legislature.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions

§1925. Donations to Qualifying Foster Care Charitable Organization Credit

A. General Description.

1. The Donation to Qualified Foster Care Charitable Organization credit provides a nonrefundable income tax credit for donations made on or after January 1, 2022 to the QFCCO. To qualify for the credit, the donation must be used by the QFCCO to provide services to qualified individuals.

2. QFCCOs are certified by the Department to receive contributions eligible for the tax credit. This certification only pertains to the Donation to Qualifying Foster Care Charitable Organization Credit. This program does not apply to general licensing, operations, or the deductibility of donations to charitable organizations.

3. The credit shall be earned in the year in which the donation was made and shall be equal to the lesser of \$50,000 or the actual amount of donations used by the QFCCO to fund qualified services for qualified individuals.

4. The credit shall be allowed against the income tax for the taxable period in which the credit was earned. If the tax credit allowed pursuant to R.S. 47:6042 exceeds the amount of such taxes due, any unused credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years.

B. Definitions

Affiliated—any entity possessing either a:

- significant common purpose and substantial common membership; or
- direct or indirect substantial common direction or control.

Department—the Department of Revenue.

QFCCO—qualifying foster care charitable organization.

Qualified Individual—a child in a foster care placement program established by the Department of Children and Family Services.

Qualified Services—cash assistance, medical care, child care, food, clothing, shelter, job placement, and job-training services or any other assistance reasonably necessary to meet immediate basic needs that are provided to a qualified individual and used in Louisiana.

Qualifying Foster Care Charitable Organization—an organization that meets all of the following criteria:

- is exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code;
- provides services to at least 25 qualified individuals each operating year.
- spends at least 75 percent of its total budget on providing services to qualified individuals or spends at least 75 percent of its funds budgeted for Louisiana on providing services to qualified individuals and the organization

certifies to the department that 100 percent of the donations it receives from Louisiana residents will be spent on providing services to qualified individuals.

d. is approved by the department after applying as provided in Subsection G of this Section.

Related—the donor's spouse, the children of the donor, the spouses of the donor's children, the donor's brothers or sisters and their spouses, the donor's parents, and the parents of the donor's spouse.

Secretary—secretary of the Department of Revenue, or their designee.

Taxpayer—a person who is required to file a Louisiana income tax return.

C. Qualified Services

1. The qualified service must be provided by the QFCCO directly to the qualified individual. Qualified services include the following:

a. Cash Assistance

i. Cash assistance, including cash in the form of gift cards, must be provided directly for the qualified individual for the purpose of assisting the qualified individual in meeting ongoing basic needs.

ii. Cash payments or scholarships to schools, camps, activities, or team sports do not qualify as cash assistance.

b. Medical Care

i. Medical care must be provided by the QFCCO directly, or indirectly, by providing access to medical care by means of paying for the medical care, providing round trip transportation to the medical care provider, or connecting the qualified individual to the medical care.

ii. Medical care must be provided by medical professionals including, but not limited to, doctors, nurses, physician's assistants, optometrists, ophthalmologists, dentists, chiropractors, phycologist, psychiatrists, and licensed therapists.

c. Child Care

i. Child care means the compensated service that is provided to a child who is unaccompanied by a guardian during a portion of a twenty-four hour period.

ii. Child care must be regular and predictable to be considered a basic need service.

d. Food

i. Food includes food products for home meal preparation as well as the provision of prepared meal(s).

e. Clothing

i. Qualified clothing includes, but is not limited to infant attire, shirts, pants, skirts, school uniforms, socks, undergarments, shoes, footwear, coats, and interview attire.

ii. Clothing does not qualify as a basic need if it consists of a single item of clothing per qualified individual for attendance or participation in an event.

iii. Sports team uniforms do not qualify as clothing.

f. Shelter

i. Shelter is the provision of permanent or temporary housing for a qualified individual.

ii. Shelter includes furnishings of a home, rental or mortgage assistance, payment for home maintenance services or supplies and utility expenses.

g. Job Training

i. Job training must be for a specific job or industry, not simply general education to obtain a GED or prepare for college.

ii. Round trip transportation to the job training is considered a basic need service.

D. Claiming the Tax Credit

1. Taxpayers claiming the Donations to Qualifying Foster Care Organization credit must attach Form R-68009, *Receipt for Donation to Qualifying Foster Care Charitable Organization Credit* to their return. The receipt shall consist of a QFCCO portion and a donor portion and must be issued by the QFCCO to the donor.

2. The credit must be claimed for the taxable year in which the donation was made.

E. Tax Credit Cap

1. For each calendar year, the department shall not approve credits in excess of \$500,000. Taxpayers shall be allowed to claim the credit on a first-come, first serve basis as determined by the received date of the taxpayer's income tax return with all required documents. A taxpayer claiming the donations to qualifying foster care organization credit must attach Form R-68009 to their return and provide any additional information requested by the department. A shareholder of an S corporation or other pass-through entity must also attach a copy of the Schedule K-1 to substantiate the credit.

2. All returns received on the same business day shall be treated as received at the same time, and if the aggregate amount of requests received on the same business day exceeds the total amount of the available credits:

a. tax credits shall be approved on a pro rata basis; and

b. the excess shall be treated as having been applied for on the first day of the subsequent year.

F. Other Tax Benefits Disallowed

1. A taxpayer shall not receive any other state tax credit, exemption, exclusion, deduction, rebate, or any other state tax benefit for a donation for which the taxpayer has received a tax credit pursuant to R.S. 47:6042.

2. The credit may be used in addition to any federal tax credits earned for the same donation.

G. Application for Certification as a Qualifying Foster Care Charitable Organization.

1. An organization that seeks to become a QFCCO may apply for certification at any time during the year and must submit the following to the Department:

a. Completed Form R-68010, Application for Certification as a Qualifying Foster Care Charitable Organization.

b. A copy of the Internal Revenue Service ruling establishing the organization is exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code.

c. A copy of the organization's operating budget for the prior operating year and a schedule detailing the amount of the budget spent on providing qualified services to qualified individuals.

d. A copy of Federal Form 990 and 990-T and all attachments filed by the organization for the last tax year filed.

e. A copy of the financial statements and detailed schedule of expenses for the QFCCO from the prior year.

f. A schedule detailing how the organization calculated the percentage of its budget spent on providing services to qualified individuals.

g. A statement that the organization intends to continue spending at least seventy-five percent of its total budget on providing services to qualified individuals or intends to continue spending at least seventy-five percent of its funds budgeted for Louisiana on providing services to qualified individuals and that one hundred percent of the donations it receives from Louisiana residents will be spent on providing services to qualified individuals.

2. Within two months of receipt of an *Application for Certification as a Qualifying Foster Care Charitable Organization*, the department shall notify the applicant of their status by way of approval notated on the application to the mailing address designated on the application. Certification is valid beginning January 1 of the year that an organization is approved.

3. If the application is denied, the department will inform the applicant of its grounds for denial and allow 15 business days from date on the status letter for the applicant to correct any defects. Ground for denials include, but are not limited to:

a. failure of the applicant to submit any information required by the application;

b. failure of the applicant to submit any additional information requested by the Department.

H. QFCCO Reporting

1. A QFCCO must file a report, prepared by an independent certified public accountant not related to a donor or affiliated with the QFCCO, with the department no later than January 31 of each year to the below address:

Louisiana Department of Revenue
P.O. Box 44098
Baton Rouge, LA 70804

2. This annual report shall contain the following information:

a. a certification that the QFCCO continues to meet the requirements set forth by R.S. 47:6042;

b. a certification that the QFCCO spent 100 percent of the donations received from Louisiana residents on providing qualified services to qualified individuals;

c. a listing of all donations made that includes:

i. the name, social security number, or Louisiana Revenue Account Number, and federal taxpayer identification numbers of each taxpayer who donated to the QFCCO during the prior calendar year;

ii. the amount of each donation received during the prior calendar year;

iii. the amount of each donation utilized during the prior calendar year to provide qualified services to qualified individuals and the services provided;

d. notification to the department of changes that may affect certification eligibility.

I. Forms

a. Form R-68009, Receipt for Donation to Qualifying Foster Care Charitable Organization Credit, shall require information including, but not limited to: the taxpayer's name, mailing address, Louisiana revenue account number or last four digits of the taxpayer's Social

Security number, the date the donation was made, the name of the QFCCO and amount of the donation used by the QFCCO to provide services to qualified individuals.

b. Form R-68010, Application for Certification as a Qualifying Foster Care Charitable Organization, shall require information including, but not limited to: the QFCCO's name, address, Louisiana revenue account number (if applicable), federal employer identification number, contact individual's e-mail address and telephone number, and certification that the QFCCO meets certain criteria under R.S. 47:6042(F)(4).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 6042.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 48:

§1927. Adoption from Foster Care Deduction

A. General

1. Revised Statute 47:297.20 authorizes a deduction equal to \$5,000, per child, from Louisiana tax table income for a resident taxpayer who legally adopts a child from foster care, as defined in Louisiana Children's Code Article 603, or a youth receiving extended foster care services pursuant to the Extended Foster Care Program Act.

B. Definitions

Child—a person under the age of 18 years who has not been judicially emancipated or emancipated by marriage as provided by law as defined in Louisiana Children's Code Article 603 as amended.

Foster Care—placement in a foster family home, a relative's home, a residential child caring facility, or other living arrangement approved and supervised by the state for provision of substitute care for a child in the custody of Department of Children and Family Services as defined in Louisiana Children's Code Article 603 as amended.

Youth—an individual who was adjudicated as a child in need of care, was in foster care in the department's custody on the day before his eighteenth birthday, and is at least 18 years of age but less than 21 years of age as defined by R.S. 46:288.2 as amended.

C. Claiming the Deduction

1. The taxpayer claiming the adoption from foster care deduction must be listed as an adoptive parent on the adoption order or decree. Taxpayers may claim the adoption deduction according to their filing status as follows:

a. If filing Single, Married Filing Separately, Qualifying Widow(er) or Head of Household then only one taxpayer may claim the adoption credit on their return if two taxpayers are listed as the adoptive parent. The deduction may not be divided between the adoptive parents and can only be claimed by the taxpayer that is claiming the child as a dependent on their federal individual income tax return.

b. If filing Married Filing Jointly then the deduction may only be claimed on the return of the individual who is listed as an adoptive parent on the adoption order or decree. The deduction may not be divided between the adoptive parents and can only be claimed by the taxpayer that is claiming the child as a dependent on their federal individual income tax return.

2. The taxpayer claiming the adoption from foster care deduction must attach their deduction eligibility certification letter from the Department of Children and Family Services

to the taxpayer's individual income tax return for the taxable year that the adoption is finalized.

D. Limitations

1. The adoption tax deduction shall be in lieu of the dependency deduction authorized in R.S. 47:294.

2. The amount of the deduction authorized by R.S. 47:297.20 shall not exceed the total tax table income of the taxpayer claiming the deduction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293(9)(a)(xxiii), 297.20, and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 48:

§1929. Private Adoption of Certain Infants Deduction

A. General.

1. Revised Statute 47:297.21 authorizes a deduction equal to \$5,000, per infant, from tax table income for the resident(s) who legally adopt an infant who is unrelated to the taxpayer(s) and who is less than one year of age through a private agency as defined in Louisiana Children's Code Article 1169(1), or through an attorney. The infant shall be considered less than one year of age for purposes of this deduction if the infant was less than one year of age at the time of the adoption placement.

a. A taxpayer is considered "unrelated" to the infant if they are not the infant's parent, stepparent, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

B. Claiming the Deduction

1. The taxpayer claiming the private adoption of certain infants' deduction must be listed as an adoptive parent on the adoption order or decree. Taxpayers may claim the adoption deduction according to their filing status as follows:

a. If filing single, married filing separately, qualifying widow(er), or head of household then only one taxpayer may claim the adoption credit on their return if two taxpayers are listed as the adoptive parent. The deduction may not be divided between the adoptive parents and can only be claimed by the taxpayer that is claiming the child as a dependent on their federal individual income tax return.

b. If filing married filing jointly then the deduction may only be claimed on the return of the individual who is listed as an adoptive parent on the adoption order or decree. The deduction may not be divided between the adoptive parents and can only be claimed by the taxpayer that is claiming the child as a dependent on their federal individual income tax return.

2. The taxpayer claiming the private adoption of certain infants' deduction must attach the following to the taxpayer's individual income tax return for the taxable year that the adoption is finalized:

a. a copy of the adoption order or decree; and

b. a letter from the attorney who facilitated the adoption or private agency stating when the infant was placed with the adoptive parents.

C. Limitations

1. The adoption tax deduction shall be in lieu of the dependency deduction authorized in R.S. 47:294.

2. The amount of the deduction authorized by R.S. 47:297.20 shall not exceed the total tax table income of the taxpayer claiming the deduction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293(9)(a)(xxiv), 297.21 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 48:

Family Impact Statement

The proposed adoption of LAC 61:I.1925, LAC 61:I.1927, and LAC 61:I.1929, regarding the Donations to Qualified Foster Care Organization Credit, Adoption from Foster Care Deduction and Private Adoption of Certain Infants Deduction should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy by providing financial relief to families who incur expenses related to the adoption of an infant(s), child(ren) or youth(s). The implementation of this proposed rule has no other foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Poverty Statement

This proposed regulation will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

It is anticipated that this proposed amendment should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed amendment will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Monday, September 26, 2022.

Public Hearing

A public hearing will be held on Tuesday, September 27, 2022, at 2:00 P.M. in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Donation to Qualified Foster Care
Charitable Organization Credit and
Certain Adoptions Deductions**

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

The purpose of this rule is to implement Act 378 of the 2021 Regular Legislative Session, which provides for 1) a non-refundable income tax credit for the amount of a donation up to \$50,000 per taxpayer to a Qualifying Foster Care Charitable Organization (“QFCCO”). The state-wide credit is limited to \$500,000 annually, and 2) a one-time individual income tax deduction of \$5,000 per child (net of the \$1,000 dependent deduction) for taxpayers who adopt a child from foster care or privately if the unrelated adopted child is under 1 year of age.

Louisiana Department of Revenue (“LDR”) anticipates one-time costs of \$83,360 for computer system development and modification, tax form redesign, and testing. Minimal ongoing administrative costs would also be incurred to monitor and maintain the \$500,000/year cap on donations to foster care charitable organizations. All of these expenses will be absorbed in the agency’s budget.

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

The proposed rule will result in a decrease to the SGF of approximately \$658,000 annually in fiscal years 2023 - 2026. The amount of exposure for the income tax credit allowed for donations to qualifying foster care charitable organizations is indeterminable at the commencing of the program. However, the maximum exposure would be \$500,000 per year, the amount of the annual cap on the credits provided for in the Act.

The personal income tax deduction for the adoption of foster children results in an estimated SGF exposure of \$158,000 annually. The revenue impact of the income tax deduction for parents who adopt certain children through a private agency or attorney is indeterminable since DCFS does not collect data on private adoptions. Thus, the state fiscal exposure to the adoption deductions could be materially greater than stated above.

There is no anticipated direct material effect on local governmental revenues as a result of this rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule may reduce the tax liability of qualifying individual income tax filers who are adopting a child or youth from foster care as provided in LA R.S. 47:297.20, or adopting an infant by private adoption as provided in LA R.S. 47:297.21. The proposed rule may also incentivize financial assistance to QFCCOs who provide qualified services to children in foster care placement programs established by the Department of Children and Family Services (“DCFS”) as provided by LA R.S. 47:6042. Due to the availability of the tax credit, these organizations may experience an increase in donations to be used to provide services to a child in a foster care placement program with DCFS, while taxpayers donating to QFCCOs may be eligible for a reduced tax liability, subject to the statewide maximum of \$500,000.

In order to claim the qualifying deduction for individual income tax for adopting a child under certain circumstances, or claim an income tax credit for donations made to QFCCOs, taxpayers must attach a copy of supporting documents to support eligibility for the credit or deduction. Additional costs for completion and submission of the required paperwork of this proposed rule are expected to be minimal.

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

No material impact on competition or employment is anticipated due to this proposed rule change.

Kevin J. Richard, CPA
Secretary
2208#051

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

**Mandatory Electronic Filing and Payment
of Tobacco Tax by Vapor Dealers
(LAC 61.III.1533 and 1534)**

Under the authority of R.S. 13:5077, 47:1511, 47:1519, and 47:1520, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, gives notice that rulemaking procedures have been initiated to amend LAC 61.III.1533 and 1534, to mandate electronic filing and payment by retail dealers of vapor products.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2) authorizes the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. The purpose of this regulation is to mandate electronic filing of tobacco tax returns and reports by retail dealers of vapor products and electronic payment of all tobacco tax by retail dealers of vapor products.

Title 61

REVENUE AND TAXATION

**Part III. Administrative and Miscellaneous Provisions
Chapter 15. Mandatory Electronic Filing of Tax
Returns and Payment**

§1533. Tobacco Tax—Electronic Filing Requirements

A.1. For tax periods beginning on or after October 1, 2019, every dealer that files a Louisiana Tobacco Tax Return shall be required to file the return and all reports electronically with the Department of Revenue using the electronic format prescribed by the department.

2. For tax periods beginning on or after January 1, 2023, every retail dealer of vapor products that files a Louisiana Tobacco Tax Return for Retail Dealers of Vapor Products shall be required to file the return and all reports electronically with the Department of Revenue using the electronic format prescribed by the department.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5077, 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:932 (July 2019), amended LR 48:

§1534. Tobacco Tax - Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of tobacco tax by electronic funds transfer.

B.1. Effective for all taxable periods beginning on or after October 1, 2019, all payments by a tobacco dealer shall

be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

2. Effective for all taxable periods beginning on or after January 1, 2023, all payments by a retail dealer of vapor products shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:932 (July 2019), amended LR 48:

Family Impact Statement

The proposed adoption of this rule should have no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule has no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed rule has no known measurable impact on small businesses as described in R.S. 49:974.5.

Provider Impact Statement

The proposed rule has no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed rule to Brandea Averett, Attorney, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., September 26, 2022.

Public Hearing

A public hearing will be held on September 27, 2022 at 9 a.m. in the River Room, located on the 7th floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Mandatory Electronic Filing and Payment of Tobacco Tax by Vapor Dealers

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

The proposed rule will not result in implementation costs or savings to state or local governmental units. The proposed rule amends the rule requiring electronic filing and payment of tobacco tax returns to include retail dealers of vapor products who are required to file tobacco returns.

Implementation of the proposed rule will not result in material additional costs or cost savings to governmental units. LDR is implementing electronic filing of these returns and reports through LDR's LaTAP as an ongoing enhancement of its collection efforts. II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no direct impact on annual state or local revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

LDR does not have the information necessary to determine the additional costs to comply with this change, but these costs are expected to be minimal, as online access and activity has largely become a business standard.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule should not affect competition or employment.

Kevin J. Richard, CPA
Secretary
2208#053

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Manufacturer's Net Invoiced Price
(LAC 61.I.5103)

Under the authority of R.S. 47:841(D) and 1511, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61.I.5103 relative to the determination of manufacturer's net invoiced price.

The purpose of this regulation is to provide definitions relative to the calculation of manufacturer's net invoiced price and provide guidance regarding the inclusion and exclusion of certain items such as, trade discounts, cash discounts, federal excise tax, and shipping charges routinely reflected on invoices issued to tobacco dealers.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 51. Tobacco Tax

§5103. Manufacturer's Net Invoiced Price

A. Definitions

Cash Discounts—reduction to the total invoiced amount based upon a payment method or timing of payment such as

payment by electronic funds transfer, automatic withdrawal or full payment within a specified period.

Promotional Incentives—product provided to the Louisiana dealer and listed on the invoice at no cost

Trade Discounts—reduction in list price or unit price given by a manufacturer or other supplier. These discounts are listed in the product line item as either a percentage or specified amount and are reflected in the extended price of the product on the invoice.

B. The tobacco tax is imposed on the invoice price of cigars, smoking tobacco, smokeless tobacco, and other tobacco products. R.S. 47:842(6) defines invoice price as the manufacturer's net invoiced price as invoiced to the Louisiana tobacco dealer.

C. Manufacturer's net invoiced price is the product line item price charged to the dealer by the manufacturer, supplier, jobber or other person who sells the tobacco product to the dealer inclusive of any trade discount reflected in the line item price.

D. Federal excise and other taxes, shipping charges, and freight charges separately stated on an invoice are not considered part of the price of the taxable product and are excluded from the determination of manufacturer's net invoiced price.

E. Cash discounts shall not be considered when determining the manufacturer's net invoiced price.

F. R.S. 47:854(B) requires that any tobacco products given away at no cost must be taxed in the same manner as products sold, used, consumed, handled or distributed in this state. The tobacco tax due on promotional incentives listed on an invoice at no cost shall be determined as follows.

1. If the invoice reflects a purchase of the same product, then the tobacco excise tax should be calculated on the invoiced price charged on the invoice for the same product.

2. If the invoice does not show the purchase of the same product, then the tax is calculated on the manufacturer's list price for that product

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:841(D) and 1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 48:

Family Impact Statement

The proposed adoption of this rule should have no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule has no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed rule has no known measurable impact on small businesses as described in R.S. 49:974.5.

Provider Impact Statement

The proposed rule has no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the provider to provide the same level of service;
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed rule to Brandea Averett, Attorney, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., September 27, 2022

Public Hearing

A public hearing will be held on September 28, 2022 at 9 a.m. in the LaBelle Room, located on the 1st floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Manufacturer's Net Invoiced Price

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

The proposed rule clarifies the term 'invoice price' as found in Louisiana Revised Statute 47:842(6) by providing definitions of discounts commonly allowed by manufacturers to customers and an explanation of how the discounts and other items are to be considered in determining the manufacturer's net invoiced price of cigars, smoking tobacco, smokeless tobacco, and other tobacco products other than cigarettes and vapor products for tobacco tax purposes.

The proposed rule will not result in implementation costs or savings to the state. Local governmental units are not affected by this proposal.

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

The proposed rule clarifies current Department procedures regarding the invoice price of tobacco products other than cigarettes and vapor products for the purpose of tax calculations. The proposed rule will not affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

LDR does not anticipate any additional costs to comply with this change. Any additional costs or economic benefits to affected persons are expected to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule should not affect competition or employment.

Kevin J. Richard, CPA
Secretary
2208#054

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Alligator Regulations (LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the alligator regulations governing alligator hide tag fees. The action suspends the alligator hide tag fee by \$1, thereby reducing the tag fee from \$4 per tag to \$3 per tag for license year 2023. The purpose of this change is to provide temporary relief to the alligator industry in a time of suppressed market conditions. This temporary reduction will automatically end December 31, 2023. Further, this Notice of Intent removes the requirement for payment of severance taxes and adjusts the following licenses to be consistent with fees established by Act No. 356 of the 2021 Regular Session of the Louisiana Legislature: resident fur buyer's license, nonresident fur buyer's license, resident fur dealer's license, nonresident fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer license, and alligator parts retailer license.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A.-A.3.k. ...

1. An alligator hunter or alligator farmer may give alligator parts to anyone for personal use. Any part of an alligator shall have affixed thereto the name, address, date, hide tag number, and the license number of the person donating the alligator part(s). This information shall be legibly written in pen or pencil on any piece of paper or cardboard or any material which is attached to the part(s) or to the container enclosing the part or parts. This information must remain affixed until the part(s) has been stored at the domicile of the possessor. Violation of this Subparagraph is a class two violation as described in R.S. title 56.

m.i. R.S. 56:280, passed in the Regular Session of the 1992 Louisiana Legislature established a state policy which protects white or albino alligators and except under department permit prohibits the taking of white or albino alligators from the wild.

ii. Conditions under which any alligator that is white or albino may be taken from the wild and under official department permit include:

(a). landowners or licensed alligator farmers or ranching operators may capture live and unharmed a white or albino alligator for its own protection. All such instances of possession shall be reported immediately to the department;

(b). any white or albino alligator hatchling produced from wild collected eggs authorized by a department alligator egg collection permit will remain in the possession of such licensed operators. Any white or albino hatchling must be reported immediately upon hatching to the department on a standard activity report form;

(c). any person who intentionally takes from the wild any alligator that is white or albino by hook and line shall immediately report its presence and location to the department. Department personnel of the Coastal and Nongame Resources Division will on a case by case basis determine the disposition of any such white or albino alligator which is unintentionally hooked.

iii. Any white or albino hatchling produced from a licensed breeding pen will remain in the possession of such licensed operators but must be reported immediately upon hatching to the department on a standard activity report.

iv. It shall be a violation if any person intentionally takes from the wild any alligator that is white or albino by any means.

v. Violation of R.S. 56:280 shall subject the violator to a fine of not less than \$10,000 and imprisonment for not less than 6 months or more than 12 months, or both.

n. Alligator meat and parts may be shipped in containers that are sealed and the parts identified to the CITES tag of origin. A fully executed alligator hunter, farmer, or parts dealer alligator parts sale or transaction form and shipping manifest shall meet the U.S. Fish and Wildlife Service parts identification requirements, provided such form(s) is/are prominently attached to the outside of each shipping container. Alligator meat/parts shipped to another state must meet applicable state/federal requirements of the receiving state. Alligator meat/parts exported from the United States must meet the requirements of the U.S. Fish and Wildlife Service as well as those of the receiving country. Alligator skulls being exported shall carry a "tag" containing the CITES tag number and the hunter's name and license number. The skull must also be physically marked with the number of the original CITES tag used for the hide of the individual alligator. Violation of this Subparagraph is a class three violation as described in R.S. title 56.

o. For the purpose of bona fide educational or promotional functions, including but not limited to school activities, civic groups, fairs and festivals within the state of Louisiana, an alligator farmer/rancher or his designee may transport his own live farm alligators or alligator eggs to such function without the need for a special permit from the department while in possession of a valid nongame quadruped breeder's or exhibitor's license or copy thereof. Such farmer/rancher shall not barter, trade, exchange or attempt to barter, trade or exchange live alligator(s) or alligator eggs while transporting to/or attending such function.

4. Licenses, Permits and Fees

a.i. The licenses and fees required for activities authorized by these regulations are as prescribed under

provisions of R.S. title 56, or as prescribed in these regulations, and are:

(a). Resident Alligator Hunter's License (including commercial, helper, sport and nuisance classes)—\$25;

(b). Nonresident Alligator Hunter's License (including landowner and sport classes)—\$150;

(c). Resident Fur Buyer's License—\$55 (except for license years 2022 and 2023, in which the fee will be \$40);

(d). Nonresident Fur Buyer's License—\$215 (except for license years 2022 and 2023, in which the fee will be \$157.50);

(e). Resident Fur Dealer's License—\$400 (except for license years 2022 and 2023, in which the fee will be \$275);

(f). Nonresident Fur Dealer's License—\$800 (except for license years 2022 and 2023, in which the fee will be \$550);

(g). Nongame Quadruped Exhibitor's License—\$20 (except for license years 2022 and 2023, in which the fee will be \$15);

(h). Nongame Quadruped Breeder's License—\$50 (except for license years 2022 and 2023, in which the fee will be \$37.50);

(i). Alligator Parts Dealer License—\$105 (except for license years 2022 and 2023, in which the fee will be \$77.50);

(j). Alligator Parts Retailer License—\$10 (except for license years 2022 and 2023, in which the fee will be \$7.50);

(k). Alligator Hide Tag Fee—\$4 for each alligator hide tag, except for license year 2023, in which the fee for each alligator hide tag shall be \$3;

(l). \$4 for each whole alligator leaving the state as alligator shipping label fee;

(m). \$25 for a designated agent collection permit.

A.4.a.ii. - j. ...

k. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the alligator hide tag fee, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the alligator hide tag fee. Violation of this Subparagraph is a class two violation as described in R.S. title 56.

A.4.l. - 11.b.vi. ...

vii. The alligator hide tag fee shall be collected by the department from the alligator hunter who is shipping his own alligators or raw alligator skins, or who intends to custom tan, or use for taxidermy, the alligators or raw skins.

A.11.b.viii. - d.vii. ...

viii. The alligator shipping label fee or the alligator hide tag fee shall be collected by the department from the alligator farmer who is shipping alligators or raw alligator skins, or who intends to custom tan, or use for taxidermy, the alligators or raw skins.

A.11.e.i. - e.ii.(c). ...

(d). alligator hide tag fees owed by alligator hunter, alligator farmer or fur dealer.

iii. ...

iv. Every fur dealer, alligator farmer or alligator hunter prior to shipping out of state or prior to tanning in

state, partial alligator skins (flanks, bellies or chalecos) must provide an official shipping manifest listing a description of the partial alligator skins in the shipment along with the CITES tag number for each partial skin piece, referenced to the original CITES tag number that was placed on the wild alligator or farm raised alligator when harvested. Department personnel will review the manifest for accuracy and determine the number of original CITES tags referenced for the first time in order to assess the alligator hide tag fees owed by the shipper. Shipper will be thus informed by the department within 10 working days of receiving the official shipping manifest.

v. At the time of shipment or prior to tanning, department personnel will inspect alligator skin pieces and replace any broken or reattached tags. Department personnel will issue the appropriate number of yellow shipping tags, one for each shipment. At that time, department personnel will affix a seal or locking device to each container. It shall be a violation of this Subparagraph for any person other than department personnel or federal personnel to reopen any sealed or locked container. In conjunction with the inspection and prior to department issuance of shipping tag(s) and seal(s) or locking device(s), department personnel must collect:

(a). all completed buyer/dealer records for skins in each shipment;

(b). stub portion of yellow shipping tag completely filled-out;

(c). alligator hide tag fees owed by alligator hunter, alligator farmer or fur dealer for partial alligator skin pieces being shipped as referenced in Clause A.11.e.iv.

vi. If any of the above requirements are not satisfied, the shipment will not be authorized. Violation of this Clause is a class three violation as described in R.S. title 56.

f. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in R.S. Title 56. Fur dealers in the business of tanning alligator hides must provide a monthly report, on forms provided by or approved by the department, of all alligator hides being held in inventory. Failure to maintain complete records and to pay the required alligator hide tag fees subjects any dealer to the full penalties provided and the immediate revocation of his license by the department. No license shall be issued to a dealer who has not paid the tax and alligator hide tag fees for the preceding year. Violation of this Subparagraph is a class three violation as described in R.S. title 56.

A.11.g. - 18.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and Title 56 of the Louisiana Revised Statutes, Chapter 1, Part V, Subpart A.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:909 (June 2016), LR 43:90 (January 2017), LR46:50 (January 2020), LR46:1398 (October 2020), LR 48:508 (March 2022), LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 974.5

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Written comments may be addressed to Jeb Linscombe, Program Manager, Department of Wildlife and Fisheries, 200 Dulles Drive, Lafayette, LA, 70506 or via email to jlinscomb@wlf.la.gov, no later than 4:30 PM on Tuesday, October 4, 2022.

Joe McPherson
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Alligator Regulations

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

The proposed rule changes have no anticipated impact on state or local governmental units.

The proposed rule changes do the following:

(1) Reduce the alligator hide tag fee from \$4 per tag to \$3 per tag for the 2023 license year.

(2) Remove requirements to pay severance taxes on alligator hides from Title 76 to make the rule consistent with Act 356 of the 2021 Regular Session,

(3) Adjust fees for resident and nonresident fur buyer's licenses, resident and nonresident fur dealer's licenses, nongame quadruped exhibitor's licenses, nongame quadruped breeder's licenses, alligator parts dealer licenses, and alligator parts retailer licenses from Title 76 to make the list of license fees included in the rule consistent with recent legislation, and

(4) Remove the requirement of deposits of \$500 for resident fur dealer's license holders and \$1,000 for nonresident fur dealer's license holders.

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

The proposed rule changes are expected to reduce revenue collections accruing to the Louisiana Department of Wildlife and Fisheries (LDWF) from alligator hide tag fees, severance tax payments on alligator hides, and license fees by an estimated \$530,082 in FY 23 and \$93,685 in FY 24 and FY 25.

In summary, the changes in LDWF revenue for FY 23 include a decrease \$429,650 associated with the one-year reduction in alligator hide fees as proposed by the Commission, a reduction of \$107,000 associated with the legislature's elimination of the alligator hide severance tax, and an increase of \$6,568 associated with the legislature's change in license fees. The net change in revenues in FY 23 is a reduction of approximately \$530,082.

The changes in LDWF revenue for FY 24 and FY 25 include a reduction of \$107,000 in each year associated with

the legislature's elimination of the alligator hide severance tax and an increase of \$13,135 associated with the legislature's changes in license fees. The net change is a reduction of approximately \$93,865.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The temporary tag fee reduction is expected to benefit farmers or processors who produce or harvest wild or farm-raised alligators in Louisiana by reducing tag fee payments by approximately \$429,650 in 2023. There were 59 alligator farms in Louisiana in 2020, including 23 that sold alligator hides. Commercial alligator hunters in 2020 numbered 2,568.

The change that eliminated the alligator hide severance is expected to reduce tax costs among alligator farmers and dealers by an anticipated \$107,000 per year.

The changes in license fees for the fur buyer's and dealer's licenses, nongame quadruped exhibitor's and breeder's license, and alligator parts dealer and retailer licenses are expected to increase license costs incurred by alligator and fur dealers by an estimated \$6,568 in FY 23 and FY 24 and by \$13,135 in FY 25.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no expected effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
2208#070

Alan M. Boxberger
Interim Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Derelict Crab Trap Removal Program (LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and cause stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements, theft, captured in another fisherman's gear, or from having the floats cut by propellers. The removal of these traps is necessary to keep Louisiana's coast pristine and to facilitate improvement in the blue crab stock.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12;*

Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1; Volume 45, Number 2; Volume 45, Number 12; Volume 46, Number 11; Volume 47, Number 11). The Wildlife and Fisheries Commission took action on August 4, 2022 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2023 through 11:59 p.m. February 14, 2023 within portions of Plaquemines and St. Bernard Parishes as described below:

1. from a point originating at the intersection of the western shoreline of Bayou Terre Aux Boeufs and the western shoreline of Bayou Gentilly (29 degrees 45 minutes 39.81 seconds north latitude, 89 degrees 47 minutes 30.29 seconds west longitude); thence southerly along the western shoreline of Bayou Gentilly to its intersection with Petit Lake (29 degrees 43 minutes 45.19 seconds north latitude, 89 degrees 48 minutes 02.37 seconds west longitude); thence westerly following the northern and western shorelines of Petit Lake to its intersection with Alligator Pass (29 degrees 43 minutes 26.65 seconds north latitude, 89 degrees 48 minutes 39.16 seconds west longitude); thence westerly following the northern shoreline of Alligator Pass into Grand Lake; thence westerly and southerly along the northern and western shorelines of Grand Lake to its intersection with the western shoreline of Orange Bayou (29 degrees 41 minutes 58.25 seconds north latitude, 89 degrees 51 minutes 30.88 seconds west longitude); thence southerly along the western shoreline of Orange Bayou to its intersection with the eastern shoreline of River Aux Chenes (29 degrees 40 minutes 57.53 seconds north latitude, 89 degrees 51 minutes 43.98 seconds west longitude); thence southerly to the western shoreline of River Aux Chenes (29 degrees 40 minutes 54.79 seconds north latitude, 89 degrees 51 minutes 43.98 seconds west longitude); thence southeasterly along the western shoreline of River Aux Chenes to its intersection with Bay of River Aux Chenes (29 degrees 38 minutes 12.97 seconds north latitude, 89 degrees 39 minutes 39.14 seconds west longitude); thence northerly and easterly along the northern shoreline of Bay of River Aux Chenes to its intersection with the western shoreline of Lake Campo Pass (29 degrees 38 minutes 47.55 seconds north latitude, 89 degrees 38 minutes 36.47 seconds west longitude); thence

northerly along the western shoreline of Lake Campo Pass to its intersection with Lake Campo (29 degrees 39 minutes 19.10 seconds north latitude, 89 degrees 38 minutes 47.40 seconds west longitude); thence easterly along the western, northern, and eastern shorelines of Lake Campo to its intersection with the northern shoreline of Dead Duck Pass (29 degrees 39 minutes 33.15 seconds north latitude, 89 degrees 37 minutes 14.78 seconds west longitude); thence southeasterly along the marsh shoreline of Dead Duck Pass and the marsh shoreline along the western shoreline of Bayou Terre Aux Boeufs to Mozambique Point (29 degrees 38 minutes 04.25 seconds north latitude, 89 degrees 30 minutes 03.70 seconds west longitude); thence northwesterly along the marsh shoreline along the eastern shoreline of Bayou Terre Aux Boeufs and the marsh islands surrounding Drum Bay to its intersection with the eastern shoreline of Pumpkin Bay (29 degrees 40 minutes 34.57 seconds north latitude, 89 degrees 33 minutes 30.96 seconds west longitude); thence southerly and westerly along the eastern and southern shorelines of Pumpkin Bay and the southern marsh of Bayou Grande to its intersection with Bayou Terre Aux Boeufs (29 degrees 41 minutes 02.81 seconds north latitude, 89 degrees 37 minutes 50.39 seconds west longitude); thence northwesterly along the eastern shoreline of Bayou Terre Aux Boeufs to 29 degrees 45 minutes 41.88 seconds north latitude, 89 degrees 47 minutes 28.65 seconds west longitude; thence southwest to the point of origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2023 through 11:59 p.m. February 14, 2023 within portions of Plaquemines Parish as described below:

1. from a point originating on the south bound lane of Highway 23 (29 degrees 28 minutes 35.89 seconds north latitude, 89 degrees 41 minutes 25.88 seconds west longitude), approximately 0.15 miles south of the Plaquemines Parish Office; thence southerly along Highway 23 to its intersection with eastern shoreline of Doullut Canal (29 degrees 23 minutes 00.06 seconds north latitude, 89 degrees 36 minutes 08.94 seconds west longitude); thence southerly along the eastern shoreline of Bayou Long to its intersection with Bayou Fontanelle (29 degrees 18 minutes 29.29 seconds north latitude, 89 degrees 36 minutes 03.72 seconds west longitude); thence southerly along the eastern shoreline of Bayou Fontanelle to its intersection with a point along the inside-outside shrimp line as defined in LAC 76:VII.370 (29 degrees 15 minutes 28.28 seconds north latitude, 89 degrees 36 minutes 14.79 seconds west longitude); thence westerly along the inside-outside shrimp line to 29 degrees 18 minutes 39.23 seconds north latitude, 89 degrees 46 minutes 00.00 seconds west longitude, to a point on the inside-outside shrimp line; thence due north on longitude 89 degrees 46 minutes 00.00 seconds west longitude to a point on the southern shoreline of the Freeport Sulphur Canal (29 degrees 24 minutes 21.24 seconds north latitude, 89 degrees 46 minutes 00.00 seconds west longitude); thence northerly to the northern shoreline of the Freeport Sulphur Canal (29 degrees 24 minutes 36.94 seconds north latitude, 89 degrees 46 minutes 00.02 seconds west longitude); thence northeasterly along the northerly shoreline of the Freeport Sulphur Canal to the point of origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2023 through 11:59 p.m. February 14, 2023 within portions of Terrebonne Parish as described below:

1. from a point originating along the western shore of Bayou Pointe Aux Chenes (29 degrees 25 minutes 59.26 seconds north latitude, 90 degrees 27 minutes 31.39 seconds west longitude) near the intersection of Lower U.S. Highway 665 and Island Road; thence westerly to the south bound lane of Island Road; thence southerly along the south bound lane of Island Road to its intersection with the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 24 minutes 25.77 seconds north latitude, 90 degrees 29 minutes 28.43 seconds west longitude); thence northerly along the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area to its intersection with the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 25 minutes 20.38 seconds north latitude, 90 degrees 29 minutes 58.29 seconds west longitude); thence westerly along the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area to its southwestern most point located on the eastern shore of the Humble Canal (29 degrees 25 minutes 51.12 seconds north latitude, 90 degrees 33 minutes 31.88 seconds west longitude); thence northerly along the eastern shore of the Humble Canal to its intersection with Bayou Terrebonne (29 degrees 26 minutes 17.70 seconds north latitude, 90 degrees 34 minutes 00.19 seconds west longitude); thence westerly to a point located on the western shore of Bayou Terrebonne at 29 degrees 26 minutes 17.66 seconds north latitude, 90 degrees 34 minutes 02.75 seconds west longitude; thence southerly along the western shore of Bayou Terrebonne to its intersection with Bush Canal (29 degrees 22 minutes 07.16 seconds north latitude, 90 degrees 36 minutes 05.44 seconds west longitude); thence westerly along the northern shore of Bush Canal to its intersection with Bayou Little Caillou (29 degrees 22 minutes 52.50 seconds north latitude, 90 degrees 37 minutes 14.93 seconds west longitude); thence southerly along the western shore of Bayou Little Caillou to 29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 38 minutes 41.40 seconds west longitude; thence east along 29 degrees 17 minutes 00 seconds north latitude to the western shore of Bayou Pointe Aux Chenes (29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 23 minutes 00.51 seconds west longitude); thence northerly along the western shore of Bayou Pointe Aux Chenes to the origin.

D. The use of crab traps shall be prohibited for a 10-day period from 12 a.m. February 17, 2023 through 11:59 p.m. February 26, 2023 within portions of Cameron Parish as described below:

1. from a point originating at the Louisiana/Texas state line at 29 degrees 57 minutes 00.00 seconds north latitude, 93 degrees 48 minutes 29.67 seconds west longitude; thence northerly along the Louisiana/Texas state line to its intersection with the southernmost east bound lane on Interstate 10; thence northeasterly along the southernmost east bound lane on Interstate 10 to its intersection at 30 degrees 11 minutes 15.16 seconds north latitude, 93 degrees 33 minutes 18.00 seconds west longitude; thence southerly along 93 degrees 33 minutes 18.00 seconds west longitude

to its intersection at 29 degrees 57 minutes 00.00 seconds north latitude, 93 degrees 33 minutes 18.00 seconds west longitude; thence westerly along 29 degrees 57 minutes 00.00 seconds north latitude to its point of origin.

E. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021), LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 974.5

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1213 N. Lakeshore Dr., Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to October 5, 2022.

Joe McPherson
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Derelict Crab Trap Removal Program

NOTICE OF INTENT

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

Harvest Regulations—Billfishes
(LAC 76:VII.355)

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

There are no anticipated implementation costs or savings to the Louisiana Department of Wildlife & Fisheries (LDWF) or local governmental units as a result of the proposed rule change. The proposed rule change would prohibit the use of crab traps in portions of four parishes at different periods in February 2023. The proposed rule would ban the local use of crab traps in parts of Plaquemines, Saint Bernard, and Terrebonne parishes (February 1 through February 14, 2023), and parts of Cameron Parish (February 17 through February 26, 2023).

The proposed rule change would also mandate the removal of crab traps from the designated areas by trap owners prior to the closures and authorizes LDWF or their designees, during the closure, to remove any crab traps within the closed area and transport them to designated disposal sites. LDWF can absorb this cost within the existing operating budget.

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

The proposed rule change is not anticipated to have any impact on the revenues of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Crab fishers who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs to temporarily remove their traps. These crab fishers must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time may be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishers.

Local seafood dealers, processors and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.

The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishers, commercial fishers and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality and injuries to crabs and by-catch that become ensnared and die in these traps, benefiting crab harvesters.

The overall impact of the proposed area closure is anticipated to be minimal because the closure would occur during the time of the year with the lowest harvests and adjacent waters will remain open for crab fishers to continue to fish.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a negligible effect on competition and employment as a result of the rule change, waters adjacent to the closure area will remain open for crab harvest and fishers who fish during this time period are expected to relocate their traps to these areas.

Bryan McClinton
Undersecretary
2208#069

Alan M. Boxberger
Interim Fiscal Officer
Legislative Fiscal Office

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.355) by modifying the recreational size and possession limits for swordfish, adding roundscale spearfish within billfish harvest regulations, and adding the definition of a Cleithrum to Caudal Keel (CK) measurement. Proposed modifications are a result of adjustments to federal regulations for swordfish and roundscale spearfish. Modifications are being made to maintain continuity of harvest regulations for swordfish and roundscale spearfish in state and federal waters. The authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:6(25)(a), R.S. 56:326.1, and R.S. 56:326.3 to the Wildlife and Fisheries Commission.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§355. Harvest Regulations—Billfishes

A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations regarding the harvest of billfishes including marlins, roundscale spearfish, sailfish and swordfish within and without Louisiana's territorial waters. For purposes of this Section, the following words and phrases have the meaning ascribed to them in this subsection, unless the context clearly shows a different meaning.

Cleithrum to Caudal Keel (CK)—measurement along the curved body contour used if the head is removed/not naturally attached from the point on the cleithrum that provides the shortest possible measurement along the body contour to the anterior portion of the caudal keel. The cleithrum is the semicircular bony structure at the posterior edge of the gill opening.

Lower Jaw Fork Length (LJFL)—straight-line length from the tip of the lower jaw to the fork of the tail.

Trip—a fishing trip, regardless of the number of days duration, that begins with departure from a dock, berth, beach, seawall or ramp and that terminates with return to a dock, berth, beach, seawall or ramp.

B. Minimum Size Limits—no person shall possess any fish smaller than the minimum size limit.

Species	Minimum Size Limit
1. Blue Marlin	99 inches Lower Jaw Fork Length (LJFL)
2. White Marlin	66 inches Lower Jaw Fork Length (LJFL)
3. Roundscale Spearfish	66 inches Lower Jaw Fork Length (LJFL)
4. Sailfish	63 inches Lower Jaw Fork Length (LJFL)
5. Swordfish	47 inches Lower Jaw Fork Length (LJFL) or 25 inches Cleithrum to Caudal Keel (CK).

C. Recreational Creel Limit. Recreational fishing vessels shall not possess more than one swordfish per person with a maximum of four swordfish per vessel per trip, whichever is less. Charter vessels may not possess more than one swordfish per paying passenger with a maximum of up to six per vessel per trip, whichever is less. Headboat vessels may not possess more than one swordfish per paying passenger with a maximum of up to fifteen per vessel per trip, whichever is less. Swordfish taken under a recreational bag limit shall not be sold, purchased, exchanged, bartered, or attempted to be sold, purchased, exchanged, or bartered.

D. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:326.1, and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:542 (March 1999), amended LR 26:1676 (August 2000), LR 27:2266 (December 2001), LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 974.5.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit comments relative to the proposed Rule to Jason Adriance, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to jadriance@wlf.la.gov prior to noon on Thursday, October 6, 2022.

Joe McPherson
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Harvest Regulations—Billfishes

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

The proposed rule change will have no expenditure impact on state or local governmental units. The proposed rule change does the following:

(1) Adds the roundscale spearfish to the list of species included in the state's billfish category and establishes a minimum size limit of 66 inches lower jaw fork length for the species.

(2) Eliminates descriptions of the carcass length and dressed weight measurements in the billfish's section of Title 76 and inserts a definition of the cleithrum to caudal keel measurement.

(3) Alters the definition of the minimum size length for swordfish, replacing the current measurement standards (29 inches carcass length or 33 inches dressed weight) with alternative measurement standards (47 inches lower jaw fork length or 25 inches cleithrum to caudal keel).

(4) Alters the possession limit for swordfish on recreational fishing vessels, eliminating the current possession limit of five fish per vessel with an alternative possession limit of one fish per person with a maximum of four fish per vessel, whichever is less.

(5) Establishes a possession limit for swordfish on charter vessels: one fish per paying passenger aboard the vessel or a maximum of six fish per vessel, whichever is less.

(6) Establishes a possession limit for swordfish on headboats: one fish per paying passenger aboard the vessel or a maximum of 15 fish per vessel, whichever is less.

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

The proposed rule change is expected to have no effect on revenue collections of the Louisiana Department of Wildlife and Fisheries (LDWF) or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change that lowers the possession limits for swordfish on recreational vessels from five fish per vessel to one fish per person with a maximum of four fish per vessel may have a minor negative effect on private anglers who harvest swordfish.

The proposed rule changes that establish possession limits for charter boats and headboats of one fish per paying passenger aboard with a maximum of 6 or 15 fish respectively per vessel may have a minor positive effect on for-hire vessel operators and their customers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no competition and employment or income in Louisiana.

Bryan McClinton
Undersecretary
2208#071

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Sharks and Sawfishes—Harvest Regulations
(LAC 76:VII.357)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.357) by modifying the closed season for the recreational and commercial harvest of sharks. Currently, the recreational and commercial harvest of all sharks is prohibited from April 1 through June 30 of each year and this proposed Rule modifies that prohibition by removing the closed season from Rule. This change is being made to allow more

opportunity for both recreational and commercial fishers to harvest those sharks whose populations are healthy and abundant during that time of year. The authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:6(34) to the Wildlife and Fisheries Commission.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery **§357. Sharks and Sawfishes—Harvest Regulations**

A. - L. ...

M. Seasonal Closures

1. The secretary of the Department of Wildlife and Fisheries is hereby authorized to close any recreational or commercial fishery for sharks, within and without Louisiana's territorial waters, when the secretary is notified by the National Marine Fisheries Service that the seasonal quota for that species group and fishery has been met. The closure order shall close the fishery until the date projected for the reopening of that fishery in the adjacent federal waters. The secretary is also hereby authorized to modify any such closure order to maintain consistency with reopening dates in the adjacent federal waters, should the federal closure dates be modified.

N. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:326(E)(2), R.S. 56:326.1, R.S. 56:326.3, R.S. 56:320.2(C), and R.S. 325.2(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:543 (March 1999), amended LR 27:2267 (December 2001), LR 30:1507 (July 2004), LR 35:705 (April 2009), LR 39:1062 (April 2013), LR 43:1188 (June 2017), LR 46:50 (January 2020), and LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 974.5

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit comments relative to the proposed Rule to Jason Adriance, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to jadriance@wlf.la.gov prior to Thursday, October 6, 2022.

Joe McPherson
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Sharks and Sawfishes Harvest Regulations

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

The proposed rule change will have no impact on state or local governmental unit expenditures.

The proposed rule change eliminates the current three-month closed recreational and commercial season for sharks (April 1st through June 30th) and allows commercial and recreational landings of sharks in Louisiana all year-round.

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

The proposed rule change is expected to have no effect on revenue collections of the Louisiana Department of Wildlife and Fisheries (LDWF) or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is anticipated to have a positive effect on anglers and commercial fishers who harvest sharks. The increase in dockside value of shark landings accruing to commercial fishers is expected to be approximately \$69,913 per year.

Because recreational landings of shark in Louisiana are relatively small (perhaps 700 to 1,000 sharks per year), the increase in recreational fishing opportunities resulting from the proposed rule change is expected to be modest.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on receipts or income in Louisiana.

Bryan McClinton
Undersecretary
2208#072

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Rules of Procedure; Adjudication
(LAC 46:XLV.9920)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 *et seq.*, and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing recusal in administrative hearings and/or proceedings to clarify that in addition to the board, the Director of Investigations (DOI) and/or the Independent Counsel may also be recused, and to provide for a pro tem DOI, when needed, and the qualifications of the pro tem DOI. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 99. Adjudication

§9920. Recusal

A. Any board member, director of investigations, and/or independent counsel who, because of bias or interest, is unable to assure a fair and impartial hearing and/or administrative proceeding shall be recused from that particular proceeding. The reasons for the recusal shall be made part of the record. Should the majority of the board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding. Should the Director of Investigations be recused from a particular hearing and/or administrative proceeding, the board will contract for or specify a pro tem Director of Investigations who meets the criteria outlined in R.S. 37:1270(A)(9) to the satisfaction of the board, for that particular proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2630 (December 2015), amended LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed

amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:974.5.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., September 19, 2022.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on September 27, 2022 at 3 p.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.,
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rules of Procedure; Adjudication

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

The proposed changes will result in a one-time publication expense estimated at \$789.00 in FY 22 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

The proposed Rule would amend the LSBME's rules governing recusal in administrative hearings and/or proceedings to clarify that in addition to the board, the Director of Investigations (DOI) and/or the Independent Counsel may also be recused, and to provide for a pro tem DOI, when needed, and the qualifications of the pro tem DOI.

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

There is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendment will have any economic benefit to directly affected persons, small businesses, or non-governmental groups and/or have any material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2208#095

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Speech-Language Pathology and Audiology

Speech-Pathology and Audiology
(LAC 46:LXXV.Chapters 1-7)

Editor's Note: The following Notice of Intent is being promulgated to correct a submission error. The original promulgation may be viewed in the May 20, 2022 *Louisiana Register* on pages 1326-1346.

Notice is hereby given in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3085, that the Board of Speech-Language Pathology and Audiology proposes to amend its current regulations to make technical changes and clarifications, edits to definitions, remove the clinical practicum hour requirement for audiologists, add a waiver for audiology applicants, revise the duties of speech-language pathology assistant license and provisional speech-language pathology assistant licenses, as well as, revise the procedural rules for investigation of complaints.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXV. Speech Pathology and Audiology

Chapter 1. General Rules

§103. Definitions

A. ...

Accredited Educational Institution—college or university that holds regional accreditation.

Accredited Educational Program—a graduate program in audiology or speech-language pathology that is accredited by the Council for Academic Accreditation in Audiology and Speech-Language Pathology (CAA) or the Accreditation Commission for Audiology Education (ACAE).

Aides—individuals not licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (LBESPA) who, after appropriate training, perform tasks that are prescribed, directed, and supervised by speech-language pathologists or audiologists licensed in accordance with R.S. 37:2659(A) or (B). Licensed audiologists and licensed speech-language pathologists are legally, ethically, and morally responsible for the services provided by aides working under their direction.

Assistant Licensee—an individual who meets the qualifications established by R.S. 37:2659(F), and works under the direct supervision of a licensed speech-language pathologist and performs only those duties specified in §119. May engage in the provision of services via telehealth delivery as directed by their supervisor, provided all supervision guidelines are met.

Criminal History Record Information—information collected by state and federal criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information or any other formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision and release.

Direct Supervision—the supervisor observing the licensee engaging in a specified clinical activity with a patient/client in order to obtain knowledge and provide guidance regarding the supervisee's clinical work. The supervisor shall accomplish this task either by being physically present in the room or through the use of a secure live video, live stream or web cam.

Facilitator—the individual at the client site who assists with the delivery of telehealth services at the direction of the audiologist or speech-language pathologist.

Full-Time Supervised Professional Employment/Experience—a minimum of 36 weeks engaged in the provision of clinical services. Volunteer services are not acceptable.

Grace Period—the period in which an applicant may be employed while an initial application for licensure is being considered by the board. The grace period cannot exceed 60 days from the date that the application is received by the board.

Indirect Supervision—the utilization of alternative methods, other than direct supervision, to acquire knowledge of a supervisee's clinical work, e.g. review of client folders and record keeping, scheduling, and planning.

Nine Months of Full-Time Supervised Postgraduate Professional Employment/Experience—repealed.

On-Site In-View Observation—repealed.

Part-Time Employment/Experience—a minimum of 15 hours, but less than 30 clock hours per week.

Part-Time Postgraduate Professional Employment Experience—part-time experience greater than or equal to a minimum of 15 hours per week up to 72 weeks of employment experience.

Provisional Assistant Licensee—an individual who meets the qualifications established in R.S. 37: 2659(G) and works under the direct supervision of a licensed speech-language pathologist and performs only those duties specified in §121. This person has completed a minimum of 100 of 225 supervised clinical practicum hours and is working to complete the remaining hours on-the-job and/or through a regionally accredited educational institution or its cooperating programs. May not engage in the provision of

services via telehealth delivery; however, the individual may function as a facilitator given appropriate training.

Supervised On-the-Job Training—direct supervision hours which have been obtained during paid employment, and documented on the form provided by the board.

* * *

Telehealth—also known as telepractice, is a mode of delivering audiology and speech-language pathology services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education care management, and self-management of clients at a distance from the audiologist or speech-language pathologist provider. Telehealth allows services to be accessed when providers are in a distant site and patients are in the originating site. Telehealth facilitates self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:705 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001), LR 28:1781 (August 2002), LR 30:2307 (October 2004), LR 33:2192 (October 2007), LR 37:2392 (August 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1665 (October 2016), LR 45:249 (February 2019), LR 48:

§105. Designations

A. - A.2. ...

3. Repealed.

4. PL-SLP—Provisional Speech-Language Pathologist

5. R-SLP—Restricted Speech-Language Pathologist

B. ...

1. When signing formal and informal professional documents, speech-language pathology assistants and provisional speech-language pathology assistants shall write their full license title, e.g., B.A., SLP assistant or B.A., provisional SLP assistant. speech-language pathology assistants and provisional speech-language pathology assistants shall always identify themselves as such in professional interactions.

C. Titles and academic credential designations shall represent earned degrees obtained through regionally accredited university programs. To appropriately represent the level of education in the area of practice, when listing an educational designation, the licensee shall list the highest degree earned in audiology or speech-language pathology. In addition, graduate degrees earned in other disciplines must specify the area in which the degree was earned [e.g., B.S. (speech-language therapy), M.Ed. (administration)]. When listing credentials, licensees should sequentially list their name, educational designation, license designation, and professional certification, e.g., M.A., L-SLP, CCC-SLP.

D. Telehealth registrants must list their field of practice, audiology or speech-language pathology, and indicate “limited to telepractice only”.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:346 (May 1996), amended LR

27:197 (February 2001), LR 30:2308 (October 2004), LR 33:2192 (October 2007), LR 48:

§107. Qualifications for Licensure

A. Coursework Requirements—Audiology License. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities (including programs in candidacy) evidencing completion of at least 75 semester credit hours of post-baccalaureate coursework for applicants who completed a doctoral program after January 1, 2005.

B. Coursework Requirements—Audiology License. The following coursework requirements apply to applicants who completed a master's program after January 1, 1994.

1. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities evidencing completion of at least 75 semester hours of coursework which constitutes a well-integrated program.

2.a. - b. ...

C. Coursework Requirements—Audiology License. The following coursework requirements apply to applicants who completed a master's program which was begun prior to January 1, 1994.

1. - 2.c. ...

D. Coursework Requirements—Speech-Language Pathology License and Provisional Speech-Language Pathology License. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities (including programs in candidacy) evidencing completion of 75 semester credit hours, including at least 36 at the graduate level, from an accredited speech-language pathology program for applicants who began a graduate program after January 1, 2004.

E. - F.2.b. ...

c. A maximum of 6 academic semester credit hours associated with clinical practicum may be counted toward the minimum of 30 semester credit hours of professional coursework, but those hours may not be used to satisfy the minimum of 12 semester credit hours in speech/language disorders, 6 hours in language disorders, or 3 hours in audiology, or the 21 graduate credits in the professional area for which the license is sought.

*If seeking licensure in both speech-language pathology and audiology, at least 15 graduate level semester hours in each area are required.

G. - H.1.c. ...

2. Audiology License

a. The program or clinical director from an accredited educational institution must verify that the individual has met the breadth and depth of clinical experiences.

b. - c. ...

3. Speech-Language Pathology Assistant License

a. 225 clinical practicum hours are required, the first 100 of which shall have been obtained through a regionally accredited educational institution or its cooperating programs. Of the 100 hours obtained through a regionally accredited educational institution, 75 shall be obtained through direct patient/client contact. No simulation experiences will be accepted. The remaining 25 hours may be obtained through observation of assessment and therapy. It is recommended that the direct patient/client contact hours be obtained in at least two practicum sites with one site being a public school setting. The first 75 hours of direct

patient/client contact shall be obtained in the following categories:

i. - ii. ...

iii. the remaining 35 hours may be obtained in the areas of speech, language or hearing disorders. A maximum of 5 of these hours may be in the area of audiology. It is recommended that a minimum of 20 hours be obtained in articulation.

b. The remaining 125 hours must be obtained on-the-job and/or through a regionally accredited educational institution or its cooperating programs. Simulation experiences are not accepted.

4. - 4.a.i.(b). ...

(c). the remaining 35 hours may be obtained in the areas of speech, language or hearing disorders. A maximum of 5 of these hours may be in the area of audiology. It is recommended that a minimum of 20 hours be obtained in articulation.

b. The additional 125 hours required to upgrade to the speech-language pathology assistant license shall be obtained within three years of the date of issuance of the provisional assistant license and may be obtained by completing the remaining hours on-the-job and/or through a regionally accredited educational institution or its cooperating programs. Those hours obtained through supervised on-the-job training must consist of direct supervision hours and will only be accepted from the date that the application for license is received by the board.

c. A provisional speech-language pathology assistant must request, in writing, deferment of the three-year period to complete licensure upgrade requirements. Such deferment may only be requested if there is an extenuating circumstance, such as inability to obtain employment in the area of speech-language pathology. The license must be renewed annually. Such deferment may only be held for a period of three years from the time of board approval.

i. If the licensee has never worked as a provisional speech-language pathology assistant, a notarized statement shall be submitted to the board annually.

ii. ...

iii. Licensees on inactive status may retain their license by payment of the annual renewal fee. In order to resume practice as a speech-language pathology assistant, licensees on inactive status shall demonstrate completion of 5 clock hours of continuing education in the area of licensure for each year that inactive status was maintained (maximum of 25 hours).

I. Equivalency Requirements—Speech-Language Pathology, Provisional Speech-Language Pathology, or Audiology License

1. Individuals who do not possess a graduate degree in either audiology or speech-language pathology but wish to obtain a license through the equivalency process shall meet the coursework, practicum and examination requirements for the area in which licensure is sought as defined in the board's rules entitled coursework requirements: audiology license; coursework requirements: speech-language pathology license and provisional speech-language pathology license; clinical practicum hour requirements and examination requirement.

J. Postgraduate Professional Employment/Experience

1. A graduate-level speech-language pathologist must submit verification of 36 weeks of full-time postgraduate professional employment/experience or its full-time equivalent.

2. Repealed.

K. Examination Requirement—Speech-Language Pathology License, Provisional Speech-Language Pathology License, Audiology License

1. The board recognizes only the educational testing service's specialty area examinations for audiology and speech-language pathology as the licensure examination for audiology and/or speech-language pathology. Scores received directly from the applicant are not acceptable for licensing purposes.

2. The passing scores for the audiology and speech-language pathology area examinations are determined by the educational testing service.

3. If an individual has never held a license to practice audiology or speech-language pathology in another state, and if the degree program was completed greater than 10 years from the date of application, the passing score on the specialty area examination for audiology or speech-language pathology must have been obtained within the last 5 years.

L. - L.1.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001), repromulgated LR 27:1690 (October 2001), amended LR 28:1781 (August 2002), LR 30:2308 (October 2004), LR 33:2192 (October 2007), LR 37:2393 (August 2011), LR 39:1042 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1666 (October 2016), LR 48:

§109. Licensure Application Procedures

A. - B. ...

C. Official transcripts shall be sent to this board directly from the college or university from which the academic requirements were earned.

D. Documentation of supervised clinical practicum hours shall be submitted on university forms signed by a clinical supervisor or director, and must be submitted along with the application form. The hours submitted must reflect the depth and breadth of clinical experiences across the lifespan.

E. The initial license fee submitted to this board with the application form shall be paid by credit card.

F. - G. ...

H. Documentation of 36 weeks of postgraduate professional employment/experience, a passing score on the educational testing service's specialty area examination, and verification of supervised clinical practicum hours may be waived for individuals who submit verification that they hold the certificate of clinical competence from the American Speech-Language-Hearing Association or proof of certification from the American Board of Audiology (ABA) with proof of passing the national exam. Documentation must be submitted with the application form.

I. - L. ...

M. Applicants who have not obtained licensure within one year of the board's receipt of the application shall be deemed to have abandoned the application, resulting in mandatory reporting to the appropriate federal data bank. An

applicant may request a withdrawal of the application subject to review and approval by the board.

N. Individuals holding an unrestricted audiology or speech-language pathology license from another state shall be allowed to practice in Louisiana for five consecutive days within each renewal period upon proof of current licensure submitted to the board office 10 days prior to the scheduled activity.

O. When there is probable cause to believe that an applicant practiced illegally in Louisiana as an audiologist, speech-language pathologist, and/or speech-language pathology assistant, the board may offer a consent agreement and order which will grant the individual a license, subject to the following specified terms and conditions.

1. Within 90 days of the date of the consent agreement and order, the applicant shall take and pass an open book examination regarding R.S. 37:2650-2666, the board's rules and regulations, and ethical questions.

a. Open book test fee shall be \$30. The retest fee shall be \$10 per section.

b. Applicants have 4 1/2 hours to complete all sections of the test.

c. The open book examination or any section may be re-taken anytime within the 90 days.

d. Notice of the consent agreement and order shall be published and reported.

e. If the applicant fails to successfully complete all requirements set forth in the above paragraphs, the applicant's license shall be suspended without further notice until the board receives and accepts documentation of the applicant's completion of the consent agreement and order requirements.

P. Temporary Registration during a Declared Public Health Emergency

1. In a public health emergency lawfully declared as such by the governor of Louisiana, the requirement for a Louisiana license as an audiologist, speech-language pathologist, or speech-language pathology assistant may be waived by the board at that time to those out-of-state audiologists, speech-language pathologists, or speech-language pathology assistants, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, for a period of time not to exceed the duration and scope of R.S. 29:769(E), as more particularly set forth in this Section.

2. The following requirements for temporary registration may be imposed pursuant to the declared state of emergency and shall be in accordance with rules promulgated by the board.

3. An audiologist, speech-language pathologist, or speech-language pathology assistant not licensed in Louisiana, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, may gratuitously provide audiology and speech-language pathology services if:

a. the audiologist, speech-language pathologist, or speech-language pathology assistant has photo identification and a license to verify a current and unrestricted license, certification or registration in another jurisdiction of the United States, and properly registers with the board prior to providing audiology or speech-language pathology services in Louisiana as follows:

i. the audiologist, speech-language pathologist, or speech-language pathology assistant is engaged in a legitimate relief effort during the emergency period, and provides satisfactory documentation to the board of the location site(s) that he/she will be providing gratuitous audiology or speech-language pathology services;

ii. the audiologist, speech-language pathologist, or speech-language pathology assistant shall comply with the Louisiana Speech-Language Pathology and Audiology Practice Act, board rules, and other applicable laws, as well as practice in good faith, and within the reasonable scope of his/her skill, training, and ability; and

iii. the audiologist, speech-language pathologist, or speech-language pathology assistant renders services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of services within the state of Louisiana.

4. This temporary registration period shall not exceed 60 days at the discretion of the board, with the potential extension of up to two additional periods not to exceed 60 days for each extension as determined appropriate and necessary by the board.

5. All interested audiologists, speech-language pathologists, and speech-language pathology assistants shall submit a copy of their respective current and unrestricted licenses, certifications or registrations issued in other jurisdictions of the United States and photographic identification, as well as other requested information, to the Louisiana Board of Examiners for Speech-Language Pathology and Audiology for registration with this agency prior to gratuitously providing audiology or speech-language pathology services in Louisiana.

6. Should a qualified audiologist, speech-language pathologist, or speech-language pathology assistant registered with the board fail to comply with any requirement or condition established by this Section, the board may terminate his/her registration upon notice and hearing.

7. In the event an audiologist, speech-language pathologist, or speech-language pathology assistant fails to register with the board, but practices audiology or speech-language pathology, whether gratuitously or otherwise, then such conduct will be considered the unlawful practice of audiology or speech-language pathology and prosecuted accordingly.

Q. Volunteer Services. Individuals seeking to provide services on a voluntary basis shall hold an unrestricted out-of-state license in the area of practice, shall be deemed to meet all of the qualifications for license set forth by this Chapter, and shall abide by the Code of Ethics.

R. Licensing Military Members and Military Spouses

1. Expedited application for licensure in the area of audiology or speech-language pathology shall be granted to military members and military spouses licensed, certified or registered in another jurisdiction, while the individual is satisfying the requirement for licensure.

a. Applications shall be submitted in accordance with §109.

b. Military members shall submit with the application a copy of current military-issued identification and military orders.

c. Applicants who are the spouse of military personnel shall submit with the application a copy of current military-issued identification, marriage license, and an affidavit attesting that applicant is married to military personnel.

2. Military applicants shall submit:

a. military members—official, primary-source documentation verifying requirements met in accordance with §107 and §115;

b. military spouse—official, primary-source documentation verifying requirements met in accordance with §107 and §115.

3. Military members and military spouses shall be given a 60-day grace period for submission of official documentation from the date their notarized application and license fee are received by the board office, regardless of lapsed license status. The board may consider an extension of this grace period as per House Concurrent Resolution 74 of the 2015 Regular Session of the Louisiana Legislature.

4. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:352 (May 1996), LR 27:199 (February 2001), LR 28:1974 (September 2002), LR 30:2311 (October 2004), LR 33:2193 (October 2007), LR 37:2393 (August 2011), repromulgated LR 37:2623 (September 2011), LR 39:1043 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1666 (October 2016), LR 45:251 (February 2019), LR 48:

§111. Application for Telehealth Registration

An application to practice audiology and/or speech-language pathology via telepractice shall be made on forms supplied by the board.

Criminal history record information must be submitted with the application form.

Proof of unrestricted, unencumbered current licensure granted in the home state based on standards at least equivalent to those in Louisiana shall be submitted.

Applicants shall provide official verification of licensure and/or registration status in each state, including any formal disciplinary action resulting in sanction and/or disciplinary proceedings which are pending.

The initial telehealth registration fee submitted to this board shall be paid by cashier's check, money order, or credit card.

Until an application has been approved by the board, the audiologist and/or speech-language pathologist shall not engage in delivery of telepractice services to Louisiana residents.

Applicants who have not obtained registration within one year of having submitted the application shall be deemed to have abandoned the application, resulting in mandatory reporting to the appropriate federal data bank. An applicant may request a withdrawal of the application subject to review and approval by the board.

In order for telehealth registration to remain current in Louisiana, the individual must maintain an unrestricted, unencumbered current license in another state, whose

standards are at least equivalent to those in Louisiana. Telehealth registrants must report any previous or pending disciplinary actions in any state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 48:

§113. Criminal History Record Information

A. In addition to any other requirements established by regulation, an applicant is required, as a condition for eligibility for licensure/registration, to:

1. submit a full set of fingerprints, in a form and manner prescribed by the board;

2. permit the board to obtain state and national criminal history record information on the applicant;

3. submit the fee for state and national criminal history record information on the applicant.

B. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed non-public and confidential information restricted to the exclusive use of the board, its members, investigators, agents, and attorneys in evaluating the applicant's suitability and eligibility for licensure/registration. No such information or records shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

C. An applicant who denies the existence or extent of criminal history record information on an application, which is discovered by information, records, or documentation provided by the state police, FBI, or any other state, national, or foreign jurisdiction shall, in addition to the potential disqualification of licensure for any of the causes specified in §141 of this Chapter, be deemed to have provided false, misleading, or deceptive information, or false sworn information on an application for licensure, and to have engaged in unprofessional conduct, providing additional cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by an applicant in the state of Louisiana culpable of such violation, pursuant to R.S. 37:2662.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 48;

§115. Licensure by Reciprocity

A. The board may waive the examination for applicants who present proof of current licensure in another state with standards equivalent to those of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:354 (May 1996), LR 30:2311 (October 2004), LR 48:

§117. Additional Requirements for International Applicants/Speakers of English as a Second Language

A. Any document required to be submitted to this board with an application for a license shall be in the English

language, or accompanied by a certified translation thereof into the English language.

B. As a condition of the board's consideration of the license application of a graduate of a foreign college or university, the applicant shall provide the board with an evaluation of the applicant's transcript from an approved credentials evaluation agency. A list of approved agencies, and their addresses, may be obtained from the board.

C. The essence of the practice of audiology and speech-language pathology is communication; therefore an applicant whose primary language is not English shall:

1. submit a passing score on a nationally recognized English proficiency examination as approved by the board. The passing score must have been obtained within the past two years;

2. an English proficiency assessment may be conducted in-person by the board or its designees as a condition for licensure.

C.3. - D.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:354 (May 1996), LR 27:201 (February 2001), LR 30:2311 (October 2004), LR 37:2394 (August 2011), LR 48:

§119. Requirements to Upgrade License

A. The provisional speech-language pathology licensee who has not passed the examination at the time of initial licensure shall submit the following to upgrade his/her license status:

1. an official copy of a passing score on the educational testing service area examination;

2. verification of thirty six weeks of full-time postgraduate professional employment/experience or its part-time equivalent in the field the license is held;

3. proof of supervision through date of upgrade (Form 100);

4. upgrade fee of \$30.

B. The provisional speech-language pathology licensee who has not completed the thirty six weeks of postgraduate professional employment/experience at the time of initial licensure shall submit the following to upgrade his/her license status:

1. verification of 36 weeks of full-time postgraduate professional employment/experience or its part-time equivalent in the field the license is held;

2. proof of supervision through date of upgrade (Form 100);

3. upgrade fee of \$30.

C. The provisional speech-language pathology assistant shall submit the following to upgrade the license status:

1. proof of 225 supervised clinical practicum hours shall be on file in the board's office. Only direct supervision hours and/or university practicum hours may be counted towards the 225 hours;

2. ...

D. The restricted audiology or restricted speech-language pathology licensee who holds a master's degree or its equivalent in audiology or speech-language pathology shall submit the following documents to upgrade their license:

1. ...

2. verification of 36 weeks of post-graduate professional employment/experience or its part-time equivalent in the field in which the license is held;

3. - 4. ...

E. Only those hours that have been obtained on-the-job as paid professional experience may be counted towards an upgrade.

F. Restricted speech-language pathology licensees who hold a bachelor's degree who wish to change their status to a provisional speech-language pathology license shall submit an application for license and meet the requirements of R.S. 37:2659.

G. Speech-language pathology assistant licensees who wish to change their status to a provisional speech-language pathology license shall submit an application for license and meet the requirements of R.S. 37:2759.

H. Postgraduate professional employment/experience which counts toward upgrading the license status will only be accepted from the date that the licensee's application was received by the board.

I. It is the responsibility of the licensee to submit the documents and make a written request for upgrade of their license status. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with a written request for license upgrade and the upgrade fee. The licensee shall remain under supervision until the upgrade has been approved by the board.

J. If a passing score of the educational testing service's specialty area examination in speech-language pathology is not submitted within one year from the date of issuance of the license, a provisional licensee must apply for a speech-language pathology assistant license. This individual may perform only those duties as specified in §121 and must be supervised in accordance with the requirements specified in §131.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:349 (May 1996), amended LR 27:197 (February 2001), LR 28:1971 (September 2002), LR 30:2312 (October 2004), LR 33:2194 (October 2007), LR 37:2394 (August 2011), LR 48:

§121. Duties: Speech-Language Pathology Assistant License and Provisional Speech-Language Pathology Assistant License

A.1. All duties performed by the speech-language pathology assistant licensee or provisional speech-language pathology assistant licensee shall be assigned by a licensed speech-language pathologist and shall be supervised in accordance with the rules and regulations specified by the board. Caseload assignments shall be consistent with the knowledge base and training of the licensee for the performance of the following tasks:

a. conduct speech-language screenings. All screening reports shall be cosigned and interpreted by the supervising speech-language pathologist;

b. - d. ...

e. document patient/client progress toward meeting established objectives as stated in the treatment plan;

f. - g. ...

h. with permission and guidance of the supervising speech-language pathologist, speech-language pathology assistants may participate in parent conferences, individualized educational program meetings (IEP), case conferences, interdisciplinary team conferences, and research projects. Provisional speech-language pathology assistants may participate in these activities only with the supervising speech-language pathologist present.

i. Speech-language pathology assistants may engage in telepractice as directed by their supervisor, provided all supervision guidelines are met. Provisional speech-language pathology assistants may not engage in telepractice.

2. Duties outside the Scope of Practice of a Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant

- a. ...
 - i. ...
 - ii. conduct evaluations, even under supervision;
 - iii. interpret test and assessment results;
 - iv. screen, diagnose, or treat clients for feeding and swallowing disorders;
 - v. demonstrate swallowing strategies or precautions to clients, family, or staff;
 - vi. work with a communication or related disorder unless s/he has had sufficient coursework with appropriate supervised practicum in that area obtained through a regionally accredited educational institution or its cooperating programs;
 - vii. provide patient/client or family counseling;
 - viii. select and/or discharge patients/clients for services without the approval of the supervising speech-language pathologist;
 - ix. disclose clinical or confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist and without the authorization of the patient/client or their designee;
 - x. make referrals for additional services without the approval of the supervising speech-language pathologist;
 - xi. participate in Individualized Family Service Plan (IFSP) meetings without the supervising speech-language pathologist.
 - xii. Provisional speech-language pathology assistants may not participate in parent conferences, Individualized Educational Program (IEP), Individualized Family Service Plan (IFSP) meetings, case conferences, interdisciplinary team conferences, and research projects unless the supervising speech-language pathologist is present.
 - xiii. Provisional speech-language pathology assistants may not engage in telepractice; however, the individual may function as a facilitator given appropriate training

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 30:2312 (October 2004), amended LR 33:2194 (October 2007), LR 37:2394 (August 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 45:255 (February 2019), LR 48:

§123. Fees

A. The board collects the following fees, which are non-refundable:

1. initial Louisiana license application—\$125;
2. dual license application—\$225;
3. renewal of license submitted on or before June 30, of each year—\$65:
 - a. dual licensure renewal—\$90;
4. delinquent renewal fee submitted between July 1 and July 31, of each year—\$130;
 - a. dual licensure renewal—\$180;
5. initial telehealth registration fee—\$50;
6. renewal of telehealth registration submitted on or before June 30, of each year—\$25;
7. renewal of telehealth registration submitted between July 1 and July 31, of each year—\$50;
8. licensure upgrade—\$30;
9. continuing education pre-approval fee for corporations or individuals who are not LBESPA licensees—\$50;
10. mailing lists—
 - a. \$200 for speech-language pathologists;
 - b. \$25 for audiologists;
 - c. \$25 for speech-language pathology assistants.
11. NSF or returned check—\$40;
12. open book test fee—\$30:
 - a. open book retest fee, per section—\$10;
13. publications to include law, rules, etc.—\$5 ea. plus postage and handling;
14. re-issuance of license or registration certificate—\$25;
15. subpoena within East Baton Rouge Parish—\$50:
 - a. subpoena plus state-allowed travel rate per mile outside East Baton Rouge Parish—\$50;
16. verification of license or registration (written)—\$10;
17. an additional fee may be charged for credit card transactions in accordance with state treasury rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:350 (May 1996), LR 27:197 (February 2001), repromulgated LR 27:1691 (October 2001) amended LR 30:2313 (October 2004), LR 33:2195 (October 2007), LR 37:2395 (August 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1666 (October 2016), LR 48:

§125. Renewals

A. All licenses and registrations shall be renewed annually by June 30, to avoid delinquent renewal fees.

B. Initial licenses and registrations issued during the last quarter of the fiscal year, i.e., April, May, and June, will not be required to be renewed during that fiscal year. No continuing education hours will be required of the licensee or registrant for that period.

C. Licensees shall list on their renewal form the licensees (i.e., provisional speech-language pathologists, restricted speech-language pathologists, restricted audiologists, speech-language pathology assistants, or provisional speech-language pathology assistants) and aides that they are supervising.

D. It is the licensee and registrant's continuing obligation to keep the board informed of his/her current mailing address.

E. Licensees shall participate in continuing professional education activities for each license period, July 1-June 30, in accordance with §127.

F. - F.5. ...

G. Licensees who hold a license requiring supervision and who are not working in the field of audiology and/or speech-language pathology shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

H. The board may refuse to consider any renewal application which is not complete in every detail, including submission of every document required by the application form and instructions. The board may, in its discretion, require additional information as a condition for consideration of the application.

I. Delinquent Renewal

1. Delinquent requests for renewals will be accepted by the board through July 31, provided the delinquent renewal fee is paid in accordance with §123, and the continuing education requirements have been met.

2. A licensee whose license lapsed on August 1, and applies to reinstate prior to the following June 30, is required to submit a completed application, proof of continuing education, initial license fee and delinquent renewal fee in accordance with §123 and §127.

3. A licensee whose license lapsed on August 1, and applies for reinstatement after June 30, of the following year, is required to submit a completed application, proof of continuing education, and is subject to the initial license fee and the requirements of §127.

4. A telehealth registrant whose registration lapsed on August 1, must complete the initial application process for telehealth registration.

J. Conditional Renewal

1. Licensees who previously held a full, valid license which was obtained under the grandfather clause of Act 260 of the 1978 Regular Session of the Louisiana Legislature, whether delinquent or lapsed, for a period not to exceed five years, shall be eligible for licensure renewal or reinstatement upon meeting the continuing education requirement and submitting the appropriate renewal fee in accordance with §123. If the license has lapsed for a period of more than five years, applicants shall reapply in accordance with the requirements enumerated in R.S. 37:2651 et seq., as amended by Act 892 of the 1995 Regular Session of the Louisiana Legislature.

2. Licensees who previously held a restricted license which was obtained under Act 260 of the 1978 Regular Session of the Louisiana legislature, whether delinquent or lapsed, shall be eligible for licensure renewal or reinstatement, upon meeting the continuing education requirement and submitting the appropriate renewal fee as required in accordance with §123 and §127.

3. Licensees who allow their license to lapse (August 1) shall submit documentation of completion of five clock hours of continuing education (maximum of 25 hours) in the area of licensure for each year that the license has lapsed in

addition to meeting the license requirements enumerated in R.S. 37:2650 et seq.

4. Licensees who have allowed their license to lapse for a period of five years or greater, and do not hold a current audiology or speech-language pathology license in another state, must submit evidence of 25 continuing education hours directly related to the clinical practice of the license being sought and must have been obtained within the past 18 months.

5. Licensees who have allowed their license to lapse for a period of 10 years or greater, and do not hold a current audiology or speech-language pathology license in another state, must submit a passing score on the educational testing service's specialty area examination for audiology or speech-language pathology, as applicable to the license being sought, achieved no more than five years prior to the submission of the request for reinstatement.

6. Renewal of a license will not be granted until all requirements including mandated continuing education hours have been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:351 (May 1996), LR 27:198 (February 2001), LR 28:1972 (September 2002), LR 30:2314 (October 2004), LR 33:2195 (October 2007), LR 37:2395 (August 2011), LR 39:1043 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1667 (October 2016), LR 45:256 (February 2019), LR 48:

§127. Continuing Education Requirements

A. ...

B. Of the 10 hours, five shall be educational activities directly related to the scope of practice of the licensee and must be designed to increase the knowledge and skills in the area of licensure.

C. Of the 10 hours, five may be in areas related to the professions of audiology and speech-language pathology. Such activities shall increase knowledge and skills pertinent to practice. Examples include: billing; coding and reimbursement; record-keeping; ethics; supervision.

D. Audiologists who dispense shall ensure that at least 3 of the total 10 hours are in areas directly related to hearing aid dispensing, such as business/practice management, marketing, aural habilitation/ rehabilitation, diagnostic assessment, characteristics of hearing aids and their application, etc.

E. Dual licensees shall complete 15 hours per year with a minimum of five hours in audiology and five hours in speech-language pathology; the remaining five may be in areas related to the professions of audiology and speech-language pathology. Related activities shall increase knowledge and skills pertinent to practice. Examples include: billing; coding and reimbursement; record-keeping; ethics; supervision.

F. Out-of-state audiologists and speech-language pathologists who hold telehealth registration shall complete the continuing education requirements consistent with the license the individual possesses for the state in which the provider is located. Telehealth registrants residing in states which do not require continuing education for audiologists and/or speech-language pathologists shall complete the

annual continuing education requirements specified in this Section and may be audited.

G. Continuing education events occurring in the month of June will be accepted for the collection period in which they occur or they may be counted in the following collection period which begins on July 1. Hours from one event may not be divided between two collection periods.

H. The graduated scale for the collection of continuing education hours is based on the date an applicant receives his/her initial license or registration.

License/Registration Received	Hours Required
April, May, June	0
January, February, March	3
October, November, December	6
July, August, September	10

I. In the case of extenuating circumstances, when the licensee does not fulfill the continuing education requirements, the licensee shall submit a written request for extension to the board for consideration.

J. Continuing education hours accrued during the applicant's grace period will be accepted.

K. Acceptable continuing education sponsors and activities that are directly related to the practice of audiology and/or speech-language pathology:

1. board-sponsored activities;
2. presentations that are directly in the area of communication disorders sponsored by professional organizations such as American Academy of Audiology (AAA), American Speech-Language-Hearing Association (ASHA), Louisiana Academy of Audiology (LAA), Louisiana Speech-Language-Hearing Association (LSHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), Louisiana Society for Hearing Aid Specialists, etc. Business meetings, luncheons, award ceremonies, receptions, and other non-content area events are not recognized as acceptable continuing education activities;
3. activities provided by ASHA-approved continuing education providers or AAA-approved continuing education activities that are directly in the area of communication disorders;
4. meetings of related professional organizations that are directly in the area of communication disorders (e.g., Council for Exceptional Children, International Dyslexia Association);
5. college courses in the area of licensure, with the exception of clinical practicum, taken for credit or official audit (3 semester hours or 6 quarter hours=10 hours of continuing education);
6. distance learning (video conferences, telephone seminars and internet courses sponsored by universities, schools, clinics, state agencies, hospitals, professional organizations, or related professional organizations) that are directly in the area of communication disorders;
7. workshops and in-services that are university, school, clinic, hospital or state agency sponsored (maximum of five hours in a related area) that are directly in the area of communication disorders. Only content area workshop and in-service time shall count as earned continuing education. Documentation of staff development content must be separated from employee meeting activities such as

announcements, review of deadlines, event planning, and other non-content area activities.);

8. publication of an article in a peer-reviewed journal for the year in which it was published;

9. digital media (e.g. CD, DVD, online webinars, etc.) which is ASHA-approved or AAA-approved continuing education media that are directly in the area of communication disorders;

10. the presenting licensee may count 1 1/2 times the value of an activity the first time it is presented to allow for preparation time (example: a 3 hour workshop=4 1/2 hours). The activity will count for the actual hour value for each subsequent presentation of the same activity;

11. teaching at the college level in the area of communication disorders is not acceptable.

L. Pre-Approval Policy

1. Pre-approval is required for continuing education events that do not meet the requirements as listed under §127.K.1.-11, and pre-approval of continuing education events is required in those situations where it is unclear whether the topic is relevant to the profession or will further a professional's expertise in a particular area.

2. ...

3. Individuals not licensed by LBESPA as well as corporations offering continuing education not addressed under §127.K., must submit a \$50 continuing education review fee along with the pre-approval request.

4. Licensees who elect to attend university classes/courses in audiology and/or speech-language pathology without payment of the university fee shall submit a self-study plan for pre-approval from the Louisiana Board of Examiners for Speech-Language Pathology and Audiology to receive continuing education credits.

5. - 5.a....

b. reading of journal articles that contain self-examination questions. Articles shall be submitted for pre-approval (maximum of 5 hours).

6. ...

M. Recording of Continuing Education Activities

1. Licensees shall record all continuing education activities as prescribed by the board and submitted at the time of renewal.

2. Licensees shall maintain records of continuing education activities completed for three years.

3. Licensees shall not submit repeated continuing education activities for credit within a three-year period.

4. A percentage of licensees will be audited each year as a means of evaluating compliance with the continuing education requirements. The board may request, through random audit, verification of clock hours submitted, including information regarding content and attendance. If the title of the activity does not clearly state the content, a description and/or time-ordered agenda may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:351 (May 1996), amended LR 27:199 (February 2001), LR 28:1973 (September 2002), LR 30:2314 (October 2004), LR 33:2196 (October 2007), LR 37:2395 (August 2011), LR 39:1043 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and

Audiology, LR 42:1667 (October 2016), LR 45:257 (February 2019), LR 48:

§129. Supervision Requirements for Restricted License and Provisional Speech-Language Pathology License

A. Restricted and provisional speech-language pathology licensees are required to undergo direct supervision by a licensed speech-language pathologist, licensed in accordance with R.S. 37:2659(B). Direct and indirect supervision must occur in every work setting in which the licensee is employed. An audiologist, licensed in accordance with R.S. 37:2659(A) may supervise these individuals for the purpose of hearing screening.

B. ...

C. Prior to the initiation of supervision of a restricted or provisional licensee, training in the area of supervision is strongly recommended.

D. An individual may not be supervised by a provisional licensee, restricted licensee, assistant licensee, an individual on inactive status, a telehealth registrant, or an immediate family member.

E. Supervision must involve the direct participation of the supervisor in order for the supervisor to monitor, observe, evaluate, and make suggestions for improvement regarding the supervisee's professional employment.

F. Restricted and provisional speech-language pathology licensees must submit a supervisory agreement signed by the supervisor and supervisee as prescribed by the board. The form must be submitted to the board by the supervisee within 30 days of employment and submitted annually at the time of renewal. If there is a change in supervisor(s) at any time, a new supervisory agreement must be submitted to the board within 30 days of the change in supervision. If there are multiple supervisors for the same supervisee, all supervisors must sign the supervisory agreement.

G. Speech-language pathologists may share the supervision responsibility for Provisional or Restricted licensees, but each supervising speech-language pathologist shall complete and submit the necessary supervision forms.

H. Supervisory records, including supervision logs and other documentation of supervision, shall be maintained by both the supervisor and supervisee for a period of three years. Documentation of supervision may be requested by the board. Submission of inaccurate or falsified supervision documentation may result in disciplinary action.

I. The direct supervision of the licensee, whether employed full-time or part-time, shall include 16 hours annually.

1. At least eight shall be direct observation hours divided between the areas of diagnostics and management. The direct observations must be equal to or greater than a total of eight hours. Indirect supervision hours may include conferences, audio and video recordings, review of written records, staffings and discussions with other persons who have participated in the licensee's training.

2. For 12-month employees, two direct observation hours shall be conducted each quarter.

3. For nine-month employees, four direct observation hours shall occur in each semester. If the nine-month employment is extended for a period of time, additional direct as well as indirect supervision hours must occur.

J. Documentation of supervision shall be submitted annually at the time of license renewal on Form 100 provided by the board.

K. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with an application requesting a license upgrade, along with the upgrade fee. The licensee shall remain under supervision until the upgrade has been approved by the board.

L. The board will accept supervision provided out-of-state by an individual licensed or ASHA-certified in the area of practice. Supervision must be documented on Form 100.

1. Restricted and provisional speech-language pathology licensees who have not worked in Louisiana, may submit their clinical fellowship report as proof of supervision that was carried out during the license period. Otherwise licensees must submit at the time of license renewal, appropriate proof of supervision consistent with Louisiana supervision requirements.

M. Licensees who are not working in the field of speech-language pathology and who hold a license requiring supervision, shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

N. All costs of supervision shall be borne by the licensee or his/her employer, but in no event will those costs be borne by the board.

O. When supervision requirements have not been met in accordance with §129, licensees shall complete additional months of supervision to replace months of incomplete supervision.

P. After three administrative complaints have been accepted by the board against a licensed supervisor, that supervisor may no longer be allowed to supervise for a period of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:352 (May 1996), LR 27:199 (February 2001), LR 28:1974 (September 2002) LR 30:2315 (October 2004), LR 33:2196 (October 2007), LR 37:2396 (August 2011), LR 39:1043 (April 2013), LR 48:

§131. Supervision Requirements for Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant Licensees

A. - B. ...

C. An individual may not be supervised by a provisional licensee, restricted licensee, assistant licensee, an individual on inactive status, a telehealth registrant, or an immediate family member.

D. The supervision requirements specified in these regulations are minimum requirements. It is the responsibility of the speech-language pathologist to design and provide a supervision system that protects patient/client care and maintains the highest possible standards of quality.

E. Supervision must involve the direct participation of the supervisor in order for the supervisor to monitor, observe, evaluate, and make suggestions for improvement regarding the supervisee's employment.

F. The supervisor is responsible for ensuring that the assistant does not make decisions regarding evaluation, management and future disposition of clients.

G. The supervisor is responsible for initial consultation with the assistant regarding coursework and practicum experiences prior to caseload assignment. The supervising speech-language pathologist shall assign only those tasks for which the assistant has been trained.

H. Decision-making regarding specification of on-going treatment protocol and necessary modifications, is the responsibility of the supervisor. The level of supervision required is considered the minimum necessary to ensure appropriate patient/client care.

I. The supervising speech-language pathologist shall be readily available for consultation with the assistant licensee. This includes personal contact, telephone, or other means of communication.

J. Speech-language pathology assistants and provisional speech-language pathology assistants must submit a supervisory agreement signed by the supervisor and supervisee as prescribed by the board. The form must be submitted to the board by the supervisee within 30 days of employment. If there is a change in supervisor(s) at any time, a new supervisory agreement must be submitted to the board within 30 days of the change in supervision. If there are multiple supervisors for the same supervisee, all supervisors must sign a supervisory agreement.

K. Speech-language pathologists may share the supervision responsibility for speech-language pathology assistants or provisional speech-language pathology assistants, but each supervising speech-language pathologist shall complete and submit the necessary supervision forms.

L. Supervisory records, including supervision logs and other documentation of supervision, shall be maintained by both the supervisor and supervisee for a period of three years. Documentation of supervision may be requested by the board. Submission of inaccurate or falsified supervision documentation may result in disciplinary action.

M. The board will accept supervision given out-of-state by a licensed or ASHA certified speech-language pathologist in the area of licensure. Licensees must submit at the time of license renewal, appropriate proof of supervision consistent with Louisiana supervision requirements.

N. Assistants who are not working in the field of speech-language pathology shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

O. Although more than one speech-language pathologist may provide supervision of an assistant licensee and provisional assistant licensee, at no time may a licensed speech-language pathologist supervise or be listed as a supervisor for more than three assistant or provisional assistant licensees. When multiple supervisors are used, the supervisors are encouraged to coordinate and communicate with each other.

P. Provisional speech-language pathology assistants and speech-language pathology assistants must undergo direct supervision as well as indirect supervision in every work setting in which the licensee is employed.

Q. Documentation of supervision shall be submitted annually at the time of license renewal on Form 200 provided by the board.

R. Supervision Requirements for the Speech-Language Pathology Assistant

1. A minimum of one clock hour of direct supervision shall be completed in the primary work setting each week for each licensee. If the assistant is employed in more than one work setting, additional direct supervision must occur in the secondary work setting.

2. A minimum of one clock hour of indirect supervision shall be completed each week for each licensee. These methods should include, but are not limited to:

- a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;
- b. specifying protocols for hearing screenings conducted by the assistant licensee;
- c. approving treatment plans or protocols and documenting approval;
- d. monitoring patient/client progress toward meeting established objectives;
- e. monitoring, scheduling, charting and data collection;
- f. directing maintenance of equipment;
- g. directing research projects, in-service training and public relations programs;
- h. conducting telephone conferences.

3. If circumstances prohibit a supervisor from completing the minimum supervision requirements (§131.R.1 and 2) in a given week, the remaining supervision shall be completed the following week in conjunction with the required supervision hours for that week.

4. When the supervising speech-language pathologist is unavailable for supervision for more than one week, arrangements shall be made for another qualified supervisor or the speech-language pathology assistant shall be transferred to other duties.

5. Speech-Language Pathology Assistant Full-Time and Part-Time Supervision Requirements

Hours Worked	Required Direct Supervision	Required Indirect Supervision
21-40 hours	1 hour/week	1 hour/week
20 hours or less	1 hour/every 2 weeks	1 hour/every 2 weeks

6. Assistant licensees shall be supervised only by a speech-language pathologist licensed under the provisions of R.S. 37:2659(B) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659(A).

S. Supervision Requirements for the Provisional Speech-Language Pathology Assistant

1. A minimum of three clock hours of direct supervision shall be completed in the primary work setting each week for each licensee. If the provisional speech-language pathology assistant is employed in more than one work setting, additional direct supervision must occur in the secondary work setting.

2. A minimum of two clock hours of indirect supervision shall be completed each week for each licensee.

3. These activities should include, but are not limited to:

- a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;
- b. specifying protocols for hearing screenings conducted by the assistant licensee;
- c. approving treatment plans or protocols and documenting approval;
- d. monitoring patient/client progress toward meeting established objectives;
- e. monitoring scheduling, charting and data collection;
- f. directing maintenance of equipment;
- g. directing research projects, in-service training and public relations programs;
- h. conducting telephone conferences.

4. If extenuating circumstances prohibit a supervisor from completing the minimum supervision requirements (§131.S.1 and 2) in a given week, the remaining supervision shall be completed the following week in conjunction with the required supervision hours for that week.

5. When the supervising speech-language pathologist is out for more than one week, arrangements shall be made for another qualified supervisor or the provisional speech-language pathology assistant shall be transferred to other duties.

6. When supervision requirements have not been met, in accordance with §131 licensees shall complete additional months of supervision to replace months of incomplete supervision.

7. After three administrative complaints have been accepted by the board against a licensed supervisor, that supervisor may no longer be allowed to supervise for a period of five years.

8. Provisional Speech-Language Pathology Assistant Full-Time and Part-Time Supervision Requirement

Hours Worked	Required Direct Supervision	Required Indirect Supervision
21-40 hours	3 hours/week	2 hours/week
20 hours or less	1.5 hours/every 2 weeks	1 hour/every 2 weeks

9. Provisional assistant licensees shall be supervised by a speech-language pathologist licensed under the provisions of R.S. 37:2659(B) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:353 (May1996), LR 27:200 (February 2001), repromulgated LR 27:1691 (October 2001), amended LR 30:2316 (October 2004), LR 33:2197 (October 2007), LR 37:2396 (August 2011), LR 48:

§133. Independent Practice

A. Licensed audiologists and speech-language pathologists, by virtue of academic coursework, clinical practicum, and professional experience, are qualified to engage in the autonomous or independent practice of the professions. Individuals who hold a license, i.e., provisional, restricted, assistant or provisional assistant, mandating supervision during the practice of the professions may not

engage in the autonomous or independent practice of audiology or speech-language pathology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 33:2198 (October 2007), LR 48:

§135. Telehealth

A. Telehealth, regardless of where the service is rendered or delivered, constitutes the practice of audiology or speech-language pathology and shall require Louisiana licensure for in-state practitioners and telehealth registration for out-of-state licensed practitioners.

B. A provider of telehealth services shall be competent in both the type of services provided and the methodology and equipment used to provide the services.

C. A provider of telehealth services must use methods for protecting client information that include authentication and encryption technology.

D. The standard of care shall be the same as if the audiology or speech-language pathology services were delivered face-to-face. It is the responsibility of the provider to determine candidacy and to ensure that the client is comfortable with the technology being utilized.

E. The client shall be notified of telehealth services including but not limited to the right to refuse telehealth services, options for service delivery, and instructions on filing and resolving complaints, in all applicable jurisdictions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 39:1044 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1668 (October 2016), LR 48:

§137. Hearing Aid Dispensing

A. Audiologists who dispense hearing aids shall meet the coursework and practicum requirements for dispensing as specified in R.S. 37:2650 et seq.

B. Audiologists who dispense hearing aids shall maintain annual calibration records on audiometric equipment.

C. Audiologists who dispense hearing aids shall, regardless of the method of service delivery, comply with the following:

1. Audiologists shall ensure that a pre-purchase evaluation includes:

- a. a case history;
- b. an otoscopic examination;
- c. a basic audiological test battery conducted within the preceding six-month period in a sound-treated environment unless the patient's physical condition prohibits accomplishment of these procedures. The battery shall include:

- i. basic comprehensive audiometry;
- ii. appropriate tolerance testing;

d. middle ear measurements shall also be obtained when indicated.

2. Audiologists shall provide the consumer with a minimum 30-day trial period on all new hearing aids purchased.

3. Audiologists shall inform the consumer of the total cost of the hearing aid, including any fees for returning the aid at the end of the trial period.

4. Audiologists shall conduct a post-fitting evaluation that includes functional gain measurements conducted in a sound treated environment and/or real ear measurements unless the patient's physical conditions prohibit accomplishment of these procedures.

5. Audiologists who engage in the fitting or selling of hearing aids shall deliver to each person supplied with a hearing aid, a bill of sale which shall contain the dispenser's signature, address and license number, together with a description of the make, model and serial number of the hearing aid and the amount charged. The bill of sale shall also indicate whether the hearing aid is new, used, or reconditioned.

D. Licensed Audiologists who did not hold a doctoral degree and were not registered to dispense hearing aids prior to August 1, 2016 and who wish to include hearing aid dispensing as a component of their practice, must have proof of appropriate training, education and experience in the area of hearing aid dispensing. These audiologists who wish to include dispensing as part of their practice shall submit a self-study for pre-approval by the board. Upon culmination, the audiologist must submit a report documenting completion. An audiologist who meets the qualifications for licensure but lacks the coursework and practicum requirements necessary for dispensing of hearing aids may fulfill these requirements by:

1. Completing nine months of postgraduate professional employment/experience under the supervision of a licensed dispensing audiologist, and

2. Providing proof of the successful completion of a study course by the National Institute for Hearing Instruments Studies, or its equivalent. Equivalency for National Institute for Hearing Instruments Studies is defined as:

a. an individualized program of study that shall include:

i. hearing aid technology and dispensing courses sponsored by hearing aid manufacturers to include a minimum of 15 clock hours;

ii. workshops in the area of hearing aid technology and dispensing sponsored by professional organizations or individual practitioners to include a minimum of 15 clock hours;

iii. successful completion of university coursework in the area of hearing aid technology and dispensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:353 (May 1996), amended LR 27:201 (February 2001), LR 28:1975 (September 2002), LR 30:2317 (October 2004), LR 33:2198 (October 2007), LR 37:2398 (August 2011), repromulgated LR 37:2624 (September 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1668 (October 2016), LR 48:

§139. Qualifications and Duties of Aides

A. Audiologists and Speech-language pathologists are legally, ethically, and morally responsible for the services provided by aides working under their direction.

B. Requirements for the use of aides follow.

1. A licensed audiologist or speech-language pathologist may utilize an aide who meets the following qualifications. The aide shall:

- a. be of good moral character;
- b. be at least 18 years old;
- c. possess appropriate communication skills;
- d. have a high school diploma or G.E.D.

2. The supervising audiologist or speech-language pathologist is responsible for determining that the aide is qualified and prepared for the duties which s/he will be assigned. It is recommended that the aide be afforded continuing education opportunities. Appropriate areas of training may include:

- a. normal processes in speech, language and hearing;
- b. disorders of speech, language and hearing;
- c. record-keeping and data compilation;
- d. utilization of equipment and materials;
- e. professional ethics and their application to the aide's duties;
- f. administration of hearing screening tests.

C. Supervision

1. The licensed audiologist or speech-language pathologist shall provide periodic direct observation for each aide at least once per month during the initial year of the aide's employment. Speech-language pathology aides are required to undergo direct supervision by a licensed speech-language pathologist, licensed in the area in accordance with R.S. 37:2659(B). Audiology aides are required to undergo direct supervision by a licensed audiologist, licensed in the area in accordance with R.S. 37:2659(A). Audiology aides and Speech-language pathology aides may not be supervised by a provisional licensee, restricted licensee, assistant licensee, an individual on inactive status, a telehealth registrant, or an immediate family member.

2. The direct observation in subsequent years shall be established by the supervising audiologist or speech-language pathologist on an individual basis but shall be no less than once every three months.

3. The supervising audiologist or speech-language pathologist shall be readily available for consultation with the aide at all times.

4. Documentation of direct supervision shall be maintained by the supervising audiologist or speech-language pathologist and shall be submitted to the board upon request.

5. The supervising audiologist or speech-language pathologist shall report to the board at the time of licensure renewal, the names and employment locations of aides.

D. The speech-language pathology aide may engage in activities limited to those that are planned and directed by the supervising speech-language pathologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to speech-language pathology aides:

1. setting up room and equipment;
2. clearing room and storing equipment;
3. preparing materials (such as making copies, typing forms) for use by the speech-language pathologist;
4. checking equipment to determine if the equipment is performing adequately;

5. transporting patients/clients to and from sessions;
6. assisting with field trips;
7. performing hearing screenings limited to pure-tone air conduction screening and screening tympanometry;
8. recording, charting, graphing, or otherwise displaying objective data relative to the patient's/client's performance.

E. The audiology aide may engage in activities limited to those that are planned and directed by the supervising audiologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to audiology aides:

1. setting up room and equipment;
2. clearing room and storing equipment;
3. preparing materials (such as making copies, typing forms) for use by the audiologist;
4. checking equipment to determine if the equipment is performing adequately;
5. transporting patients/clients to and from sessions;
6. assisting with field trips;
7. performing hearing screening tests and pure-tone air conduction threshold tests without interpretation;
8. recording, charting, graphing, or otherwise displaying objective data relative to the patient/client's performance.

F. Only the audiologist or speech-language pathologist shall exercise independent judgment in the provision of professional services. Specifically, the audiologist or speech-language pathologist may not delegate any of the following to the aide:

1. speech-language screening;
2. evaluation, diagnosis, or therapy with individuals with speech, language or hearing disorders;
3. interpretation of test and assessment results or discussion of confidential information despite the fact that this information may have been requested by the patient/client, parent or referring agency;
4. performance of any procedure for which the aide has not been trained.

G. Exemption. Aides employed on or before April 1996 may continue to operate under the provisions of Chapter 3, §§301-305 of the *Louisiana Register* 16:409 (May 1990) of the Louisiana Board of Examiners for Speech Pathology and Audiology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 16:409 (May 1990), amended LR 22:355 (May 1996), LR 27:201 (February 2001), LR 28:1781 (August 2002), LR 30:2318 (October 2004), LR 33:2199 (October 2007), LR 48:

§141. Disciplinary Actions

A. This board may refuse to issue, may suspend or revoke a license for the practice of audiology or speech-language pathology or otherwise discipline an applicant or licensee, upon finding that the applicant or licensee has violated any provisions of R.S. 37:2650 et seq., or any of the rules or regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR

22:354 (May 1996), LR 28:1975 (September 2002), LR 30:2319 (October 2004), LR 33:2200 (October 2007), LR 48:

Chapter 3. Impaired Practitioner Program

§301. Purpose

A. - B.7. ...

C. The applicant or licensee will be responsible for executing all required releases of information and authorizations required for the board to obtain information from any monitor, treatment or service provider concerning the licensee's progress and participation in the program.

D. - G. ...

H. The board will, to the full extent permissible, maintain an agreement or consent agreement and order relating to the licensee's participation in the Impaired Practitioner Program as a confidential matter. The board retains the discretion to share information it deems necessary with those persons providing evaluation/assessment, therapy, treatment, supervision, monitoring or drug/alcohol testing or reports. Violation of any terms, conditions or requirements contained in any consent agreement and order, or board decision can result in a loss of the confidential status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 30:2319 (October 2004), amended LR 37:2398 (August 2011), LR 48:

Chapter 5. Procedural Rules

§501. Investigation of Complaints

A. The board is authorized to receive from any person, a complaint(s) against licensees, registrants, applicants, or other persons engaging in practices which violate or are alleged to violate the provisions of R.S. 37:2650 et seq.

B. Any complaint bearing on a licensee or registrant's professional competence, conviction of a crime, unauthorized practice, mental competence, neglect of practice, or violation of state law or ethical standards where applicable to the practice of audiology or speech-language pathology shall be submitted to the board.

C. Once a written complaint is received, the board shall designate a board member consultant to assist in the investigatory process. The board member consultant will assist the investigator by providing information related to the area of practice. Following completion of the investigation, the investigator and the board member consultant may recommend disposal of the complaint informally through correspondence or conference with the licensee, registrant, and/or the complainant, which may result in a private letter of concern or a consent agreement and order. If the licensee or registrant stipulates to the complaint and waives her/his right to a formal hearing, the board may impose appropriate sanctions without delay.

D. The board's designated investigator shall have authority to investigate the nature of the complaint through conference, correspondence, and other investigative procedures, directed to those parties or witnesses involved. The board's designated investigator shall send the involved licensee or registrant notice by certified mail, return receipt requested, of the investigation containing a short summary of the complaint. All subsequent letters to the involved licensee or registrant, all letters to the complainant, or any other witness, shall be sent with a designation "personal and confidential" clearly marked on the outside of the envelope.

E. The designated investigator shall conclude the investigation as quickly as possible, without compromising thoroughness. Unless good cause is shown by the designated investigator satisfactory to the board, which may extend the time for the investigation, the investigation and recommendations to the board shall be delivered to the board member consultant within 60 days of the date that the designated investigator first received the assignment from the board.

F. Following an investigation, the designated investigator shall report to the board member consultant and together they will make a recommendation to the board for either dismissal of the complaint or proceeding to an informal hearing, consent agreement and order, or formal hearing. Following the completion of the investigation, the board member consultant will be recused from final adjudication, deliberations, and voting.

G. If the designated investigator and board member consultant's recommendation for an informal hearing is accepted by the board, the designated investigator shall notify the licensee or registrant of the time, date, and place of the informal hearing and of the issues to be discussed. The licensee or registrant shall appear on a voluntary basis. The licensee or registrant shall be advised that the hearing will be informal, no attorneys will be present, and no transcript of the hearing will be made. Any witnesses who testify will not be placed under oath, and no subpoenas will be issued. The licensee or registrant shall be informed that any statements made at the informal hearing will not be used or introduced at a formal hearing, unless all parties consent. If the licensee or registrant notifies the designated investigator that s/he does not wish an informal hearing, or if the licensee fails or refuses to attend an informal hearing, the informal hearing shall not be held. In that event, the board shall initiate a formal disciplinary hearing.

H. A complaint may be resolved by:

1. a private letter of concern to the licensee, registrant, or other appropriate parties.

2. a consent agreement and order approved by the board and entered into by the licensee or registrant.

I. The designated investigator, along with the board member consultant, shall recommend to the board the initiation of a formal disciplinary hearing if the investigation discloses any of the following: the complaint is sufficiently serious to require a formal adjudication; the licensee or registrant fails to respond to the correspondence by the designated investigator concerning the complaint; the licensee or registrant's response to the designated investigator discloses that further action is necessary; an informal hearing is held but does not resolve all of the issues; or the licensee or registrant refuses to comply with the recommended remedial action.

J. The board member consultant shall submit any recommended action to the board in brief, concise language, without any reference to the particulars of the investigation, to any findings of fact or any conclusions of law arrived at during the investigative process.

K. The board shall have the authority to delegate to the designated investigator any alleged violations of the Speech-Language Pathology and Audiology Act, R.S. 37:2650 et seq., and any alleged violations of any and all rules and regulations adopted by the board pursuant thereto, prior to

board action on those alleged violations. If requested by the board, the designated investigator shall submit to the board's executive director the complete investigation file. Final authority for appropriate action rests solely with the board including formal notification to the complainant, licensee, or registrant.

L. At no time shall the designated investigator investigate any case as authorized by the board where the investigator has any personal or economic interest in the outcome of the investigation, or is personally related to or maintains a close friendship with the complainant, the licensee, the registrant, or any of the witnesses involved. In such event, the designated investigator shall immediately notify the board, who shall appoint a substitute investigator for disposition of that particular case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:373 (April 1991), amended LR 22:356 (May 1996), LR 30:2320 (October 2004), LR 33:2200 (October 2007), LR 37:2398 (August 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1668 (October 2016), LR 48:

§503. Compliance Hearings

A. The board shall provide a compliance hearing to a rejected applicant for licensure or registration provided that the rejected applicant requests a compliance hearing in writing within 30 days of the receipt of the notice of rejection. The applicant's request for a compliance hearing shall state with specificity the reason(s) why the application should be accepted.

B. ...

C. The purpose and intent of the compliance hearing is to provide a forum for the applicant, licensee, or registrant to present documentary evidence, in the form of affidavits, public records, official records, letters, etc., along with testimony under oath to establish that the applicant, licensee, or registrant does, in fact, meet the lawful requirements for issuance of a license or registration, or the retention of the license or registration. The board shall have the authority to administer oaths, hear the testimony, and conduct the hearing. The applicant, licensee, or registrant may be represented by counsel, or may represent her/himself.

D. In any compliance hearing, the burden of proof shall rest with the applicant, licensee, or registrant.

E. Within 30 days after the compliance hearing, the board shall forward its final decision, including specific reasons thereof, by certified mail, return receipt requested, to the applicant, licensee, or registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:357 (May 1996), LR 27:201 (February 2001), LR 30:2321 (October 2004), LR 37:2399 (August 2011), LR 48:

§505. Formal Disciplinary Hearings

A. If, after completion of the investigation, the board determines that the circumstances may warrant the withholding, denial, suspension, or revocation of a license or registration, or other disciplinary action, the board shall initiate a formal disciplinary hearing. The board shall promptly notify the attorney general who is authorized and

directed to appear on behalf of the state. The hearing shall be held before the board only after the involved licensee or registrant is given at least 30-days' notice by certified mail, return receipt requested. The notice shall include the following:

A.1. - E. ...

F. It is the licensee and registrant's continuing obligation to keep the board informed of her/his whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a licensee or registrant's change of address and the new address is not provided to the board, the board may hold the hearing in the licensee or registrant's absence, after making reasonable efforts to obtain the licensee or registrant's new address.

G. Within 15 days of the licensee or registrant's receipt of notice, s/he may file a written answer to the notice, denying some or all of the charges, or offering any explanation or asserting whatever defense s/he deems applicable.

H. - J. ...

K. If the board finds by a preponderance of the evidence that the withholding, denial, suspension, or revocation of a license or registration, or other disciplinary action is warranted, the board shall sanction said individual according to the provisions of R.S. 37:2662(B):

1. refuse to issue a license or registration;
2. refuse to renew a license or registration;
3. issue a public letter of reprimand;
4. require restitution of costs and expenses incurred by the board related to the enforcement of R.S. 37:2650 et seq.;
5. impose probationary conditions;
6. impose a fine for each violation not to exceed \$1,000 per violation;
7. suspend a license or registration;
8. revoke a license or registration;
9. restrict the license by limiting or reducing the scope of practice; and/or
10. otherwise discipline a licensee or registrant.

L. A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record within 45 days of the formal procedure. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified by the board, either personally or by certified mail, return receipt requested, of any decision or order. Upon request, a copy of the decision or order shall be mailed to each party and to her/his attorney of record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:357 (May 1996), LR 30:2321 (October 2004), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1669 (October 2016), LR 48:

§507. General Procedural Rules for Hearings

A. The board is empowered to issue subpoenas upon receipt of a written request from the licensee, registrant, or attorney general at least 15 days in advance of any scheduled hearing. The board shall issue said subpoenas upon receipt of said written request and receipt of any and all fees for

subpoenas as provided for in §123.A. promulgated by the board.

B. - H. ...

I. Upon request by either the licensee, registrant, or the attorney general, witnesses shall be sequestered and not allowed in the hearing chambers during the hearing or permitted to discuss their testimony with other witnesses prior to the conclusion of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:358 (May 1996), LR 27:201 (February 2001), LR 28:1975 (September 2002), LR 30:2322 (October 2004), LR 37:2399 (August 2011), LR 48:

§512. Summary Suspension of License/Registration

A. The board may suspend an existing license or registration because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the licensee or registrant. The board may also suspend an existing license or registration if there are allegations of fact that the board believes demonstrates a substantial likelihood that the licensee or registrant poses a risk of harm to the public health, safety or welfare.

B. If the board finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license or registration may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

C. Following the proceedings, the notice to summarily suspend an existing license or registration shall be serviced personally upon the respondent or by certified mail or by other reasonable means. The notice shall inform the licensee or registrant of the opportunity, including the time and place, to appear before the board to show cause regarding why the license or registration should not be suspended. The opportunity for the licensee or registrant to be heard shall occur from 2 to 10 days following the summary suspension of the license or registration.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37: 2651-2666.

HISTORICAL NOTE: Promulgated by the Department of Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 33:2201 (October 2007), LR 48:

Chapter 7. Code of Ethics

§701. Preamble

A. The Code of Ethics of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology specifies professional standards that govern clinical and scientific practice, direct professional conduct, provide for proper implementation of professionals' responsibilities to those served, and ensure the welfare of the consumer.

B. Any action that violates the intent and purpose of this code shall be considered unethical. Although the Code of Ethics cannot be inclusive of all specific situations, failure to delineate any particular responsibility or practice in this Code of Ethics shall not be construed as denial of the existence of such responsibilities or practices.

C. Principles of ethics form the underlying moral basis for the Code of Ethics. Individuals shall observe these

principles as affirmative obligations under all conditions of professional activity.

D. Rules of ethics are specific statements of minimally acceptable as well as unacceptable professional conduct which are applicable to all individuals.

E. Rules of Ethics for Audiology, Speech-Language Pathology, Provisional Speech-Language Pathology, and Restricted Speech-Language Pathology Licensees

1. Principle of Ethics I. Licensees shall honor their responsibility to hold paramount the welfare of persons they serve professionally or who are participants in research and scholarly activities, provide professional services with honesty and compassion, and respect the rights of those served. The licensee shall take all reasonable precautions to avoid harm to the individual served professionally.

a. Individuals shall provide all clinical services and scientific activities competently.

b. Individuals shall use every resource, including interprofessional collaboration and referral when applicable, to ensure that appropriate service is provided.

c. Individuals shall not discriminate in the delivery of professional services or in the conduct of research and scholarly activities on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language, or dialect.

d. Individuals shall not misrepresent their credentials nor those under their supervision including aides, assistants, technicians, other support personnel, students, research interns, or individuals completing the postgraduate professional employment/experience, and they shall fully inform those they serve professionally of the name, role, and credentials of persons providing services.

e. Individuals may delegate tasks related to the provision of clinical services to students, aides, assistants, technicians, or other support personnel only if those persons are adequately trained and appropriately supervised. The responsibility for the welfare of those served remains with the fully licensed individual.

f. Individuals shall not delegate tasks that require the unique skills, knowledge, judgment or credentials that are within the scope of practice of their profession to aides, assistants, technicians, other support personnel or nonprofessionals over whom they have supervisory authority.

g. Individuals shall obtain consent from the persons they serve only after a description of and discussion about the nature and possible risks and effects of services to be rendered, technology to be employed, and products to be dispensed. Consumers shall also be informed about possible effects of not engaging in treatment or following clinical recommendations. When the consumer is incapable of providing informed consent, individuals should seek authorization from a legally authorized/appointed representative or family member.

h. Individuals shall enroll and include persons as participants in research only if participation is voluntary, without coercion, and with informed consent.

i. Individuals shall accurately represent the intended purpose of a service, product, or research endeavor and shall abide by established standards for clinical practice and the responsible conduct of research.

j. Individuals shall evaluate the effectiveness of services rendered, technology employed, and products dispensed and shall provide services or dispense products only when benefit can reasonably be expected.

k. Individuals shall not guarantee, directly or by implication, the results of any treatment or procedure; however, they may make a reasonable statement of prognosis.

l. Individuals shall use independent and evidence-based clinical judgment, keeping paramount the welfare of those served.

m. Individuals shall not provide clinical services solely by correspondence but may provide services via telepractice consistent with professional standards and state and federal regulations.

n. Individuals shall protect the confidentiality of any professional or personal information about persons served professionally or participants involved in research and scholarly activities, and may disclose confidential information only when doing so is necessary to protect the welfare of the person or of the community, is legally authorized, or is otherwise required by law.

o. Individuals shall protect the confidentiality and security of records of professional services rendered, research and scholarly activities conducted, and products dispensed. Access to these records shall be allowed only when doing so is necessary to protect the welfare of the person or of the community, is legally authorized, or is otherwise required by law.

p. Individuals shall maintain timely records and accurately record and bill for services provided and products dispensed, and shall not misrepresent services rendered, products dispensed, or research and scholarly activities conducted.

q. Individuals whose professional practice is adversely affected by substance abuse or other health-related conditions are impaired practitioners and shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.

r. Individuals who have knowledge a practitioner is unable to provide professional services with reasonable skill and safety shall report this information to the appropriate authority including the licensure board.

s. Individuals shall provide reasonable notice and information about alternatives for obtaining care in the event that the individual can no longer provide professional services.

2. Principle of Ethics II. Individuals shall honor their responsibility to achieve and maintain the highest level of professional competence and performance consistent with prevailing practice standards.

a. Individuals shall engage in only those aspects of the professions that are within the scope of their practice and competence, considering their level of licensure, registration, education, training and experience.

b. Individuals who engage in research shall comply with institutional, state, and federal regulations that address any aspects of research.

c. Individuals shall enhance and refine their professional competence and expertise through engagement in lifelong learning applicable to their professional activities and skills.

d. Individuals in administrative or supervisory roles shall not require or permit their professional staff to provide services or conduct research activities that exceed their competence, education, training, experience, and licensure status.

e. Individuals in administrative or supervisory roles shall not require or permit their professional staff to provide services or conduct clinical activities that compromise their independent and objective professional judgment.

f. Individuals shall make use of technology and instrumentation consistent with accepted professional practice guidelines and shall ensure that all technology and instrumentation used to provide services or to conduct research and scholarly activities are in proper working order and are properly calibrated. When such technology is not available, an appropriate referral should be made.

3. Principle of Ethics III. Individuals shall honor their responsibility to the public when advocating for communication, swallowing, and vestibular needs of the public, and shall provide accurate information involving any aspect of the professions.

a. Individuals shall not misrepresent their credentials, competence, education, training, experience, or scholarly contributions.

b. Individuals shall avoid engaging in conflicts of interest whereby personal, financial, or other considerations have the potential to influence or compromise professional judgment and objectivity.

c. Individuals shall not misrepresent research and scholarly activities, diagnostic information, services rendered, results of services provided, products dispensed, or the effects of products dispensed.

d. Individuals shall not defraud through intent, ignorance, or negligence, or engage in any scheme to defraud in connection with obtaining payment, reimbursement, or grants and contracts for services provided, research conducted, or products dispensed.

e. Individuals' statements to the public shall provide accurate and complete information about the nature and management of communication disorders, about the professions, about professional services, about products, and about research and scholarly activities.

f. Individuals' statements to the public shall adhere to prevailing professional norms and shall not contain misrepresentations when advertising, announcing, and promoting their professional services and products or when reporting research results.

g. Individuals shall not make false statements regarding areas of professional practice, and shall complete all materials honestly and without omission.

4. Principle of Ethics IV. Individuals shall uphold the dignity and autonomy of the professions, maintain collaborative and harmonious interprofessional and intraprofessional relationships, and accept the professions' self-imposed standards.

a. Individuals shall work collaboratively, when appropriate, with members of one's own profession and members of other professions to deliver the highest quality of care.

b. Individuals shall exercise independent professional judgment in recommending and providing professional services when an administrative mandate, referral source, or

prescription prevents keeping the welfare of persons served paramount.

c. Individuals' statements to colleagues about professional services, research results, and products shall adhere to prevailing professional standards and shall contain no misrepresentations.

d. Individuals shall not engage in any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

e. Individuals shall not engage in dishonesty, negligence, fraud, deceit, or misrepresentation.

f. Applicants for licensure or registration, and individuals making disclosures shall not make false statements and shall complete all application and disclosure materials honestly and without omission.

g. Individuals shall not engage in any form of harassment, power abuse, or sexual harassment.

h. Individuals shall not engage in sexual activity with students, patients/clients, research participants, speech-language pathology assistants, aides, or licensees over whom they exercise professional authority or power.

i. Individuals shall not allow anyone under their supervision to engage in any practice that violates any provision of the practice act or Rules and Regulations including the Code of Ethics.

j. Individuals shall assign credit only to those who have contributed to a publication, presentation, protocol, process, or product. Credit shall be assigned in proportion to the contribution and only with the contributor's consent.

k. Individuals shall not engage in plagiarism and shall reference the source when using other persons' ideas, research, presentations, or products in written, oral, or any other media presentation or summary.

l. Individuals shall not discriminate in their relationships with colleagues, assistants, other support personnel, students, and members of other professions and disciplines on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language, or dialect.

m. Individuals shall comply with local, state, and federal laws and regulations applicable to professional practice, research ethics, and the responsible conduct of research.

n. Individuals shall inform the board of any violations of the practice act and the Rules and Regulations including the Code of Ethics.

o. Individuals shall cooperate fully with the board on matters of professional conduct relative to the practice act and the Rules and Regulations including the Code of Ethics, and shall not make false statements of fact or withhold relevant facts necessary to fairly adjudicate complaints.

p. Individuals who have been publicly sanctioned or denied a license, registration, or a professional credential by any professional association, professional licensing authority or board, or other professional regulatory body shall self-report by notifying the Board in writing within thirty (30) days of the final action or disposition. Such written notification shall consist of a certified copy of the final action, sanction, or disposition.

q. Individuals who have been convicted, been found guilty, or entered a plea of *nolo contendere* to any

misdemeanor involving dishonesty, physical harm or the threat of physical harm to the person or property of another, or any felony, shall self-report by notifying the Board in writing within thirty (30) days of the conviction, plea, or finding of guilt. Such written notification shall consist of a certified copy of the conviction, plea, nolo contendere record, or minute/docket entry.

F. Rules of Ethics for Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant Licensees

1. Principle of Ethics I. Licensees shall honor their responsibility to hold paramount the welfare of persons they serve or who are participants in research and scholarly activities, provide services with honesty and compassion, and respect the rights of those served. The licensee shall take all reasonable precautions to avoid harm to the individual served.

a. Individuals shall provide clinical services and scientific activities competently, and engage only in those activities prescribed by the supervising speech-language pathologist.

b. Individuals shall not discriminate in the delivery of services or in the conduct of research and scholarly activities on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language, or dialect.

c. Individuals shall not misrepresent their credentials and shall fully inform those they serve of their name, role, and credentials.

d. Speech-language pathology assistants shall not interpret test or assessment results, guarantee results, make referrals, discharge patients/clients, nor provide patient/client or family counseling.

e. Provisional speech-language pathology assistant licensees shall not provide services via telepractice, interpret test or assessment results, guarantee results, make referrals, discharge patients/clients, provide patient/client or family counseling.

f. Individuals shall protect the confidentiality of clinical or personal information about persons served or participants involved in research and scholarly activities, and shall not disclose confidential information orally or in writing to anyone not designated by the supervising speech-language pathologist and without the authorization of the patient/client or their designee.

g. Individuals shall protect the confidentiality and security of records of services rendered, research and scholarly activities conducted, and products dispensed. Access to these records shall not be allowed unless directed by the supervising speech-language pathologist.

h. Individuals shall maintain timely and adequate records of services rendered, shall not charge for services not rendered, and shall not misrepresent services rendered, or research and scholarly activities conducted.

i. Individuals whose services are adversely affected by substance abuse or other health-related conditions are impaired practitioners and shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.

j. Individuals who have knowledge that a licensee is unable to provide services with reasonable skill and safety

shall report this information to the appropriate authority including the licensure board.

2. Principle of Ethics II. Individuals shall honor their responsibility to achieve and maintain the highest level of competence and performance.

a. Individuals shall engage in only those aspects of service provision that are within the scope of their practice and competence, considering their level of licensure, education, training and experience.

b. Individuals shall hold the appropriate qualifications for the area(s) in which they are providing services. Individuals shall engage in lifelong learning throughout their careers.

c. Individuals shall not provide services unless appropriately supervised.

d. Individuals shall not provide services for which the licensee has not been properly prepared.

e. Individuals shall utilize technology and instrumentation as directed by the supervising speech-language pathologist, ensuring that proper working order is maintained and calibration has been established.

3. Principle of Ethics III. Individuals shall honor their responsibility to the public by providing accurate information in all communications.

a. Individuals shall not misrepresent their credentials, competence, education, training or experience.

b. Individuals shall not participate in professional activities that constitute a conflict of interest.

c. Individuals shall not misrepresent research and scholarly activities, services rendered or any information, or engage in any scheme or maneuver to defraud in connection with obtaining payment or reimbursement for services.

d. Individuals shall not make false statements regarding areas of practice, and shall complete all materials and documents honestly and without omission.

4. Principle of Ethics IV. Individuals shall honor their responsibilities and their relationships with colleagues and members of other professions and disciplines. Individuals shall maintain harmonious interprofessional and intraprofessional relationships and accept the standards delineated for assistants.

a. Individuals' statements to colleagues about services, research, or products shall adhere to prevailing standards and contain no misrepresentations.

b. Individuals shall not engage in dishonesty, negligence, fraud, deceit, or misrepresentation.

c. Applicants for licensure and individuals making disclosures shall not make false statements and shall complete all application and disclosure materials honestly and without omission.

d. Individuals shall not engage in any form of harassment, power abuse, or sexual harassment, or any other form of conduct that adversely reflects on service delivery or on the individual's fitness to serve persons.

e. Individuals shall not engage in sexual activity with a patient/client or research participant.

f. Individuals shall assign credit only to those who have contributed to a publication, presentation, protocol, process, or product. Credit shall be assigned in proportion to the contribution and only with the contributor's consent.

g. Individuals shall not engage in plagiarism and shall reference the source when using other persons' ideas,

research, presentations, or products in written, oral, or any other media presentation or summary.

h. Individuals shall not discriminate in their relationships with colleagues and members of other professions and disciplines on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language or dialect.

i. Individuals shall comply with local, state, and federal laws and regulations applicable to practice and research.

j. Individuals shall inform the board of any violations of the practice act or the Rules and Regulations including the Code of Ethics.

k. Individuals shall cooperate fully with the board on matters of professional conduct relative to the practice act or the Rules and Regulations including the Code of Ethics, and shall not make false statements of fact or withhold relevant facts necessary to fairly adjudicate complaints.

l. Individuals who have been publicly sanctioned or denied a license or a professional credential by any professional association, professional licensing authority or board, or other professional regulatory body shall self-report by notifying the Board in writing within thirty (30) days of the final action or disposition. Such written notification shall consist of a certified copy of the final action, sanction, or disposition.

m. Individuals who have been convicted, been found guilty, or entered a plea of nolo contendere to any misdemeanor involving dishonesty, physical harm or the threat of physical harm to the person or property of another, or any felony, shall self-report by notifying the Board in writing within thirty (30) days of the conviction, plea, or finding of guilt. Such written notification shall consist of a certified copy of the conviction, plea, nolo contendere record, or minute/docket entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:370 (April 1991), amended LR 22:360 (May 1996), LR 30:2324 (October 2004), LR 33:2201 (October 2007), LR 37:2399 (August 2011), LR 39:1044 (April 2013), LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In accordance with R.S. 49:965.6, the Louisiana Board of Examiners for Speech-Language Pathology and Audiology has conducted a Regulatory Flexibility Analysis and found

that the proposed amending of this Rule will have negligible impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of services, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jolie Jones, Executive Director, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, 37283 Swamp Road, Suite 3B, Prairieville, LA 70769. Mrs. Jones is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on July 14, 2022.

Public Hearing

A public hearing on this proposed Rule is scheduled for Friday, July 29, 2022 from 8-9 a.m. at the Courtyard by Marriott, Alexandria, LA 71115. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Jolie Jones
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Speech-Pathology and Audiology

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

The proposed rule changes will result in an estimated one-time SGR expenditure of \$500 in FY 22 for the Louisiana Board of Examiners in Speech-Language Pathology and Audiology (LBESPA) to publish the proposed rule changes in the Louisiana Register and upload the rule revisions to the LBESPA website.

The proposed rule changes delete the definition for "on-site in-view observation," remove the clinical practicum requirement of 1,820 hours for audiologists, add the ability for audiology licensure applicants who are certified by the American Board of Audiology (ABA) to use their certification along with proof of passage of the national certification exam for licensure in lieu of providing documentation of their clinical practicum hours, revise the duties of speech-language pathology assistant and provisional speech-language pathology assistant licenses, tighten up continuing education requirements, as well as revise the procedural rules for the investigation of complaints. These changes fall within the current regulatory scope of the LBESPA and are not anticipated to carry any additional costs for the board.

Proposed rule changes also restore a fee and disciplinary schedule language erroneously removed in previous rulemaking.

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

The proposed rule changes will not affect revenue collections for state or local governmental units. Fee and

disciplinary schedule changes are in language-only and in-line with existing practices.

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

The proposed rule changes clarify and specify standards for application, and standard of practice for all licenses administered by the LBESPA.

The proposed rule changes may benefit audiologists certified by the American Board of Audiology (ABA) by expediting the licensure process. ABA-certified audiologists may now be licensed in Louisiana by presenting their certification with proof of passing the national exam, in lieu of providing documentation of their clinical practicum hours and passage of the national certification exam, which is the current practice. At time of writing, the American Speech Language Hearing Association (ASHA) certification is usually required by employers to practice and may continue to be regardless of these rules' acknowledgment of ABA certification parity.

The proposed rule changes remove a clinical practicum requirement of 1,820 hours of audiologists. The proposed rule changes clarify duties of speech-language pathology assistants

and provisional speech-language pathology assistants, stating that they may only participate in parent conferences, individualized education program (IEP) meetings, case conferences, interdisciplinary team conferences, and research projects only when a supervising speech-language pathologist is present. This rule is anticipated to affect less than 300 individuals in total, with 2020 estimates of 219 speech-language pathology assistants and 29 provisional speech-language pathology assistants.

The proposed rule changes remove the ability of the LBESPA to initiate a complaint against a practitioner of its own volition, which may result in fewer complaints against practitioners licensed by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to affect competition and employment.

Jolie Jones
Executive Director
2208#036

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Office of the Governor Coastal Protection and Restoration Authority

Notice of Availability of *Deepwater Horizon* Oil Spill
Louisiana Trustee Implementation Group Draft Phase 2
Restoration Plan/Environmental Assessment #7.1:
Terrebonne HNC Island Restoration Project

Action:

Notice of availability; request for public comments.

Summary:

In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act of 1969 (NEPA), the *Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement* (Final PDARP/PEIS), and the Consent Decree, the federal and state natural resource trustee agencies for the Louisiana Trustee Implementation Group (LA TIG) have prepared the *Draft Phase 2 Restoration Plan/Environmental Assessment #7.1: Terrebonne HNC Island Restoration Project* (Draft RP/EA #7.1). The Draft RP/EA #7.1 proposes design alternatives for construction of one project to help restore bird species injured or lost as a result of in the Louisiana Restoration Area as a result of the *Deepwater Horizon* (DWH) oil spill: the Terrebonne HNC Island Restoration Project (Terrebonne HNC Island project). The project was approved for engineering and design (E&D) in a 2020 restoration plan entitled *Louisiana Trustee Implementation Group Final Restoration Plan #7: Wetlands, Coastal, and Nearshore Habitats and Birds* (RP/EA #7). RP/EA #7.1 analyzes a reasonable range of design alternatives for the project and proposes a preferred design alternative, Terrebonne HNC Island design alternative 7A, for construction. A No Action alternative is also analyzed for the project. The purpose of this notice is to inform the public of the availability of the Draft RP/EA #7.1 and to seek public comments on the document.

The RP/EA #7.1 provides OPA, NRDA, and NEPA analyses for a reasonable range of design alternatives for the Terrebonne HNC Island project and identifies the LA TIG's preferred design alternative for the project. The preferred design alternative, HNC design alternative 7A, would increase the acreage of the island from 27.6 acres to approximately 41.4 acres of shrub nesting, ground nesting, and marsh habitat. An existing, degraded perimeter rock dike would be restored, and breakwaters could be constructed on the northeast side of the island to provide further protection as well as calm water for loafing.

The approximate cost to implement the preferred alternative is \$34 million.

Dates:

The Louisiana TIG will consider public comments received on or before September 26, 2022.

Public Webinar:

The LA TIG will host a public webinar on September 8, 2022, starting at 2 PM CST, followed immediately by the LA TIG's annual meeting. Members of the public may remain online at the close of the RP/EA #7.1 webinar to attend the annual meeting. The public may register for the webinar at <https://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>.

After registering, participants will receive a confirmation email with instructions for joining the webinar. Instructions for commenting will be provided during the webinar. Comments will also be taken through submission online or through U.S. mail (see *Submitting Comments* below.) Shortly after the webinar is concluded, the presentation material will be posted on the web.

Addresses:

Obtaining Documents:

You may download the Draft RP/EA #7.1 at <https://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>. Alternatively, you may request a flash drive of the Draft RP/EA #7.1 (see For Further Information Contact below.) Also, you may view the document at any of the public facilities listed in Table 7-1 of the Draft RP/EA #7.1.

Submitting Comments:

You may submit comments on the Draft RP/EA #7.1 by one of the following methods:

Internet:

<http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>.

U.S. Mail:

US Fish and Wildlife Service Gulf Restoration Office, 1875 Century Blvd., Atlanta, GA 30345. To be considered, mailed comments must be postmarked on or before the comment deadline given in DATES.

During the public webinar:

Written comments may be provided by the public during the webinar.

For Further Information Contact:

Beth Golden, CPRA, 225-342-4708

Administrative Record

The documents comprising the Administrative Record for the Draft RP/EA #7.1 can be viewed electronically at <http://www.doi.gov/deepwaterhorizon/adminrecord>.

Authority:

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. §§ 2701 *et seq.*), its implementing NRDA regulations found at 15 C.F.R. Part 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. 30:2451 *et seq.*), the implementing Natural Resource Damage Assessment Regulations found at La. Admin. Code 43:101 *et seq.*, and the NEPA (42 U.S.C. §§ 4321 *et seq.*).

Lawrence B. "Bren" Haase
Executive Director

2208#089

POTPOURRI

Department of Insurance
Office of the Commissioner

Regulation 42—Group Self-Insurance Funds
(LAC 37:XIII.Chapter 11)

The Department of Insurance published a Notice of Intent to amend its rule, Regulation 42, in the January 20, 2019, Volume 45, No. 01 edition of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend §1101 of the current notice of intent of Regulation 42 by removing the definition of *surplus* and inserting the definition of *insolvency*; to amend §1107 by changing \$500,000 to \$1,000,000, by replacing “a certified annual audit report” with “an annual financial statement audited by an independent certified public accountant,” and by adding language regarding when the filing of member financial statements is required; to amend §1117.A by providing for telephone audits and/or virtual audits and by removing “contracted audit personnel or firms” and replacing it with “either an independent payroll audit firm or by the fund.” Since these are substantive changes, the Louisiana Department of Insurance is giving the public an opportunity for a hearing as published in this potpourri.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 11. Regulation Number 42—Group Self-Insurance Funds

§1101. Definitions

A. When used in this regulation, the following words or terms shall have the following meaning.

* * *

Insolvency—the condition existing when the fund’s liabilities before member distribution payable or dividend payable are greater than the fund’s assets determined in accordance with generally accepted accounting principles as delineated in the fund’s financial statement audited by an independent certified public accountant. For the purposes of determining insolvency, assets will not include intangible property, such as patents, trade names, or goodwill.

* * *

Surplus—repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1200.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:1403 (December 1992), amended LR 47:52 (January 2021), LR 48:

§1107. Financial and Actuarial Reports for Group Self-Insurance Funds

A. Each fund shall submit a current financial statement, audited by an independent certified public accountant, of at least two members showing, at the inception of the fund, a combined net worth of a minimum of \$1,000,000, current financial statements of all other members, a combined ratio of current assets to current liabilities of more than one to one, a combined working capital of an amount establishing

financial strength and liquidity of the members to pay normal compensation claims promptly, and showing evidence of the financial ability of the group to meet its obligations. An annual financial statement audited by an independent certified public accountant or a financial statement properly certified by an officer, owner, or partner for all members joining the fund after the inception date shall be submitted to the commissioner until such time as an annual financial statement audited by an independent certified public accountant is available for the fund as a whole. Thereafter, the filing of member financial statements with the Department is no longer required. In no event shall the cumulative net worth or ratio of the current assets to current liabilities of all members be less than that required in this Subsection.

B. An annual financial statement audited by an independent certified public accountant shall be due annually within six months of the close of the fiscal year of the fund, unless an extension is granted by the commissioner, on a form acceptable to the commissioner.

C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1200.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:1403 (December 1992), amended LR 48:

§1109. Excess Insurance Requirements for Group Self-Insurance Funds

A. - B. ...

C. - E. Repealed.

F. The commissioner shall deny the use of a higher retention requested by a fund if he finds:

F.1. - G. ...

H. Repealed.

I. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1200.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:1403 (December 1992), amended LR 48:

§1117. Premium Audit

A. All self-insurance funds shall determine the normal premium due from each member in each policy year based on actual audited payroll. Audits shall consist of physical on-site audits, ~~or~~ mail self-audits, telephone audits, or virtual audits. The requirements set forth herein shall apply to the fund and its present or former members. Funds shall be responsible for compliance with this Subsection by either an independent payroll audit firm or by the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1200.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:1403 (December 1992), amended LR 48:

Public Hearing

A public hearing on the proposed substantive changes will be held by the Louisiana Department of Insurance on September 21, 2022, at 10:00 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments

may do so at the public hearing or by writing to Lisa Henson, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted no later than September 20, 2022 by close of business, 4:30 p.m.

2208#092

James J. Donelon
Commissioner

POTPOURRI

**Workforce Commission
Office of Workers' Compensation Administration**

Mileage Reimbursement Limits

Pursuant to R.S. 23:1203(D), and based on the statewide mileage reimbursement as determined by the Louisiana Department of Administration, the following limits shall apply to workers' compensation's mileage reimbursement effective July 1, 2022.

Mileage Reimbursement
\$ 0.62 (cents) per mile

Date	Mileage
2000 - 2001	\$0.28
2001 - 2002	\$0.30
2002 - 2003	\$0.32
2003 - 2004	\$0.32
2004 - 2005	\$0.34
2005 - 2006	\$0.36
2006 - 2007	\$0.40
2007 - 2008	\$0.44
2008 - 2009	\$0.52
07/01/2009 to 12/20/2009	\$0.52
12/21/2009 to 06/30/2010	\$0.48
2010 - 2011	\$0.48
2011 - 2012	\$0.51
2012 - 2013	\$0.51
2013 - 2014	\$0.51
2014 - 2015	\$0.51
2015 - 2016	\$0.51
2016 - 2017	\$0.51
2017 - 2018	\$0.53
2018 - 2019	\$0.54
07/01/2019 to 12/31/2019	\$0.58
01/01/2020 to 06/30/2020	\$0.575
07/01/2020 to 12/31/2020	\$0.57
1/01/2021 to 06/30/2021	\$0.56
07/01/2021 to 01/09/2022	\$0.56
01/10/2022 to 6/30/2022	\$0.58

Tavares A. Walker
Deputy Assistant Secretary

2208#021

POTPOURRI

**Workforce Commission
Office of Workers' Compensation Administration**

Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2022 through August 31, 2023.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$1027.69	\$771.00	\$206.00	* .62 cents per mile
*Effective July 1, 2022 the mileage reimbursement is \$0.62 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 2000-Aug 31, 2001	517.93	388.00	104.00
Sept 1, 2001-Aug 31, 2002	530.43	398.00	106.00
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept. 1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept. 1, 2008-Aug. 31, 2009	728.10	546.00	146.00
Sept. 1, 2009-Aug. 31, 2010	768.83	577.00	154.00
Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00
Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00
Sept. 1, 2018-Aug. 31, 2019	886.38	665.00	177.00
Sept. 1, 2019-Aug. 31, 2020	916.85	688.00	183.00
Sept. 1, 2020-Aug. 31, 2021	940.00	705.00	188.00
Sept. 1, 2021-Aug. 31, 2022	990.85	743.00	198.00
Sept. 1, 2022-Aug. 31, 2023	1027.69	771.00	206.00

Actual wages are to be paid if the wages are less than the minimum.

Tavares A. Walker
Deputy Assistant Secretary

2208#022

CUMULATIVE INDEX
(Volume 49, Number 8)

2022	
Pages	Issue
1-228.....	January
229-380.....	February
381-977.....	March
978-1264.....	April
1265-1439.....	May
1445-1717.....	July
1718-2035.....	July
2048-2274.....	August

EO—Executive Order
PPM—Policy and Procedure Memoranda
ER—Emergency Rule
R—Rule
N—Notice of Intent
CMR—Committee Report
CR—Concurrent Resolution
GR—Governor's Report
L—Legislation
P—Potpourri
QU—Administrative Code Quarterly Update

ADMINISTRATIVE CODE UPDATE

Cumulative

- January 2021-December 2021, 220QU
- January 2022-March 2022, 1249QU
- January 2022-June 2022, 1998QU

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of

- Horticulture and Quarantine Programs
- Lethal bronzing and lethal yellowing disease quarantine, 2192N
- Industrial hemp, 1110N, 1743R, 2083R
- Nursery Stock Dealers, 1597N
- Structural pest control, 2194N
- Termiticides/manufacturers, approved, 2000P

Agriculture and Animal Sciences, Office of

- Horticulture and Quarantine Programs
- Citrus greening and citrus canker disease quarantine, 1ER, 76N, 993R
- Medical Marijuana Program, 23R
- Minimum specifications for termite control work, 77N, 994R
- Within each district, 79N, 994R
- Seed programs
- Analysis test and labeling of seed, 1112N, 1745R

Agriculture and Finance Authority

- Healthy Foods Retail Program, 296R

Agro-Consumer Services, Office of

- Weights and measures, 81N, 995R

Animal Health and Food Safety, Office of

- Produce safety, 393R

Livestock Brand Commission

- Livestock brands and marks, 391R

Forestry, Office of

- Prescribed burner certification, 1296N, 2084R

Veterinary Medicine, Board of

- Examinations, 1108N, 1709P

CHILDREN AND FAMILY SERVICES

- Louisiana's 2022 Annual Progress and Services Report, 1435P

Economic Stability Section

- SNAP gross income limits, 520N, 1459R
- Social Services Block Grant Intended Use Report, 1435P
- TANF fatherhood, 239ER, 521N, 1459R

Family Support, Office of

- Temporary Assistance for Needy Families (TANF) Caseload reduction, 223P

CIVIL SERVICE

Civil Service Commission

- Election of employee member of the State Civil Service Commission, 1905N

Ethics, Board of

- Disclosure forms, 2196N
- Food and drink limit, 1114N

COMMITTEE REPORTS

House of Representatives

Committee on Commerce

- Oversight Hearing on Rule Proposed by Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River Qualifications and Examination of Pilots, 375CMR

CONCURRENT RESOLUTIONS

House of Representatives

House Concurrent Resolution No. 4

- Medicaid Reimbursement to Non-State Intermediate Care Facilities for Persons with Intellectual and Developmental Disabilities, 1996CR

Senate

Senate Concurrent Resolution No. 4

- Residential Labor, 1996CR

CULTURE, RECREATION, AND TOURISM

State Parks, Office of

- Rosedown Plantation admission fee, 28R

ECONOMIC DEVELOPMENT

Business Development, Office of

Collateral Support Program ARPA 2021, 1114N, 1460R
Ports of Louisiana tax credits, 403R
Public hearing for substantial change to Quality Jobs Program Notice of Intent, 1250P
Quality Jobs Program, 83N
Small Business Loan Guaranty Program (SBLGP), 1138N, 1469R
SSBCI Loan Guaranty ARPA 2021, 1124N, 1472R
SSBCI Micro Lending Program ARPA 2021, 1131N, 1479R
SSBCI Seed Capital ARPA 2021, 522N, 1486R
SSBCI Venture Capital ARPA 2021, 527N, 1490R

Entertainment Industry Development, Office of

Income Tax Credit Program
Louisiana digital media and software, 406R
Musical and theatrical production, 407R
Motion Picture Production Tax Credit Program, 311N, 1494R

Louisiana Economic Development Corporation

Collateral Support Program ARPA 2021, 1114N, 1460R
Small Business Loan Guaranty Program (SBLGP), 1138N, 1469R
SSBCI Loan Guaranty ARPA 2021, 1124N, 1472R
SSBCI Micro Lending Program ARPA 2021, 1131N, 1479R
SSBCI Seed Capital ARPA 2021, 522N, 1486R
SSBCI Venture Capital ARPA 2021, 527N, 1490R

EDUCATION

Elementary and Secondary Education, Board of

BESE/8(g) operations, 410R
Advisory councils, 1297N, 2085R
Student transfer appeals, 1300N, 2087R
Bulletin 106—Agriculture Education Content Standards Curriculum Framework
Advisory councils, 1302N, 2087R
Bulletin 111—The Louisiana School, District, and State Accountability System
Advisory councils, 1305N, 2089R
General provisions, 1265ER
Interests and opportunities index, 412R
Transition from 2017-2018 to 2024-2025 SPS Release, 997R
Bulletin 118—Statewide Assessment Standards and Practices—Performance Standards, 90N, 997R, 1142N, 1745R
Bulletin 126—Charter Schools, 92N, 314N, 998R, 1269R
Bulletin 127—LEAP Connect Assessment
Louisiana Connectors for Students with Significant Cognitive Disabilities, 314N, 1269R
Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel, 2ER, 28R, 413R
Personnel evaluation, 100N, 1005R
Bulletin 133—Scholarship Programs, 29R
Bulletin 135—Health and Safety, 1907N
Bulletin 137—Louisiana Early Learning Center Licensing Regulations, 30R, 1908N

Bulletin 139—Louisiana Child Care and Development Fund Programs, 30R, 102N, 317N, 1006R, 1269R, 1909N
CCAP household eligibility, 239ER
Bulletin 140—Louisiana Early Childhood Care and Education Network, 319N, 1270R, 2196N
Advisory councils, 1308N, 2091R
Childhood Care and Education Accountability System, 2ER
Coordinated observation plan and observation requirements, 107N, 1010R
Ready start network, 1311N, 2094R
Bulletin 741—Louisiana Handbook for School Administrators, 31R, 109N, 324N, 1011R
Advisory councils, 1313N, 2095R
Dual enrollment, 1316N, 2097R
Literary skills and assessment, 1145N
Trauma-informed education, 1272R
Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators, 322N, 1747R, 1916N
African American history, 34R
Dual enrollment, 1318N, 2098R
Trauma-informed education, 1273R
Bulletin 745—Louisiana Teaching Authorizations of School Personnel, 1147N, 1748R
Bulletin 746—Louisiana Standards for State Certification of School Personnel, 240ER, 325N, 414R, 1014R, 1151N, 1319N, 1749R, 1918N, 2099R, 2198N
Appeals process, 1822N
General teacher competencies, 1149N, 1755R
Mentor teacher certification, 1324N, 2098R
Teacher certification, 1923N
Teacher preparation programs, 1273R
Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs, 113N, 327N, 1088R, 1158N, 1161N, 1274R
Literacy skills standards, 1757R
Monitoring, 1756R
Bulletin 1566—Pupil Progression Policies and Procedures, 35R, 1163N, 1759R
Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act, 35R
Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies, 1166N, 1407N, 1764R
Emergency contracting process, 1925N
Graduation requirements, 1719ER, 1927N
High school assessment requirements, 1092R
High school social studies assessment, 37R
Louisiana School, District, and State Accountability System, transition from 2017-2018 to 2024-2025 SPS release, 119N
Regents, Board of
Student Financial Assistance, Office of
Scholarship/Grant Programs
COVID-19 exceptions, 328N, 1689N, 1761R
Dual enrollment
Psychology, 1929N
Higher education, 479R
M.J. Foster Promise Program, 120N, 1093R
Proprietary School Section
Forms, 1690N

ENVIRONMENTAL QUALITY

Secretary, Office of the

Legal Affairs and Criminal Investigations Division

2021 annual incorporation by reference of certain federal air quality regulations, 487R

Criteria, 532N, 1497R

Expansion of the Expedited Penalty Program, 125N, 1790R

Fee increase

Act No. 405 of the 2021 Regular Legislative Session, 331N, 1499R

Notice of Public Hearing—Substantive Changes to Proposed Rule RP067, Regulation and Licensing of Naturally Occurring Radioactive Material (NORM), 1256P

Regulation and Licensing of Naturally Occurring Radioactive Material (NORM), 1805R

Request for stakeholder input regarding adoption and implementation of the numeric freshwater ammonia criteria, 645P

X-Rays in the healing arts, 140N

EXECUTIVE ORDERS

JBE 22-1 Bond Allocation 2022 Ceiling, 229EO

JBE 22-2 Emergency Operations Plan, 229EO

JBE 22-3 Statewide Litter Abatement and Beautification, 235EO

JBE 22-4 Elections—Suspending and Rescheduling Deadline to Order Special Elections, 238EO

JBE 22-5 Carry-Forward Bond Allocation 2021, 237 EO

JBE 22-6 Flags at Half-Staff—Senator Sydney Banks Nelson, 237EO

JBE 22-7 Flags at Half-Staff—Senator Willie Eugene Crain, Sr., 381EO, 978EO

JBE 22-8 Bond Allocation 2022 Ceiling

JBE 22-9 Louisiana Cybersecurity Commission

Amending Executive Order Number 19-19, 978EO

JBE 22-10 Covid-19 Post-Emergency Sustained Recovery Activities, 979EO

JBE 22-11 Broadband for Everyone in Louisiana Commission—Amending Executive Order Number JBE 2020-6, 979EO

JBE 22-12 Bond Allocation 2022 Ceiling, 1445E)

JBE 22-13 Flags at Half Staff—United States Representative Dr. John C. Cooksey, 1718EO

JBE 22-14 Flags at Half-Staff—Former State Senator Lynn Blackwell Dean, 2036EO

JBE 22-15 Flags at Half-Staff—Ronald J. Gomez, Sr., 2036EO

JBE 22-16 Flags at Half-Staff—Anthony C. “Buddy” Leach, Jr., 2037EO

GOVERNOR

Administration, Division of

Broadband Development and Connectivity, Office of

Granting Unserved Municipalities Broadband Opportunities (GUMBO), 1503R, 2040ER

Group Benefits, Office of

Employee benefits, 341N

Pre-existing condition limitation, 1934N

Schedule of benefits

Emergency room copayment, 2200N

Homeland Security and Emergency Preparedness, Office of

Disbursement of public resources, 2051ER

Racing Commission

Horses suspended concurrent with trainer, N

Use of riding crop in thoroughbred races, N

Wagering on historical horse racing, 267ER, 534N, 1810R

Tax Commission

Ad Valorem taxation, 1516R

Public Hearing

Substantive changes to notice of intent

Personal property report forms and appeals, 645P

Auctioneers Licensing Board

Auctioneers, 490R

Deceased or retired predecessor firms, 1933N

Boxing and Wrestling Commission

London Ring Fighting, 2038ER

Capital Area Ground Water Conservation Commission

Independent metering installation, 3ER

Independent remote monitoring system, 337N, 1502R

Limitations and prohibitions on water pumping, 338N, 1502R

Pumpage fees, 337N

Certified Shorthand Reporters, Board of Examiners of

Continuing education, 335N

Coastal Protection and Restoration Authority

Public hearings—state fiscal year 2023 draft annual plan, 223P

Deepwater Horizon oil spill—restoration plan, 2265P

Commission on Law Enforcement and Administration of Criminal Justice

General subgrant guidelines, 338N, 1503R

Peace officer training, 162N, 298R, 1275R

Crime Victims Reparations Board

Compensation to victims, 39R

Financial Institutions, Office of

Virtual currency business activity, 1622N

Home Inspectors, Board of

Licensure, 1615N

Standards of practice, 1615N

Real Estate Appraisers Board

Compensation of fee appraisers, 1267ER, 2204N

Real Estate Commission

Certificate of Authority, N1193

Documentation, 2204N

Examinations, 1193N

Franchise, 1935N

Hearings, 1193N

Instructors, 1194N

Investigations, 1193N

Licensure, 1194N, 1935N

Real estate schools, 1935N

Vendors, 1194N, 1935N

HEALTH

Aging and Adult Services, Office of

Adult residential care waiver, 165N, 1098R
Early and periodic screening, diagnosis and treatment health services
EarlySteps reimbursement rate increase, 2052ER
Home and community-based services waivers
Adult Day Health Care Waiver
Bonus payments, 2053ER
Direct support worker wages, 2053ER
Community Choices Waiver
Bonus payments, 2057ER
Direct support worker wages, 2057ER
Support coordination workforce retention
Bonus payments, 2062ER
Home and Community-Based Services Waivers and long-term personal care services, 284ER
Nursing facilities
Levels of care, 1374N, 2130R
Personal assistant services
Employment support, 1376N, 2131R
Personal care services
Bonus payments, 2066ER
Long-term direct service worker wages, 2066ER
Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency, 4ER, 987ER, 1722ER
Home and Community-Based Services Waivers and long-term personal care services, 284ER, 2068ER

Behavioral Health, Office of

Adult mental health services
Crisis stabilization, 164N, 1098R
Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency, 987ER

Citizens with Developmental Disabilities, Office for

Early and periodic screening, diagnosis and treatment health services
EarlySteps reimbursement rate increase, 2052ER
Home and community-based services waivers
Children's Choice Waiver, 554N, 1543R
Bonus payments, 2055ER
Direct support worker wages, 40R, 2055ER
New Opportunities Waiver
Bonus payments, 2058ER
Dental services, 556N, 1545R
Direct support worker wages, 41R, 2058ER
Residential Options Waiver
Bonus payments, 2060ER
Dental services, 571N
Direct support worker wages, 42R, 2060ER
Supports Waiver
Bonus payments, 2063ER
Dental services, 587N, 1574R
Direct support worker wages, 43R, 2063ER
Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency, 4ER, 1722ER
Home and Community-Based Services Waivers and long-term personal care services, 284ER, 2068ER

Targeted case management
Reimbursement methodology
EarlySteps reimbursement rate increase, 2069ER

Dentistry, Board of

Continuing education requirements, 1325N
Dental hygienists, 1937N
Dentists, 298R
Disciplinary action expungement, 1325N
Fees and costs, 298R
General provisions, 298R

Health Services Financing, Bureau of

2022 third quarter hospital stabilization assessment, 646P
2022 fourth quarter hospital stabilization assessment, 1710P
Abortion facilities
Licensing standards, 550N, 983ER, 1540R
Adult day health care
Licensing standards admissions, 1347N, 2105R
Adult mental health services
Crisis stabilization, 164N, 1098R
Adult residential care providers
Licensing standards, 497R, 1270R
Adult Residential Care Waiver, 165N, 1098R
Ambulatory surgical centers
Licensing standards, 1348N, 2106R
Applied behavior analysis-based therapy services
Place of service limitations, 1720ER, 2206N
Behavioral health service providers
Licensing standards, 348N, 1276R, 2207N
Crisis receiving centers
Licensing standards, 301R
Early and periodic screening, diagnosis and treatment health services
EarlySteps reimbursement rate increase, 2052ER
Emergency telemedicine/telehealth, 985ER, 1204N, 1825R
Experimental procedures, 1598N
Facility need review
Relocation of nursing facility beds, 302R
Free-standing birth centers
Licensing standards, 1349N, 2106R
Home and community-based services providers
Licensing standards, 168N
Home and community-based services waivers
Adult Day Health Care Waiver
Bonus payments, 2053ER
Direct support worker wages, 2053ER
Children's Choice Waiver, 554N, 1543R
Bonus payments, 2055ER
Direct support worker wages, 40R, 2055ER
Community Choices Waiver
Bonus payments, 2057ER
Direct support worker wages, 2057ER
New Opportunities Waiver
Bonus payments, 2058ER
Dental services, 556N, 1545R
Direct support worker wages, 41R, 2058ER
Residential Options Waiver
Bonus payments, 2060ER
Dental services, 571N, 1558R
Direct support worker wages, 42R, 2060ER

HEALTH (continued)

Support coordination workforce retention
 Bonus payments, 2062ER
Supports Waiver
 Bonus payments, 2063ER
 Dental services, 587N, 1574R
 Direct service worker wages, 2063ER
 Direct support worker wages, 43R
Home health agencies
 Licensing standards, 1205N, 1826R
Home health program
 Emergency provisions, 1600N
Hospice services
 Emergency services, 1601N
 Inpatient cares, 1601N
Hospital licensing standards, 594N, 1580R
 Newborn safety devices, 498R
 Obstetrical and newborn services, 1950N
Inpatient hospital services
 Urban Metropolitan Statistical Area Facility, 1721ER, 2211N
Intermediate care facilities for persons with intellectual disabilities
 Dedicated program funding pool payments, 2065ER
 Reimbursement methodology, 1603N
 Direct Care Floor, 596N, 1581R
 Temporary reimbursement for private facilities, 986ER, 1372N, 2129R
Medicaid eligibility
 Twelve-months postpartum coverage, 499R
Nursing facilities, 303R
 Levels of care, 1374N, 2130R
 Licensing standards, 362N, 1289R
 Reimbursement methodology
 Cost reports, 303R
Outpatient hospital services, 1222N, 1842R
 Payment for outpatient surgery services
 COVID-19 laboratory testing, 282ER
 Urban Metropolitan Statistical Area Facility, 1721ER, 2213N
Pediatric Day Health Care Program
 Reimbursement rate increase, 2065ER
Personal assistant services
 Employment support, 1376N, 2131R
Personal care services
 Bonus payments, 2066ER
 Long-term direct service worker wages, 2066ER
Pharmacy benefits management program
 Over-the-Counter At-Home COVID-19 tests, 283ER, 598N, 1582R
Professional Services Program
 Reimbursement methodology, 170N, 1100R
Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency, 4ER, 382ER, 987ER, 1722ER
 Home and Community-Based Services Waivers and long-term personal care services, 284ER, 2068ER
Public hearing notice, 376P
Targeted case management
 Reimbursement methodology
 EarlySteps reimbursement rate increase, 2069ER
 Workforce retention bonus payments, 2070ER

Medical Examiners, Board of

Adjudication, 2243N

Nursing, Board of

Authorized practice, 981ER

Recission, 981ER

Licensure by endorsement, 981ER

Recission, 982ER

Optometry Examiners, Board of

Optometric telemedicine, 299R

Pharmacy, Board of

Compounding, 1938N

Dependents of relocated healthcare professionals, 1940N

Fees, 342N, 1901R

Hemp facility, 494R

Marijuana pharmacies, 1196N, 2102R

Medication administration, 494R

Nonresident pharmacies, 1943N

Partial fills of controlled dangerous substances, 1946N

Pharmacy benefit managers, 1200N, 2104R

Pharmacy operations, 1202N, 2105R

Raw marijuana products, 344N, 1902N

Transfer of prescription information, 1948N

Practical Nurse Examiners, Board of

Licensure, 982ER

Types of licensure

Recission, 983ER

Public Health, Office of

Hemp

Consumable, 2071ER

Immunization requirements, 1604N, 1710P

Marine and fresh water animal food products, 1225N, 1844R, 2132R

Medical marijuana

Regulation of, 2074ER

“Medically futile” unborn child

List of conditions, 2073ER

Newborn heel stick screening, 501R

Registration of foods, drugs, cosmetics and prophylactic devices, 376P, 1290R, 1583R, Sanitary Code

Community water system accountability, 171N, 1101R

Speech-Pathology and Audiology, Board of

Speech-pathology and audiology, 1326N, 2244N

INSURANCE

Commissioner, Office of the

Regulation 31—Holding Company, 1378N, 2145R

Regulation 42—Group Self-Insurance Funds, 1606N, 226P

Regulation 84—Recognition and Selection of the Applicable CSO Mortality Table in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits, 1610N

Regulation 100—Coverage of Prescription Drugs through a Drug Formulary, 1613N

Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions, 1383N

Regulation 114—Claims Adjuster Pre-Licensing Education Program, 2221N

INSURANCE (continued)

Regulation 120—Administrative and Agency Proceedings Instituted Against a License, 1104R
Regulation 121—Term and Universal Life Insurance Reserve Financing, 600N, 1583R
Regulation 122—Roles and Responsibilities of Pharmacy Benefit Managers and Pharmacy Services Administrative Organizations, 605N
Regulation 123—Producer Responsibility for Bail Bond Collateral, 2224N
Rule 9—Prelicensing Education, 2215N
Rule 10—Continuing Education, 2217N

Health, Life and Annuity Insurance, Office of

Annual HIPAA assessment rate, 1709N

JUSTICE

Occupational Licensing Review Program

Accepting participants for FY 2022-2023, 224P, 376P, 646P, 1258P

NATURAL RESOURCES

Conservation, Office of

Class III (solution-mining) injection wells, 1627N
Class V storage wells in solution-mined salt dome cavities, 1674N
Guidance manual for environmental boreholes and monitoring systems, 607N, 1385N, 1588R
Hydrocarbon storage wells in salt dome cavities, 1674N
Orphaned oilfield sites, 647P, 1258P, 1436P, 1710P, 2001P
Public hearing—Premier Environmental, LLC, 2001P
Water well registration, 44R

Secretary, Office of the

Request for comments on proposed requirements for solar power generation facility
Decommissioning and financial assurance, 224P

POLICY AND PROCEDURE MEMORANDA

Office of the Governor

Division of Administration

PPM 49—General Travel Regulations, 1446PPM

PUBLIC SAFETY AND CORRECTIONS

Corrections Services

Drug-free workplace, 1386N, 2150R
Offender incentive pay and other wage compensation, 363N, 1291R
Responsibilities and functions of Prison Enterprises, 1390N, 2153R
Telephone use and policy on monitoring of calls, 1394N, 2157R

Gaming Control Board

Service of notices, 1397N
Sports wagering, 45R, 285ER, 383ER, 1239N, 1857R

Motor Vehicles, Office of

Designations or restrictions on driver's licenses and identification cards, 503R

Oil Spill Coordinator's Office

Notice of restoration plan
2014 Mid-Valley Pipeline oil spill, 1437P
Notice of settlement agreement
Grand Bay oil spill, 1438P

State Fire Marshal

Uniform Construction Code Council

Uniform Construction Code, 1958N

State Police, Office of

Hazardous material information, 1678N

REVENUE

Alcohol and Tobacco Control, Office of

Direct delivery of alcohol
Third party service permit, 73R
Direct shipment of sparkling wine or still wine to consumers in Louisiana, 608N, 2159R

Policy Services Division

Criminal history record checks for access to federal tax information, 1399N, 2160R
Corporation income tax, 2227N
Donation to qualified foster care charitable organization credit and certain adoptions deductions, 2228N
Income tax withholding, 366N, 1294R
Gaming winnings, 503R
Tables, 8ER
Individual income, 609N, 2161R
Withholding, 609N, 2161R
Louisiana youth jobs tax credit, 504R
Mandatory electronic filing and payment of tobacco tax by vapor dealers, 2232N
Manufacturer's net invoiced price, 2233N
Mobile workforce exemption, 1991N
Nonresident professional athletes, 507R
Partnership returns
Electronic filing requirements, 177N, 1106R
Filing extensions for partnerships filing partnership, 177N, 1106R
Partnership composite returns, 177N, 1106R
Presidential disaster tax relief credit, 1993N
Sales and Use Tax exemption
Charitable construction of animal shelters, 506R
Sales and Use Tax Commission for Remote Sellers
Voluntary disclosure agreements, 1400N

STATE

Secretary of State, Office of the

Remote online notarization, 74R

TRANSPORTATION AND DEVELOPMENT

Multimodal Commerce, Office of

State safety oversight for rail fixed guideway public transportation systems, 638N, 2187R

Secretary, Office of the

Weights and standards enforcement, 1727ER
Wireless telecommunications permit, 290ER, 1246N, 2189R

TREASURY

State Bond Commission

Application and closing fees, 387ER

Teachers' Retirement System

Mandatory enrollment of employees employed by 11:157 employers, 1403N, 2190R

WILDLIFE AND FISHERIES

Wildlife and Fisheries Commission

Alligators, 508R
Hide tag fee regulations, 2235N
Billfish
Harvest regulations, 2240N
Chronic wasting disease control areas, 1405N, 2080ER, 2190R
Crab
Derelict Crab Trap Removal Program, 2237N
Crappie
Daily take on Bayou D'Arbonne Lake, 1994N
Deer
Carcass export and feeding ban
Franklin, Madison, and Tensas Parishes, 291ER, 2081ER
Domesticated aquatic organisms, 367N, 509R, 1702N
Gulf Menhaden
2022 commercial bait season, 388ER
General and wildlife management area hunting rules and regulations
Hunting Guide License, 511R
Greater amberjack
2022 recreational season closure, 2079ER
Hunter education program certification policy, 1107R
Hunting regulations for the 2021-2023 seasons, 178N, 1863R
Menhaden
Season, 1588R
Nets
Marking of gill nets, trammel nets, hoop nets, slat traps, and wire nets, 1406N
Oyster
Sister Lake Public Oyster Seed Reservation

Reopen to market size oyster harvest, 389ER, 990ER
Passive hooked fishing, 1706N

Public hearing

Substantive change to Notice of Intent
2022-2024 Hunting Regulations and Seasons, 648P
Menhaden Season, 225P

Recreational offshore landing permit, 218N, 1295R

Red Grouper

2022 recreational season closure, 2080ER

Red Snapper

2022 private recreational and state charter, 989ER

Rescinding the supplemental feeding ban in Morehouse and Union Parishes, 22ER, 292ER

Responsibilities, duties, and regulations

Access and permits, 642N, 1589R

Sawfishes

Harvest regulations, 2241N

Shark

2022 commercial large coastal sharks
Daily possession limit adjustment, 389ER

Shrimp

Season closure

Portions of state inshore and outside waters, 292ER

Portions of state inside waters, 22ER

Small juvenile white shrimp

Spring inshore shrimp season closure in state inside waters, 1742ER

Season opening

2022 spring inshore shrimp season, 1267ER

Fall inshore season opening, 2081ER

Portions of state inshore and outside waters, 990ER

Remaining state outside waters, 1268ER

Southern flounder

Commercial and recreational harvest, 640N, 1862R

WORKFORCE COMMISSION

Plumbing Board

Continuing professional education programs, 369N, 1591R

Rehabilitation Services

Financial needs and budgetary analysis tests, 293ER

Rehabilitation services, 304R, 518R

Unemployment Insurance Administration, Office of

Invocation of the statutory savings clause, 991ER

Workers' Compensation Administration, Office of

Medical treatment guidelines

Upper and lower extremities, 512R

Mileage reimbursement limits, 2267P

Notice of public forum, 649P

Notice of public hearing, 226P

Weekly compensation benefits limits, 377P, 2267P