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# Executive Orders

## EXECUTIVE ORDER BR 90 - 13

WHEREAS, Executive Order BR-90-11 was signed August 22, 1990, establishing the Louisiana Criminal Justice Information Systems Policy Board; and

WHEREAS, it is necessary to expand that board to include the secretary of the Department of Public Safety and Corrections;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby amend Section 2 of Executive Order BR 90-11 as follows:

SECTION 2: u. The secretary of the Department of Public Safety and Corrections, or his designee.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of September, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen

## EXECUTIVE ORDER BR 90 - 14

This executive order hereby amends Executive Order BR 88-40 signed September 27, 1988 by Governor Roemer as follows:

SECTION 2: The Advisory Board shall continue to be composed of at least 15 members as follows:

1. five members shall be elected officials currently holding office;
2. five members shall be representatives of the poor in Indian communities;
3. five members shall be officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community.

SECTION 3: Each member shall be appointed by the governor and shall serve at his pleasure. Any vacancy occurring on the board shall be filled in the manner of the original appointment. Members of the Governor's Commission on Indian Affairs shall not serve as members of the Advisory Board for Native Americans in Louisiana.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 13th day of September, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Amendments to Standards 2.105.47 and 2.108.04 of Bulletin 741

The State Board of Elementary and Secondary Education, at its meeting of September 27, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and approved the following amendments to standards 2.105.47 and 2.108.04 of Bulletin 741 to reflect the changes made in the scoring on the enhanced ACT, effective October 20, 1990.

2.105.47 The student shall have scored at least a minimum composite score of 24 on the ACT or the appropriate concordant value on the enhanced ACT or a minimum of 24 or the appropriate concordant value on the enhanced ACT in the area to be pursued at the college level.

2.108.02 The student shall have earned a minimum composite score of 24 on the ACT or the appropriate concordant value on the enhanced ACT, and this score must be submitted to the college.

Emergency adoption is needed because students who enroll in college courses or early college admission during the 1990-91 school year are affected by the change in scoring.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Substance Abuse Program - Amendment to Bulletin 741

The State Board of Elementary and Secondary Education, at its meeting of September 27, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and approved the substance abuse program for inclusion in Bulletin 741 as stated below:

Elementary Program of Studies/Minimum Time Requirement

Add a new standard No. 2.090.01 to page 66 of Bulletin 741 which states:

2.090.01 Elementary schools shall provide a minimum of eight contact hours of substance abuse prevention education each school year. Instruction shall be provided in accordance with the state substance abuse curriculum (Bulletin 1864, Volume I) or through substance abuse programs approved by the State Board of Elementary and Secondary Education. Refer to R.S. 17:402-5 R.S. 40:981.3

All affected standard numbers will be adjusted accordingly.

#### Secondary Schools

Add a new standard No. 2.096.01 to page 74 of Bulletin 741 which states:

2.096.01 Secondary schools shall provide a minimum of eight contact hours of substance abuse prevention education each school year. Instruction shall be provided in accordance with the state substance abuse curriculum (Bulletin 1864, Volume I) or through substance abuse programs approved by the State Board of Elementary and Secondary Education. Refer to R.S. 17:402-5 R.S. 40:981.3

All affected standard numbers will be adjusted accordingly.

Emergency adoption is necessary in order that local school systems may implement the substance abuse program during the month of October, the month nationally recognized as the drug education month. Effective date of emergency rule is September 27, 1990.

Em Tampke  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

##### Amendments to Bulletin 1877 Implementation Guide for LTIP and LaTEP

The State Board of Elementary and Secondary Education, at its meeting of September 27, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved amendments to Bulletin 1877, *Implementation Guide for LTIP and LaTEP* which was adopted as an emergency rule and printed in the July 20, 1990 issue of the *Louisiana Register*. The pages of the document which are printed in this current issue of the *Louisiana Register* (October 20, 1990) reflect the amendments and are to replace the pages in the document adopted as an Emergency Rule, July 20, 1990.

This emergency rule is effective September 28, 1990. These revisions were necessary in order to clarify some of the language in the LTIP/LaTEP guidelines and to further insure that the assessment system is reasonable, fair and equitable for all involved. Emergency adoption is necessary in order for these revisions/clarifications to be in place for the fall LTIP/LaTEP observations which began October 1, 1990.

Data Recording Form--the form used by each assessor to record observation data for the STAR assessment.

Department--see LDE

Documentation--copies of the official STAR Data Recording Forms completed by members of the assessment team.

Due Process--fair and impartial treatment as guaranteed under the law including, but not limited to, the 1st, 5th and 14th amendments of the Constitution of the United States, Section 1983 of the Civil Rights Act of 1871, Title VII of the Civil Rights Act of 1964, and Title IX of the Educational Amendment of 1972, relative to procedural requirements.

Educational Accountability--reflects the respective shared responsibilities and duties of the following groups:

- 1) local boards, administrators, principals, teachers, and other personnel
- 2) the Louisiana Department of Education
- 3) parents and students
- 4) other governing authorities as specified by the constitution and laws of the state.

Equivalent level supervisor--an administrator other than the school principal (e.g., assistant principal, administrative assistant or central office administrator/supervisor) all of whom have received certification as STAR assessors.

Evaluatee--one who is evaluated.

Evaluation--the process of making considered judgements concerning the professional accomplishments and competencies of a teacher based on a broad knowledge of the area of performance involved and the specific pre-established standards of performance.

Extenuating circumstances--acceptable ground for extension of the assessment process or modification of the process; such grounds refer to circumstances over which the evaluatee has no control and may (but not necessarily) include the following:

- a. Sabbatical leave
- b. Leaves of absence
  1. personal illness
  2. personal leave
  3. military duty
  4. jury duty
  5. maternity leave
- c. Personnel illness or serious injury

Performance Criteria--general and specific standards by which a teacher's performance is assessed and upon which judgements are based.

Performance Dimension--the conceptual focus which guides the criteria for effective teaching practices.

Pre-Assessment Interview--a meeting between the assessment team and the intern teacher to discuss CUP assessment indicators that need clarification prior to the assessors completing the scoring of the CUP independently.

Pre-Observation Discussion--held prior to an assessor's observation of a teacher's classroom performance to identify any changes in the lesson plan for the day of the observation.

Principal--the administrator of the school to which the teacher being assessed is assigned.

Professional Development Plan--based on a teacher's identified areas needing improvement, this plan is developed by the principal with input from the teacher, approved by the assessment team, and supplemented by a teacher's self-directed improvement activities; its implementation is monitored by the principal. A teacher being assessed may receive such a plan at the end of the first assessment period as well as at the end of the assessment year; if a second year of professional development is granted, such a plan will again be developed and also be implemented.

Provisional Certificate--issued to all teachers new to the Louisiana public school system, regardless of experience or certification in other states; valid for two years.

Public School--public elementary and secondary schools governed by parish or city school boards and under the supervision of the SBESE.

Raw Notes--written account of an occurrence or condition observed by an assessor during a scheduled LTIP or LaTEP observation. The notes are descriptive data collected for the assessment but are not part of the evaluation process.

Recording Form--LTIP and LaTEP assessment process form which provides documentation of observations and assessments of the teacher by the assessor.

Regional Service Centers (RSC)--a network of eight LDE centers located throughout the state.

Remediation Year--the school year following the assessment year in which a teacher received a nonsatisfactory rating.

Renewable Professional Certificate--issued to a teacher whose assessment rating is satisfactory or superior. This certificate is valid for five years.

Satisfactory Rating--assessment rating issued to a teacher whose evaluation

piloted and validated before it is implemented statewide. Based on piloting and validation research, the LDE must recommend to the SBESE a proper range of scores for superior, satisfactory, and nonsatisfactory assessments.

Recognizing the need for trained assessors, the legislation assigns responsibility to the LDE to develop, direct and coordinate the implementation of a training program for assessors.

All necessary record keeping and coordination, including scheduling of evaluations necessary to the implementation of the program are to be done by the LDE.

The LDE must also coordinate all efforts with public colleges and universities, the Administrative Leadership Academy and the RSCs; it must coordinate the implementation of LTIP and LaTEP and other programs to avoid unnecessary duplication of effort.

Additionally, the LDE will make recommendations to the SBESE for any rules and policies needed for implementation.

B. The State Board of Elementary and Secondary Education

The SBESE has been directed to establish a Teacher Evaluation Advisory Committee, to review the work of the LDE and provide direction to the LDE regarding proper implementation.

Additionally, the SBESE is directed to adopt and promulgate rules and policies deemed necessary for implementation. For example, the SBESE must set the range of scores for evaluation categories (e.g., superior, satisfactory, nonsatisfactory) based on recommendations from the LDE.

Further, it is the responsibility of the SBESE to create, by rule, a grievance procedure for teachers so that, at a minimum:

- a) the teacher is provided a copy of the assessment performance profile.
- b) the teacher is permitted to file a written response to be permanently attached to the teacher's assessment file.
- c) a post-assessment conference is held to inform the teacher of the results of the evaluation in order that the teacher may respond to the evaluation and have the opportunity to amend, remove or strike any proven inaccurate or invalid information within the performance assessment profile.
- d) the teacher is given the right to receive evidence by documentation of any item contained in the evaluation that the teacher believes to be inaccurate, invalid or misrepresented. If documentation is not presented, such items shall be removed from the profile.



Fall Semester

1. The teacher to be assessed under LTIP prepares and submits a Comprehensive Unit Plan (CUP) to the assessment team for independent review and scoring. LTIP assessors shall receive information about the CUP in a pre-assessment interview with the intern teacher before completing the scoring of the CUP. The LaTEP teacher prepares daily lesson plans for a seven day period or a CUP.
2. In LTIP, the assessment team will meet to prepare for a CUP interview with the intern teacher. The team will interview the intern teacher, and after the interview, each member will independently score CUP indicators that needed clarification.
3. In LaTEP, the team does not meet with or interview the teacher. The daily lesson plans are not scored by the assessors. If a LaTEP teacher receives a score that is below standard on any STAR component, the teacher is encouraged to prepare a CUP in the spring. It will be reviewed independently by each team member prior to an observation visit but will not be scored.
4. After the CUP or lesson plans are submitted and reviewed, each team member will complete an independent observation. The observations will be conducted during the time frame specified in the CUP or lesson plans and shall coincide with the length of the lesson. A pre-observation discussion and a post-observation discussion must be conducted for the purposes of requesting and receiving clarification relative to the observation.
5. Each assessor will independently score Dimensions II, III, and IV of the assessment instrument and send the completed data recording form to a designated data processing agency, the RSC. A teacher may request copies of each assessor's STAR Data Recording Form at the end of the spring assessment period or the teacher may request copies if the teacher is involved in Step 2 of the grievance procedure (pages 28-30 of the LTIP/LaTEP implementation guide).
6. The RSC will prepare a formative assessment performance profile. Copies of the profile will be sent to the teacher and to each assessment team member.
7. In LTIP, the support team will conduct a post-assessment conference with the intern teacher. A Professional Development Plan will be formulated by the team for any intern whose score falls below the standard on any STAR component.
8. In LaTEP, an assessment conference will be conducted by the principal unless the teacher requests that the entire assessment team be present. A Professional Development Plan will be formulated by the principal with input from the teacher. A plan must be developed for any teacher whose score falls below the established state standard

on any STAR component. A plan may be formulated for teachers who score at or above standard on any STAR component. The plan must be approved by the assessment team. In LaTEP, the principal will monitor the teacher's implementation of the plan.

### Spring Semester

1. LTIP

If a teacher receives a score that is at or above the standard on all components of the fall CUP assessment, the spring assessment process will be repeated without the preparation and review of an additional CUP. If a teacher's score on any STAR component is below standard then an additional CUP must be prepared by the teacher and reviewed by the assessment team as part of the spring assessment process.

LaTEP

If a teacher scores below standard on any STAR component during the fall assessment, the spring assessment process will be repeated and the teacher is encouraged to prepare a CUP. If prepared, the CUP will be reviewed by the assessment team as part of the spring assessment process but will not be scored.

3. In LTIP, an intern teacher who receives a satisfactory rating at the end of the spring assessment progresses to LaTEP. An intern who receives a nonsatisfactory rating may be recommended for a second year in LTIP.
4. In LaTEP, a satisfactory or superior rating at the end of the spring assessment will terminate the current process which will be repeated five years later.
5. In LaTEP, a nonsatisfactory rating will result in a program of professional development which must be approved by the assessment team. The program must include the preparation of the CUP and activities directed by the principal in addition to the teacher's self-directed activities. (Refer to item number 8, Fall Semester.)
6. In LaTEP, after a nonsatisfactory rating, a teacher will be in remediation and must repeat the assessment process the next school year. The subsequent assessment results include the following possibilities:
  - a) A satisfactory rating upon re-assessment will terminate the current process which shall be repeated within a five-year cycle.
  - b) A nonsatisfactory rating with significant progress upon re-assessment will result in an extension of the professional

development program for one year. The maximum term of the professional development program and re-assessment will be two years.<sup>3</sup>

- c) A nonsatisfactory rating upon re-assessment will result in expiration of certification. No certificates or credentials shall be issued for a period of at least two years. Re-entry is possible after the two-year period if the teacher has earned at least six hours of credit in graduate level or undergraduate level courses related to the area(s) needing improvement as noted on the assessment profile. The teacher must be assessed immediately under re-entry under LaTEP.

- 7. In LaTEP any teacher assessed during the 1990-91 school year whose evaluation is not high enough to warrant a five year renewable certificate by criteria set by the SBESE in January 1991 shall be placed in remediation at the end of the 1990-91 school year but shall retain his/her current certificate until an assessment of three observations is completed in the fall of 1991. The assignment of a five-year renewable certificate or a provisional in-remediation certificate shall be based on the three observations conducted during the second half of 1990-91 and on the three observations conducted during the first half of 1991-92.

#### **IMPLEMENTATION: RULES AND POLICIES**

##### **A. Preparation for the Assessment Process**

###### **1. Orientation**

###### **a) Orientation I**

A LTIP/LaTEP Orientation I manual and video tape prepared and disseminated by the LDE are available in each LEA and RSC. LEAs must provide inservice training to all teachers on LTIP/LaTEP.

###### **b) The State Standardized Orientation Program**

The State Standardized Orientation Program (Orientation II) required by the "Children First" Act for all teachers provides in-depth information on the programs. Orientation II addresses the legislative mandates, assessment processes, policies and procedures, and the STAR assessment instrument.

Orientation II presenters are designated by the LEA Superintendent and approved by the LDE. The LDE strongly recommends that the school principal and/or a master teacher at the school present Orientation II. Central office personnel may provide orientation at the school level, upon request, when the principal has not been trained or certified as an assessor. Presenters must be certified STAR assessors.

Orientation II will be provided preferably at the school building level for small groups. It must be completed no later than September 15, 1990.

If Orientation II is not provided at a school(s) within an LEA, then no assessments will occur in the violating school(s) for

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<sup>3</sup>Significant progress will be further defined once standards have been established

will make the final determination of team composition.

After the team is selected, the RSC coordinator will conduct an organizational meeting for assessors, scheduled in coordination with the principal.

The principal will identify dates for each team member's observation, with the approval of the RSC coordinator. The RSC coordinator will schedule observations with written documentation showing that observations occur within the seven day period covered by the CUP or daily lesson plans. The class period and subject to be observed are chosen by the teacher to be assessed. The teacher will not be provided the scheduled dates; however, the teacher will be informed that the three assessors will observe within the seven day period specified in the CUP or the daily lesson plans.

2. All LTIP Teachers in Fall; LTIP Teachers Who Score below Standard on any STAR Component during the Fall Assessment; and LaTEP Teachers Who Are in Remediation

#### Comprehensive Unit Plan (CUP)

- a) Time Line for Teacher Preparation of CUP

After notification of the assessment schedule by the RSC, the teacher has a minimum of three weeks to prepare and submit the CUP to members of the assessment team.

Three copies of the CUP must be submitted, one to each member of the assessment team. In LTIP, an intern teacher must submit the CUP at least one week prior to the pre-assessment interview. In LaTEP, the CUP must be submitted at least one week prior to the first observation.

Delivery of the CUP to each assessor is the responsibility of the teacher. Delivery may be by hand or by mail, and documentation of delivery is advisable.

If the CUP is not submitted as required, and if there are no extenuating circumstances as determined by the LDE, the assessment will proceed on schedule and the teacher will be scored unacceptable on all assessment indicators related to the CUP.

- b) Time Line for Team Assessment of CUP

Scoring of the CUP must be completed independently by each member of the assessment team before the first observation.

If the CUP is not assessed as required, and if there are no extenuating circumstances as determined by the LDE, the teacher will be allowed to select from several options to satisfy the

requirements (i.e., mini lesson plan, daily lesson plan, extended CUP).

c) Required Submission of the CUP

The CUP is a required component of the fall assessment of the LTIP teacher. However, if a teacher receives a score that is at or above the standard on all components of the fall CUP assessment, the CUP shall not be required in subsequent assessments of the teacher for that year, but daily lesson plans are required.

If the teacher scores below standard on any STAR component during the fall assessment period, the CUP will be required as a part of the spring assessment.

d) Criteria for Preparation of the CUP

A standard CUP format has not been provided because the LDE does not want to impose a single format on teachers. Dimension I of the STAR provides a teacher opportunity to use creativity in preparing a lesson. The complexity and length of the CUP will be determined by the teacher based upon the developmental and ability levels of students in the class.

In any context, the CUP should:

- be the original work of the teacher
- be legible to the assessor
- encompass the seven days in the subject area chosen by the teacher from his/her assigned teaching areas.

During Orientation II, three suggested formats for the CUP are shared with the teacher.

2a. LaTEP Daily Lesson Plans

a) Time Line for Teacher Preparation of Daily Lesson Plans

After notification of the assessment schedule by the RSC, the teacher has a minimum of three weeks to prepare and submit the daily lesson plans to members of the assessment team.

Three copies of the daily lesson plans must be submitted, one to each member of the assessment team. The daily lesson plans must be submitted at least one week prior to the first observation.

Delivery of the daily lesson plans to each assessor is the responsibility of the teacher. Delivery may be by hand or by mail and documentation of delivery is advisable.

If the daily lesson plans are not submitted as required, and

if there are no extenuating circumstances as determined by the LDE, the assessment will proceed on schedule and the teacher will be required to submit a CUP for the spring assessment.

b) Daily Lesson Plan Components

All teachers participating in the LaTEP are required to prepare a set of lesson plans for the seven day period of time during which assessments will be conducted by assessment team members.

Lesson plans prepared by LaTEP teachers must include:

1. Class profile
2. Learning goals and objectives
3. Activities and the amount of time to be spent on each activity
4. Aids and materials
5. Homework assignments
6. Formal assessment and evaluation procedures

If a teacher in the LaTEP chooses to prepare a CUP in place of the set of lesson plans, he/she may do so and must follow the procedures specified in the Policy/Implementation Guide for preparation of the CUP by an intern teacher.

c) Submission of the CUP

If the teacher scores below standard on any STAR component during the fall assessment period, the teacher is encouraged to prepare a CUP for the spring assessment but it will not be scored. If the teacher is placed in remediation following the spring assessment period, the CUP must be a part of the Professional Development Plan.

3. Procedures for Classroom Observation

a) Scheduling

The first observation must be conducted no earlier than October 1 of the school year.

The observation must be the length of the class period; for elementary teachers at least a minimum of 30 minutes.

b) Procedures

- (1) Observations must be conducted independently by each assessor during the specified seven day period in the CUP or daily lesson plans.

- (2) The observation must be a scheduled visit within the framework of the seven day period specified in the CUP or daily lesson plans. The teacher will not be informed of the specific dates that each assessor will observe his/her classroom performance. If an assessor fails to observe the teacher during the scheduled seven day period due to extenuating circumstances on the part of the assessor or the teacher, the observation will be rescheduled.
- (3) A pre-observation discussion is required.
- (4) Each assessor must observe standard procedures as set forth in the STAR assessor training; specifically the assessor must:
  - (a) sit in an area where all students can be monitored.
  - (b) remain for entire lesson as outlined in the CUP or daily lesson plans, for a minimum of 30 minutes.
  - (c) take written notes.
  - (d) not bring any documents, materials or equipment into the classroom other than the paper for recording notes.
- (5) Post-observation discussion must be conducted for the purposes of requesting and receiving clarification relative to the observation. General comments may be given to the teacher (e.g., interesting lesson).
- (6) No specific feedback or comments concerning the teacher's performance will be provided to the teacher during the observation or prior to the assessment conference.

#### 4. Procedures for Handling Assessment Data

- a) Between the time of the observation and the assessment conference, the assessors and the teacher must have no personal contact regarding the teacher's performance.
- b) The assessor must make STAR assessment decisions (complete STAR Data Recording Form) within 24 hours of the observation and prior to observing any other teacher.
- c) The assessor must complete the standard STAR Data Recording Form. The original copy of that form must be placed in an envelope provided by the LDE, sealed and submitted to the designated RSC data processing center within five working days. Copies of the STAR Data Recording Form may be requested by the teacher at the end of the spring assessment period or the teacher may request copies if the teacher is involved in Step 2 of the grievance procedure (pages 28-30 of the LTIP/LaTEP implementation guide).
- d) The assessor must keep a copy of the standard STAR Recording Form and any other data collected during the observation until the data processing center sends notification that the original document has been received and entered into the computer. **Confidentiality laws shall be maintained.** Immediately on such notification, the assessor must shred his/her copy of the STAR

Recording Form. Raw notes must be retained by assessors for a minimum of two years.

- e) The RSC data processing center will send to the teacher's home address a STAR Assessment Performance Profile within five working days from receipt of the STAR Recording Forms. The Profile is a composite representation of the observations of the assessment team.
- f) The RSC will also send a copy of the STAR Assessment Performance Profile to each assessor. **Confidentiality laws shall be maintained as prescribed by law.**
- g) The LDE shall notify the LEA superintendent and school principal of the summary decision on each teacher assessed.

#### 5. Procedures for Assessment Conference

- a) All members of the assessment team will confer within 15 working days of receipt of the teacher's Profile. If a Professional Development Plan is needed, it will be developed by the principal, with input from the teacher, based on information provided by all members of the team. The plan must be approved by the assessment team.
- b) The assessment conference will be held to discuss the results of the Assessment Performance Profile at a time and location convenient for all parties involved.
- c) Under LTIP, the assessment team must meet with the teacher within 15 working days after the receipt of the Assessment Performance Profile.
- d) Under LaTEP, the principal or equivalent level supervisor must conduct the assessment conference with the teacher within 15 working days after the receipt of the Assessment Performance Profile. The teacher may submit a request for a conference with all team members within five working days after the receipt of the Assessment Performance Profile; if so, the entire team must meet with the teacher within 15 working days of the request.
- e) All copies of the Assessment Performance Profile must be returned to the teacher at the end of the assessment conference.
- f) If a Professional Development Plan has been developed, it is presented to the teacher at the time of the assessment conference. During the conference, the teacher will be informed that he/she has five working days in which to notify the principal of self-directed activities in order for the activities to become a part of the plan.
- g) It is the principal's or equivalent level supervisor's responsibility to:
  - approve the teacher's plan for self-directed activities;
  - keep a copy of the Professional Development Plan on file;
  - monitor the implementation of the plan on a day to day basis.
- h) If a Professional Development Plan is prescribed for a teacher, the Professional Development process (remediation) begins no earlier than ten working days after the assessment conference.



D. Outcomes of the LTIP and LaTEP Spring Assessments

Both LTIP and LaTEP assess the classroom performance of teachers, but there are some distinctions between outcomes and follow-up procedures in the two programs.

1. LTIP Procedures

- a) An intern teacher who receives a satisfactory rating at the end of the first LTIP assessment year moves into LaTEP. The intern retains a provisional certificate which will expire within the next school year; thus the intern must be assessed in LaTEP within the assessment year following the LTIP assessment.
- b) An intern teacher who receives a nonsatisfactory rating at the end of the first LTIP assessment year may be recommended for a second year in LTIP by the assessment team. The intern must be re-assessed under LTIP that second year; however, it will be the decision of the LEA to employ the intern the second year.
- c) An intern teacher who is employed for a second year under LTIP will be re-assessed. If the teacher receives a nonsatisfactory rating in the second assessment year, the provisional certificate will expire.

2. LaTEP Procedures

- a) A teacher who receives a satisfactory or superior rating at the end of the first LaTEP assessment year will be issued a renewable professional certificate.
- b) A nonsatisfactory rating at the end of the assessment year places the teacher in remediation and a "provisional/in remediation" certificate, valid for one year, will be issued. Such a certificate replaces all previously held Louisiana teaching certificates.
- c) A teacher who holds a "provisional/in remediation" certificate will be assessed the following year.
  - 1) A satisfactory rating upon re-assessment at the end of the second assessment year will terminate the current process. The process will be repeated five years later. A renewable professional certificate will be issued.
  - 2) A nonsatisfactory rating with significant progress<sup>4</sup> upon re-assessment may result in an extension of the "provisional/in remediation" certificate for one year. The maximum term of the "provisional/in remediation" certificate is two years.
  - 3) A nonsatisfactory rating upon re-assessment results in the expiration of the certificate. No certificates or credentials may be issued for a period of at least two years. Re-entry is possible after the two year period if the teacher has earned a minimum of six hours of

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<sup>4</sup>Significant progress will be further defined once standards have been established.

- credit in graduate level courses related to the area(s) needing improvement.
- 4) After a two year period, a teacher who has lost his/her certification and earns appropriate graduate or undergraduate credits can re-enter the LaTEP assessment process. The teacher will be issued a provisional teaching certificate. The teacher's name must be included on the list of teachers to be assessed during his/her re-entry year. The teacher must be assessed within the first 60 working days of the school year. A satisfactory rating at the end of the assessment year will result in the issuance of a renewable professional certificate valid for five years.
  - 5) An evaluatee may be assigned new assessment team members during the remediation year.

#### E. Due Process Components

Teachers will be afforded due process in all aspects of the Louisiana teacher assessment programs. The due process rights include:

1. The evaluatee may request copies of each assessor's STAR Data Recording Forms at the end of the spring assessment period.
2. The evaluatee will be provided with a copy of the Assessment Performance Profile after the completion of the assessment process within 15 working days.
3. An assessment conference must be held following the Assessment Performance Process in LTIP and LaTEP and must include a discussion of the assessment profile. The conference must be held prior to the implementation of a Professional Development Plan.
4. The evaluatee may file a written response to the assessment which will be permanently attached to the evaluatee's Assessment Profile. The response will be filed at the RSC.
5. The evaluatee has the right to receive proof, by documentation, of any item contained in the profile that the evaluatee believes to be inaccurate, invalid or misrepresented. If documentation does not exist, the item in question must be amended or removed from the Assessment Performance Profile.
6. Confidentiality of assessment results must be maintained as prescribed by law.
7. The assessor's raw notes will be provided if subpoenaed for court proceedings.
8. A grievance procedure and an appeals procedure that follows the proper lines of authority under LTIP and LaTEP have been established and must be followed.

Louisiana Department of Education Grievance Procedure  
for the Louisiana Teaching Internship  
and the Louisiana Teacher Evaluation Program

A grievance is a claim by a teacher that the assessment is inaccurate, invalid or misrepresented. Such claim of error shall include evaluator bias, evaluator omission or evaluator error. Any other issues are to be handled as administrative complaints. The written complaint must be submitted to the LTIP/LaTEP RSC Coordinator.

**Step 1**

- A. Any teacher who believes that he/she has a grievance may file the grievance at any time during the assessment process, but not later than 20 working days after the final assessment conference. The grievance must be in writing and shall state: (a) the precise factual basis on which it is based and (b) the specific relief requested by the teacher. The grievance shall be presented to the principal or acting administrator. The principal or acting administrator shall acknowledge receipt in writing and keep a record of its filing.
- B. Within seven working days of receipt of the written grievance, the principal or acting administrator shall schedule a conference with the teacher and his/her representative to discuss the specific terms of the grievance. If the conference must be delayed (e.g. illness, prior scheduling, holidays, etc.), the principal shall reschedule the conference within twenty working days of the original conference date with the teacher. Any other extensions would be considered only in the case of documented illness or severe emergency.
- C. Within seven working days of the conference, the principal or acting administrator, must confer with other member(s) of the evaluation team concerning the specifics of the grievance, arrive at a mutually agreeable decision and render a written response specifically addressing each element of the grievance and specifically addressing each area in which relief has been requested. If no mutually agreeable decision can be reached by the evaluation team, then the grievance will be handled as prescribed in Step 2. Within the above stated seven day time limit, the principal or acting administrator shall hand deliver or mail, certified, the evaluation team's written response to the teacher.

**Step 2**

- A. If a teacher is not satisfied with the decision rendered at Step 1, he/she shall institute a written appeal within ten working days of receipt of the response from the evaluation team by hand delivering or mailing, certified mail, ( must be post marked on or before the tenth day) a notice of appeal to the Coordinator of Evaluation at the appropriate Louisiana Department of Education Regional Center. The official Notice of Appeal Form must be completed and submitted by the teacher.

## Definition of Terms contained within the Due Process Component

Appeal	a challenge of a decision rendered by the Board of Elementary and Secondary Education to not renew a teaching certificate.
Assessment Conference	a face-to-face conference between the teacher and the evaluation team spokesperson conducted after the <u>assessment process</u> has been completed.
Coordinator of Evaluation	a person hired by the Louisiana Department of Education, housed at the Regional Service Center(s) to provide/facilitate those activities necessary for harmonious interaction between those persons involved in the teacher evaluation program.
Evaluator Bias	a preference or inclination that inhibits impartial <u>assessment</u> by an assessor.
Evaluator Error	intentional or unintentional deviation(s) by an assessor from the prescribed procedures set by the <u>Policy Implementation Guidelines for the Teacher Evaluation Program</u> .
Evaluator Omission	to fail to include or to leave out those steps necessary by an assessor for a <u>procedurally accurate</u> assessment of a teacher.
Formal Hearing	a meeting wherein arguments, proofs and evidence are presented and testimony is heard.
Grievance	a claim by a teacher that the assessment is inaccurate, invalid or misrepresented. The claim of error shall include evaluator bias, evaluator omission, evaluator error. Any other issues are to be handled as administrative complaints. The written complaint must be submitted to the LTIP/LaTEP RSC Coordinator.
LDE	Louisiana Department of Education
Regional Hearing Officer	a legally trained person specifically contracted and trained by the LDE to conduct a formal investigation or hearing and to report his findings of fact and render decisions based on those facts. No person who has a personal or professional interest which would conflict with his/her objectivity may be contracted to serve as a Hearing Officer (e.g. STAR assessor).

## DECLARATION OF EMERGENCY

### Department of Employment and Training Office of Labor

In accordance with R.S. 49:953B the Department of Employment and Training, Office of Labor, is exercising the emergency provision of the Administrative Procedure Act, to adopt the attached rule amending the regulations of conditions under which minor labor may be used. The purpose of the amendment is to establish additional guidelines permitting a waiver of the hour and time standards for minors under 16 years of age when employed in commercial motion pictures, films, or video productions. With the absence of a waiver provision, economic benefits to the state are lost as film production companies avoid filming in Louisiana. The issuance of a waiver to the hours and time standards is allowed only under specific circumstances and the health, morals and safety of the minor will remain as essential consideration for the minor's employment.

#### RULE

LAC 40:VII.103.A.9 shall be revised to read as follows:

9. When employed in commercial motion picture, film or video productions:

a. before 7 a.m. for studio production, 6 a.m. for location productions, and shall end no later than time specified below:

i. for minors under six years of age, 7 p.m.;  
ii. for minors six years of age to 15 years of age, 8 p.m. on days preceding school days and 10 p.m. on days preceding non-school days;

b. Minors under six years of age shall not work more than six hours per day, minors six years of age to 15 years of age shall not work more than eight hours per day;

c. minors shall receive a 12-hour rest break at the end of each work day, before the commencement of the next day of work;

d. Minors shall not be employed more than six consecutive days in any one week, nor more than 36 hours per week for minors under six years of age, nor more than 48 hours per week for minors six years of age to 15 years of age.

e. Applications for waivers for any exception to the foregoing provisions of this Subsection 9 may be made to the secretary of the Department of Employment and Training.

f. The secretary of the Department of Employment and Training shall grant a waiver only under the following circumstances:

i. Written acknowledgement that a waiver of the provisions established by the Screen Actors Guild has already been obtained.

ii. Written acknowledgement that the minor's parent(s), tutor, or custodian have been fully informed of the circumstances and have granted advance consent.

Phyllis Coleman Mouton  
Secretary

## DECLARATION OF EMERGENCY

### Department of Employment and Training Office of Workers' Compensation

#### Utilization Review Procedures

In accordance with the provision of LSA-R.S. 49:953(B) of the Louisiana Administrative Procedure Act, and under the authority of LSA-R.S. 23:1291(10)(12) and (13) of Act 938 of the 1988 Regular Louisiana Legislative Session, the Director of the Office of Workers' Compensation has determined that because of the imminent peril to the health, safety and welfare of the public, it is necessary that the Office of Workers' Compensation adopt an immediate utilization review process to resolve disputes over the necessity, advisability, and cost of proposed, or already performed, hospital care or services, medical or surgical treatment, or any non-medical treatment recognized by the laws of this state as legal and due under the Workers' Compensation Act, with the authority to audit specific medical records of a patient to determine whether an inappropriate reimbursement has been made.

Additionally, Act 938 mandates the promulgation of a utilization review process by the director of the Office of Workers' Compensation to be effective January 1, 1989.

A copy of the Utilization Review Procedure shall be available for review at the Office of Workers' Compensation Administration at 1001 North 23rd Street, Baton Rouge, LA 70804, Room 142.

Stephen W. Cavanaugh  
Director

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to amend the following rule in the Certified Nurse Aide Program.

It is necessary to adopt this as an emergency rule as the re-certification for nurse aide begins December 1990.

#### Chapter 16. Certified Nurse Assistant

##### §1611. Registration of Certificates

A. ...

B. Certification and re-certification application shall be made on forms provided by the board and the applicant must at the same time submit a fee not to exceed \$5 as set by the board.

The effective date of the rule is October 20, 1990 and will expire January 20, 1991.

Winborn E. Davis  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of Public Health

The Department of Health and Hospitals, Office of Public Health has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to change Chapter XIII of the State Sanitary Code to protect the public health and welfare.

Due to the fact that public health sanitarians are not trained electricians and often these public health sanitarians are the only regulatory authority inspecting individual sewerage installations, the secretary of the Department of Health and Hospitals declares the following emergency rule to be effective October 20, 1990 in order to prevent further suffering and deaths:

#### CHAPTER XIII

#### SEWAGE AND REFUSE DISPOSAL

Insert before the last sentence of 13:012-3:

With systems that use electrical power, the installer shall have a licensed electrician complete and sign an "Individual Sewerage Electrical Inspection Form" certifying that the installation complies with the National Electrical Code and local codes. All forms will be furnished by the Office of Public Health and are obtainable from each parish health unit, free of charge.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Title XIX Medicaid Program. The rule was previously adopted by emergency rulemaking effective May 20, 1990, and published in the June 20, 1990 issue of the *Louisiana Register* (Vol. 16, No. 6).

The Medicaid Program established by Title XIX of the Social Security Act provides medical assistance to certain low-income individuals and families and is administered by the states in accordance with federal requirements. The program by law is intended to be the payor of last resort; that is, other available third-party resources must be used before the Medicaid Program pays for the care of an individual eligible for Medicaid. The overall purpose of State Medicaid third-party liability (TPL) programs is to ensure that federal and state funds are not spent for covered services to eligible Medicaid recipients when third parties exist that are legally liable to pay for the services.

In accordance with the statutory provisions of the Deficit Reduction Act of 1984, since May 12, 1986, the state agency has utilized the method of claims payment called

cost avoidance to process all Medicaid claims involving third-party liability. In cost avoidance, if probable third-party liability is established at the time the claim is filed, the agency rejects the claim and returns it to the provider for a determination of third-party liability. When the amount of third-party liability is determined, the agency pays the claim to the extent that payment allowed under the agency's payment schedule exceeds the amount of the third party's payment.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (P.L. 99-272), was enacted on April 7, 1986. §9503 of COBRA amended §1902 (a)(25) of the Social Security Act to enact new provisions relating to third party liability in the Medicaid Program. DHHS/HCFA published the final rule in the *Federal Register* on January 16, 1990, implementing these COBRA provisions. Congressional intent in revising the methods of paying claims was to alleviate the administrative burden associated with the TPL efforts to encourage participation in the Medicaid Program by physicians and other providers of prenatal and preventive pediatric care (including EPSDT services), since recipients in need of such services already have difficulty finding providers in many areas of the state.

The regulations implementing §9503 set forth exceptions to the cost avoidance method of claims payment in TPL situations. For these exceptions the state is mandated to pay the submitted claim in the full amount allowed under the agency's payment schedule and then seek reimbursement from any liable third party to the limit of legal liability. This method of claims payment is referred to as "pay and chase." Accordingly, the pay and chase method of claims payment will apply to Medicaid claims for the following services covered under the state's Medicaid Plan:

A. prenatal care for pregnant women;

B. preventive pediatric services including Early and Periodic Screening Diagnosis and Treatment (EPSDT) of individuals under the age of 21 years; and

C. services provided to an individual for whom child support enforcement services are being carried out by the Title IV-D state agency.

#### Prenatal Care Services

Prenatal care is defined as services provided to pregnant women if such services relate to the pregnancy or to any other medical condition or pre-existing condition which may complicate the pregnancy. The types of claims involved are claims for routine prenatal care, prenatal screening of mother or fetus, and treatment for complications likely to affect the pregnancy such as hypertension, diabetes, and urinary tract infection.

#### Preventive Pediatric Care Services

Preventive pediatric care is defined as screening and diagnostic services to identify congenital physical or mental disorders, routine examinations performed in the absence of complaints, screening or treatment designed to avert various infectious and communicable diseases from ever occurring in individuals under age 21, and screening and diagnosis of development disabilities. This includes immunizations, screening tests for congenital disorders, well child visits, preventive medicine visits, preventive dental care, screening and preventive treatment for infectious and communicable diseases, any medical, vision, hearing, speech, development and mental health screening or diagnostic tests and screening, and diagnosis and treatment services provided to a child in the interest of establishing or following an approved Indi-

vidualized Education Program (IEP) or Individualized Family Service Plan (IFSP).

#### HCFA-Approved Procedure Codes

Specific procedures and diagnosis codes will be used to identify the prenatal and preventive pediatric care claims which will be subject to the pay and chase method of payment. These codes will be made available to providers in the provider newsletter and will be included in the provider manual at an early date.

The state agency will pay and chase claims whenever these diagnostic codes are listed as the primary diagnosis for covered Medicaid services. For free-standing laboratories and radiology centers, the state agency will pay and chase reimbursement if the diagnostic codes are listed as the primary or secondary diagnosis. If there is no diagnosis code indicated on the claim (for example, pharmacy and medical transportation) which denotes prenatal or preventive pediatric care, the cost avoidance method of claims payment will be applied when there is probability of third-party liability. In addition, hospitals and prepaid health plans such as health maintenance organizations are excluded from the mandatory pay and chase method of payment. Claims associated with inpatient hospital stay for labor and delivery and post-partum care will continue to be cost-avoided.

#### Medical Support Enforcement

The Title IV-D provision is a "pay and chase" requirement under COBRA which is provided to an individual for whom child support enforcement services are being carried out under Title IV-D. Congressional intent of this requirement was to protect the custodial parent and his/her dependent children from having to pursue the absent spouse, and his/her employer or insurer, for third-party liability. The statute and implementing regulations give states the option to require the medical or health provider to bill a liable third party and then wait 30 days from the date of the service to bill Medicaid. The State Plan must specify the method chosen to assure provider compliance with the billing requirements. The state agency is amending the State Plan to notify HCFA that Louisiana has elected to pay and chase these claims in the same manner that prenatal claims and preventive pediatric care claims will be processed. Providers will not be required to bill a liable third party prior to submitting the claim for Medicaid reimbursement. The state will pay these claims and seek reimbursement from any liable third party. However, the provider will have the option to bill a third party first. In situations where the third party is billed first, the provider must wait the required 30-day period before billing Medicaid. In addition, when payment has been received from the third party, the provider must attach a copy of the Explanation of Benefits from the third party to the Medicaid claim. The provider will then be reimbursed to the extent that payment allowed under the bureau's payment schedule exceeds the amount of the third-party payment.

For covered Title XIX services other than those specifically excluded from cost avoidance in this emergency rule, the agency will continue to use the cost avoidance method of claims payment.

#### RULE

In accordance with 42 CFR §433.139 which implements §9503 of COBRA, Medicaid claims for services covered under the State Plan will be cost avoided when there is probable third-party liability unless the claim is for one of the following services:

- A. prenatal care for pregnant women;
- B. preventive pediatric services including Early and Periodic Screening Diagnosis and Treatment of individuals under the age of 21 years;
- C. services provided to an individual for whom child support enforcement services are being carried out by the Title IV-D state agency.

In processing these claims, the Medicaid agency will pay the claim and seek reimbursement from liable third parties, utilizing the claims method of payment called "pay and chase." When the claim is for a service provided to an individual for whom child support enforcement services are being enforced through the Title IV-D state agency, the provider is not required to bill a liable third party prior to billing the state Medicaid agency. The state elects to process these claims in the same manner as for prenatal care and preventive pediatric services, that is, through the pay and chase process.

David Ramsey  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Title XIX Medicaid Program.

The reimbursement methodology for inpatient hospital services incorporates a provision for payment adjustment for hospitals serving a disproportionate share of low-income patients. This disproportionate share payment adjustment was implemented on July 1, 1988, in accordance with §4112 of the Omnibus Reconciliation Act of 1987 (Public Law 100-203). Rulemaking to adopt the provisions was published in the *Louisiana Register*, Volume 14, No. 8, dated August 20, 1988.

The bureau has made the finding that Title XIX inpatient hospital reimbursement rates are reasonable and adequate to meet the costs incurred by efficiently and economically operated facilities to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards except for those hospitals which provide services to a disproportionate share of medically indigent inpatients. One of the qualifying criteria for a disproportionate share payment adjustment is that the hospital must have a utilization rate in excess of the defined Medicaid utilization rate or the low-income utilization rate. Through emergency rulemaking, effective July 1, 1990 the bureau is adopting a change in the criterion for disproportionate share payment adjustment under the low-income utilization methodology. An additional criterion related to "free care" is required in order for hospitals to qualify under the low-income utilization methodology. Hospitals shall be required to provide a minimum of 10 percent "free care" based on either revenues or total inpatient charges. The intent of

the proposed change is to assure access to medical services by Medicaid recipients and the medically indigent who are either not insured or underinsured and to provide more adequate reimbursement for the additional costs incurred by the provision of medical services to a disproportionate share of low-income patients including Medicaid recipients which was the intent of §§1902 (a)(13) and 1923 of the Social Security Act. In addition, the bureau will increase the payment under the low-income utilization methodology to three times the amount over the qualifying percentage (25 percent).

Emergency rulemaking is necessary in order to enhance federal funding to hospitals providing indigent care as a result of this policy change in the disproportionate share payment adjustment in the inpatient hospital services program.

#### RULE

I. In order to qualify for a payment adjustment based on low-income utilization, the hospital must:

- A. provide an amount of "free care" equivalent in costs to 10 percent of total inpatient costs; or
- B. provide "free care" charges equal to 10 percent of total charges.

The hospital must submit its criteria and procedures for identifying patients who qualify for free care to the Bureau of Health Services Financing for approval. The policy for free care must be posted prominently and all patients must be advised of the availability of free care and procedures for applying for same.

II. The low-income utilization rate is defined as the sum of:

A. the fraction, (expressed as a percentage), the numerator of which is the sum (for the period) of the total Medicaid (Title XIX) patient revenues (allowable costs) plus the amount of the cash subsidies for patient services received directly from state and local governments, and the denominator of which is the total amount of hospital revenues for patient services (including the amount of such cash subsidies) in the cost reporting period; and

B. the fraction (expressed as a percentage), the numerator of which is the total amount of the hospital's charges for inpatient services which are attributable to charity (free) care in a period, less the portion of any cash subsidies as described in (A) above in the period which are reasonably attributable to inpatient hospital services; and the denominator of which is the total amount of the hospital's charges for inpatient hospital services in the period. For public providers furnishing inpatient services free of charge or at a nominal charge, this percentage shall not be less than zero. The above numerator shall not include contractual allowances and discounts (other than for indigent patients not eligible for Medicaid), that is, reductions in charges given to other third party payers, such as HMO's, Medicare, or Blue Cross; nor charges attributable to Hill-Burton obligations.

Hospitals shall be deemed disproportionate share providers if their low-income utilization rates are in excess of 25 percent.

#### III. Payment Adjustment

When a disproportionate share hospital qualifies for a payment adjustment based on low-income utilization, the adjustment factor is as follows: For each percentage, or portion thereof, of the low-income utilization rate as defined in II. in

excess of 25 percent, a payment adjustment factor of three percent shall be applied.

David Ramsey  
Secretary

#### DECLARATION OF EMERGENCY

##### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program.

Effective November 1, 1986, Medicaid coverage of individuals ages 18, 19, and 20 for whom public agencies are assuming full or partial financial responsibility and who are in foster homes or private institutions, and individuals who are in adoptions subsidized in full or part by a public agency (categories F, VI, I and O) was discontinued. This change was the result of circumstances which required the review of all optional Medicaid services. While budget constraints within the Medicaid program required that coverage of these groups be eliminated, the Department of Social Services, Office of Community Services was required to continue to provide medical care. Costs to the state associated with that care exceed the state share of the cost of providing Medicaid services to this population.

In order to reduce state expenditures for the care of the targeted population and to obtain available federal financial participation, the Bureau of Health Services Financing is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B)(1) to adopt the following rule.

#### RULE

Medicaid eligibility in the F and V categories of assistance as an Optional Categorically Eligible group is extended to those individuals age 18 through 20.

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

David L. Ramsey  
Secretary

#### DECLARATION OF EMERGENCY

##### Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exer-



cised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program.

In accordance with requirements of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), the Bureau of Health Services Financing has adopted the designation Nursing Facilities participating in Title XIX, Medicaid, in referring to all current ICF I, ICF II, and SNF facilities effective October 1, 1990. Reimbursement shall be based on patient-specific classifications of care rather than the current facility-specific levels of care. Current level of care per diem rates shall be applicable to corresponding classifications of care, with additional base rate adjustments and lump-sum payments providing the necessary reimbursement to allow provision of services in conformity with OBRA '87 regulations.

Current reimbursement methodology provides for adjustments to rates either as a temporary adjustment which will eventually be reflected in the rates or as a new factor included as a base rate component value.

However, certain requirements of OBRA '87 require significant one-time expenditures which conform to neither of the existing adjustment methodology modes, but lend themselves to lump-sum reimbursement methodology. The adjustments proposed to be reimbursed in this manner as the result of OBRA '87 requirements are:

1. Privacy Curtains - A maximum \$100/curtain cost has been determined to be a reasonable cost of privacy curtains for existing facilities. Reimbursement will be accomplished through a one-time lump sum payment of actual cost subject to the \$100 limitation.

2. Electrical rewiring/receptacles - Reimbursement for qualifying electrical rewiring of up to 25 percent of a facility's beds, for the purpose of providing skilled nursing services, may be made subject to the applicable limit described above. Qualifying rewiring must meet the following requirements.

a. There must be 10 receptacles per skilled room.

b. There must be two duplex outlets (four receptacles per bed - one duplex outlet on each side of the head of the bed.

c. There must be one additional duplex outlet on an opposite wall.

d. Wiring must comply with the National Electrical Code.

Reimbursable costs may include direct wiring to the facility's generator to assure life-support power for up to 25 percent of the facility's SN beds not to exceed 6.25 percent of certified and enrolled beds.

Reimbursement shall be for actual cost to be billed as a one-time lump sum, up to a maximum of \$5,300.

3. Generator purchase - Reimbursement for actual cost of purchase of a qualifying generator will be made as a one-time lump sum payment, up to a maximum of \$12,000, if any of the following conditions are met.

a. The facility has no generator.

b. The facility has a generator with a capacity of less than 10KW.

c. The facility has a generator of any size which is 10 years old or older.

4. New generators must:

a. have a capacity of at least 10KW;

b. have been purchased between 12/78 and 10/90.

This rule is necessary to provide a vehicle for reimbursement of certain expenses necessary to implement the

mandatory requirements of OBRA '87 legislation.

#### **RULE**

Reimbursement for certain nursing facility expenses may be accomplished by lump-sum payment of one-time expenses. Lump-sum adjustments may be made when the event causing the adjustment requires a substantial financial outlay and is mandated by federal requirements, such as a change in certification standards mandating additional equipment or furnishings. Such adjustments shall be subject to BHSF review and approval of costs prior to reimbursement.

David L. Ramsey

Secretary

#### **DECLARATION OF EMERGENCY**

##### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program.

In the absence of federal regulations specifying the permissible members of the Medicaid filing unit, the bureau continues to define reasonable filing units in conjunction with technical assistance from the Health Care Financing Administration.

The bureau is expanding its definition of reasonable filing units in conjunction with HCFA's recommendation, to provide inclusion of Prohibited AFDC Provisions (PAP) children in the parent or legal guardian's Medically Needy determination.

The needs of the children should be considered in the parent or legal guardian's budget unit for eligibility purposes, without removing them from their certification as a categorically needy unit. §1902(a)(10)(C) of the Social Security Act defines medically needy as any group of individuals described in §1905(a) who are not described in Subparagraph (A), "which includes both the required and optional categorically needy individual." Therefore, individuals such as the children eligible under the PAP regulation (42 CFR 435.113) cannot be medically needy individuals. Under current policy, this prohibited the inclusion of these children in the parent or legal guardian's Medically Needy determination.

However, after consultation with HCFA, it was determined that sufficient latitude exists in the regulations to include the children in the Medically Needy budgetary unit for the parent or legal guardian's medically needy determination. The needs of the children are therefore included in the determination of the parent or legal guardian's eligibility, but the children are eligible for Medicaid as a separate categorically needy filing unit.

#### **RULE**

A parent or legal guardian who is ineligible for inclusion in his/her children's categorical certification may be considered for an AFDC-related Medically Needy caretaker relative certification, with the categorically eligible children

included in the budgetary unit. Any medical liabilities for the children not covered by a third party, to include Medicaid, shall be used to offset any excess income.

David L. Ramsey  
Secretary

#### **DECLARATION OF EMERGENCY**

##### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to adopt the following rule in the Title XIX Medicaid Program.

Currently, hospitals providing Title XIX services, including those in rural areas, are reimbursed based on allowable costs, subject to a per discharge limitation or per diem limitation for certain special care limits. The department is utilizing emergency rulemaking to change the reimbursement methodology for rural hospitals with 60 beds or less which have a service municipality with a population of 20,000 or less. Effective for admissions July 1, 1990, rural hospitals which meet this criterion will be reimbursed for inpatient hospital services based on allowable costs as defined by Medicare principles of reimbursement.

The department's intent in making this change in reimbursement methodology for rural hospitals is to enhance and assure access to medical care for eligible Medicaid recipients in rural areas of the state. In addition, this change, while providing additional reimbursement to these facilities, is expected to result in an overall cost savings as patients will be provided services in these rural hospitals when appropriate services are available, rather than being referred to large urban hospitals where the costs are higher. The change will also permit reasonable and necessary increases in costs to meet those additional costs engendered by medical manpower shortages in rural areas as well as higher transportation costs for supplies and equipment.

#### **RULE**

The reimbursement for inpatient hospital services to rural hospitals with 60 beds or less which have a service municipality with a population of 20,000 or less shall be based on allowable costs as defined by Medicare principles of reimbursement. Cost per discharge limitations shall not be applied for these facilities.

David L. Ramsey  
Secretary

#### **DECLARATION OF EMERGENCY**

##### **Department of Social Services Office of Family Support**

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Ad-

ministrative Procedure Act, R.S. 49:953B to adopt the following rule in the Job Opportunities and Basic Skills (JOBS) Training Program.

Emergency rulemaking is necessary because R.S. 460.3(A)(3) (Act 604 of the 1990 regular session of the Louisiana Legislature) mandates that this provision become effective with the October 1, 1990 implementation of the JOBS Program.

#### **RULE**

Participation in the JOBS Program that is to be implemented effective October 1, 1990 shall be mandatory for all recipients of Aid to Families with Dependent Children (AFDC), unless determined exempt in accordance with federal regulations at 45 CFR 250.30 or 250.33. Those exemptions include the parent or other relative of a child under three years of age who is personally providing care for the child. (The rule establishing the JOBS Program that was previously published, prior to passage of the above-referenced statute, stated that Louisiana would exercise the option to reduce the age requirement to one year. Refer to the July, 1990 issue of the *Louisiana Register* for the complete text of that rule.)

May Nelson  
Secretary

#### **DECLARATION OF EMERGENCY**

##### **Department of State Office of Uniform Commercial Code**

In accordance with the emergency provisions of R.S. 49:953(B), and under the authority of R.S. 49:230(C)(2), the Department of State, Office of the Uniform Commercial Code, hereby adopts the following emergency rule effective September 1, 1990. Adoption of emergency rule at this time is necessary to establish filing fees and procedural guidelines for the recording and indexing of Internal Revenue Service tax liens submitted in accordance with R.S. 52:52(C) effective September 1, 1990.

#### **Title 10**

##### **BANKS AND SAVINGS AND LOANS Part V. Uniform Commercial Code**

#### **Chapter 2. Internal Revenue Service Tax Liens**

##### **§201. Place of Filing**

The proper place to file notices of federal tax liens affecting movable property (corporeal and incorporeal) is with the clerk of court of any parish, or, in the case of Orleans Parish, with the Recorder of Mortgages thereof (the "filing officer").

AUTHORITY NOTE: Promulgated in accordance with R.S. 52:52(C), and 10:9-401, et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR.

##### **§203. Forms To Be Used In Filing**

The document entitled "Notice of Federal Tax Lien Under Internal Revenue Laws" utilized nationwide by the IRS shall be accepted in lieu of the standard form UCC-1 financing statement by all filing officers. Nonstandard form

penalties shall not be applicable to filings presented by the IRS pursuant to this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:230(C).

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR.

**§205. Filing Fees**

A. The uniform filing fee to be collected by each filing officer includes prepayment of the termination fee, as well as the indexing of all debtor names appearing on the lien submitted by the IRS.

B. The fee allocable to the secretary of state for each IRS Federal Tax Lien filed with the parish filing officers shall be \$7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:230(C).

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR.

W. Fox McKeithen  
Secretary of State

**DECLARATION OF EMERGENCY**

**Department of the Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits, effective September 20, 1990, to provide that those state employees who are ordered to active military service be allowed, at their option upon their return to state service, to reinstate their coverage with the State Employees Group Benefits Program without a pre-existing condition limitation.

Amend Article 1, II (F)(1) of the Plan Document, as follows:

F. Pre-existing Condition

1. Overdue Application

The terms of the following paragraphs shall apply to all eligible employees who apply for coverage after 30 days from the date the employee became eligible for coverage and to all eligible dependents of employees and retirees for whom the application for coverage was not completed within 30 days from the date acquired. The provisions of this Section shall not apply to military reservists or national guardsmen ordered to active duty who return to state service and reapply for coverage with the State Employees Group Benefits Program within 30 days of the date of reemployment. Their coverage will be reinstated effective on the date of return to state service.

Tommy D. Teague  
Acting Executive Director

**DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act and under the authority of R.S. 56:6 and 115, the Wildlife and Fisheries Commission hereby finds that the public welfare and the wildlife resources are best served by adopting the following emergency rule.

That the Department of Wildlife and Fisheries assume immediate management responsibilities effective at 6 a.m., October 6, 1990 and provide public access to recently purchased fee lands in the Atchafalaya Basin by the U.S. Army Corps of Engineers. Said lands encompass 8,281.70 acres in Iberville Parish north of Interstate 10. Further, that these lands are primarily located within the boundaries and are contiguous with the Atchafalaya National Wildlife Refuge lands on which the Department of Wildlife and Fisheries is the managing agency.

The commission finds that the Department of Wildlife and Fisheries' immediate mandate of management authority authorized by license from U.S. Corps of Engineers would serve to provide public access and effect a more positive and practical management approach for a larger land base within the Atchafalaya Basin. Management rules and regulations, season dates, and bag limits for said lands are to be consistent with such published for Sherburne Wildlife Management Area - Atchafalaya National Wildlife Refuge in the 1990-91 hunting season rules and regulations officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by §115 of Title 56 of the Louisiana Revised Statutes of 1950.

Warren I. Pol  
Chairman

**DECLARATION OF EMERGENCY**

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

**Fox/Coyote Hunting Preserves, Purchase and Sale of Live  
Foxes and Coyotes, Permitting Year Round Coyote Trapping  
Regulations**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967, which allows the Wildlife and Fisheries Commission to use emergency procedures to establish regulations, and R.S. 56:262.1, the secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following regulations.

A. Purpose

These regulations are to govern the purchasing, selling and holding in captivity of live foxes and coyotes for chasing with hounds. These emergency regulations will prohibit the importation and exportation of any species of foxes or coyotes to or from Louisiana in an effort to prevent possible disease and parasite contamination of native wild canids.

Humans are subject to infection, with the liver being the most common site of larval growth. The infection is termed *alveolar hydatid disease* (AHD). The number of deaths per number of infected individuals has been 50-75 percent. These regulations are also enacted to allow the sport of fox/coyote hunting with dogs within enclosed areas. The regulations provide general rules including licensing, permits, fees, live trapping, sale and purchase of animals, holding cage requirements, enclosure requirements, acclimation requirements and report requirements.

#### B. Definitions

1. *Acclimation Pen* - an area which is built within or adjacent to fox/coyote hunting preserves which will contain game and exclude hounds and which will allow game to become acclimated to an enclosed environment.

2. *Bill of Sale* - receipt showing the amount of game purchased, the date of purchase, and the person from whom the game was purchased.

3. *Bona Fide Resident* - any person who has resided in the state of Louisiana continuously during the 12 months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile as demonstrated with all of the following, as applicable.

a. If registered to vote, he is registered to vote in Louisiana.

b. If licensed to drive a motor vehicle, he is in possession of a Louisiana registration for that vehicle.

c. If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

d. If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

e. As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than 50 percent of the offices, partners, or employees are domiciled in Louisiana.

4. *Box Trap* - a drop-door type of trap that upon the games entry into the device encloses and detains the game.

5. *Closed Season* - that period of time of the calendar year not specifically included in the open season.

6. *Department* - the Louisiana Department of Wildlife and Fisheries.

7. *Enclosure* - (See "Fox/Coyote Hunting Preserve").

8. *Fox/Coyote Hunting Preserve* - an area which is completely enclosed by adequate fencing to contain game and hounds which is built and maintained for the purpose of training or chasing game with hounds.

9. *Fox/Coyote Hunting Preserve Operator* - anyone acting as an agent of the owner in caring for or managing the maintenance and/or business of the preserve.

10. *Fox/Coyote Hunting Preserve Owner* - anyone who legally has possession or has legally leased property on which the enclosure is established.

11. *Game* - any red fox or grey fox or coyote stocked in a fox/coyote hunting preserve for the purpose of dog training and/or chasing with hounds.

12. *LDWF-Approved Applicant* - a person who has had no major wildlife or fish violations during the past three years, who has purchased a trapping license for at least the

past two consecutive years, and who is at least 15 years old.

13. *Landowner* - any person who owns land on which traps are set.

14. *Licensee* - any resident or nonresident lawful holder of an effective license duly issued under the authority of the department.

15. *Non-game quadruped* - alligators, beavers, bobcats, coyotes, grey foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks and other wild quadrupeds valuable for their furs or skins.

16. *Non-game quadruped breeder* - any person properly licensed to engage in the business of raising, exhibiting and selling non-game quadrupeds.

17. *Non-game quadruped exhibitor* - any person properly licensed to engage in the business of raising and/or exhibiting non-game quadrupeds.

18. *Non-target animal* - any animal other than a red fox, grey fox or coyote.

19. *Permittee* - any person who has obtained a valid permit from the department for trapping coyotes during the closed season.

20. *Person* - includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

21. *Possess* - in its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.

22. *Raising* - the production of red foxes, grey foxes, or coyotes in controlled environmental conditions or in outside facilities.

23. *Rearing* - (See "Raising").

24. *Relaxing Lock* - locking device on a snare that loosens and tightens in response to the game's action.

25. *Resident* - (See "Bona Fide Resident").

26. *Snare* - wire device used for taking non-game quadrupeds.

26. *Soft Catch™* - trap (manufactured by Woodstream Corporation), no modifications.

27. *Take* - in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

28. *Transport* - in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

29. *Trap* - any device used in the capture of birds, quadrupeds, or fish.

30. *Trapper* - any person properly licensed by the department engaged in the trapping of nongame quadrupeds.

#### C. Licenses, Permits, and Fees

The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

1) \$10 for a resident nongame quadruped exhibitors license;

2) \$25 for a resident nongame quadruped breeder license;

3) \$25 for a resident trappers license;

4) A temporary special permit which may be issued to a Louisiana Department of Wildlife and Fisheries approved applicant (authority granted by La. Laws pertaining to Wildlife

and Fisheries R.S. 56:123(C) for the trapping of coyotes only, outside of the annual trapping season. In order for the permittee to sell live coyotes he must also possess a nongame quadruped breeders license (\$25) (Authority 56:262.1) and a valid trapping license. This permit will be valid only until the final rule is adopted, at which time the permittee must obtain another special permit and pay any administrative fees;

5) Upon payment of \$10 a nongame quadruped exhibitors license may be issued permitting the applicant to breed and/or exhibit such animals provided he meets the rules and regulations of the department;

6) Upon payment of \$25 a nongame quadruped breeder license may be issued permitting the applicant to breed, propagate, exhibit, and sell such animals alive.

#### D. General Rules

1) No person shall take, possess, purchase or sell live foxes or coyotes, except as provided in these regulations and Louisiana R.S. Title 56.

2) No person shall hold in captivity any live foxes or coyotes, except as provided in these regulations and Louisiana R.S. Title 56.

3) Fox/coyote hunting preserves shall be of a type and construction such as to insure the normal containment of both foxes, coyotes and hounds.

4) Fox/coyote hunting preserves shall contain an adequate number of escape areas which are houndproof. These may be provided by maintaining thickets, brush piles, windrows, or where natural cover is insufficient, by providing manmade escapes such as culverts or houndproof feeding stations.

5) The owners of fox/coyote hunting preserves shall be required to make available to the game:

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

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

6) No person shall transport, possess, purchase, or sell any live foxes or coyotes taken outside the state of Louisiana. Live foxes and coyotes obtained from outside the state of Louisiana prior to the enacted date of these regulations and in possession of properly licensed persons shall be exempt.

7) No person shall transport from the state or offer for sale out of state any live foxes or coyotes.

8) Acclimation pens shall be constructed adjacent to or within an enclosure to insure the containment of foxes and coyotes and the exclusion of hounds. This requirement may be waived for "training enclosures" or in enclosures where running is discontinued for a minimum of two weeks while foxes/coyotes adjust to the enclosure environment.

9) No person may engage in the business of raising or exhibiting or otherwise possessing foxes or coyotes for the purpose of operating a fox/coyote hunting preserve unless he or she has acquired and possesses a valid nongame quadruped breeder or exhibitor license.

10) A licensed trapper may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transactions, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.

11) Permittees (trapping coyotes during the closed trapping season) will be required to use only the "Soft

Catch" type trap not to exceed a size number 1 1/2, or a box-type trap, or a snare with a relaxing lock.

12) Permittees trapping coyotes during the closed trapping season and licensed as a nongame quadruped breeder may offer for sale such coyotes. During any such transaction, a bill of sale must be provided by the seller to the purchaser and retained for a period of one year by the purchaser.

13) It shall be unlawful to trap coyotes during the closed trapping season without a permit issued by the department.

14) Permittees will be required to check traps daily.

15) Permittees will be required to have in possession written permission from the landowners or lessee where traps are set.

16) Permittees shall release all nontarget species in a manner so as to keep stress or injury minimal.

17) It shall be unlawful to sell native wild foxes or coyotes outside the state of Louisiana.

18) Trappers and permittees who hold game for more than one day for sale shall confine animals at a rate of no more than one fox per nine square feet and one coyote per 17 square feet. The cage must be high enough for each animal to easily sit or stand. The cage must be escape-proof and offer protection from adverse weather.

19) Fox/coyote hunting preserves shall be exempt from the commission action which prohibits the running of coyotes during the open turkey season.

20) The Department of Wildlife and Fisheries has the authority to conduct disease investigations at any time and pending the results of the disease investigations has the authority to quarantine fox/coyote hunting preserves if deemed necessary. The department also has the authority to prohibit the release of animals that are diseased or have been exposed to diseased animals.

21) The owners of fox/coyote hunting preserves shall be required to immediately report to the department the occurrence of any disease contracted by captive foxes or coyotes. These diseases include but are not limited to rabies, canine distemper, sarcoptic mange or *Echinococcus* infections.

#### E. Report Requirements

1) Report forms provided by the department must be completed and filed with the department by all persons who have been issued a nongame quadruped breeder or exhibitor license or who have been issued a special permit allowing the trapping of coyotes only in the closed season in accordance with this subsection. Reports shall include but are not limited to the information specified in §262.1(d). Failure to complete these forms properly and completely will result in non-renewal of the nongame quadruped breeder or exhibitor license.

2) All licensed nongame quadruped exhibitors will be required to include information regarding numbers of animals by species in captivity, number of known losses (death or escape), number of animals by species purchased and the sources of game purchases.

3) All licensed nongame quadruped breeders will be required to include information regarding numbers of animals by species in captivity, numbers of losses, numbers of animals by species purchased and the sources of game purchases, and number of sales by species and the person who bought the game.

#### F. Penalty for Violation

Violation of these regulations will be a Class II violation with the following exceptions.

1) Violation of the license requirements for nongame quadruped breeders and nongame quadruped exhibitors shall be a Class III violation (See C-1, C-2 and D-2).

2) Violation of the reporting requirements shall be a Class III violation (See E-1, E-2, and E-3).

3) Violation of the regulations pertaining to import of foxes and/or coyotes into the state or export of foxes and/or coyotes from the state shall be a Class IV violation (See D-6 and D-7).

Warren Pol  
Chairman

### DECLARATION OF EMERGENCY

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

#### ESTABLISHMENT OF 1990-91 FURBEARER TRAPPING SEASON

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967, which allows the Wildlife and Fisheries Commission to use emergency procedures to set the furbearer trapping season, and R.S. 56:260, the 1990-91 furbearer trapping season is hereby established in accordance with the following regulations.

The Department of Wildlife and Fisheries does hereby establish the 1990-91 furbearer trapping season for the south zone as being December 1, 1990, through February 28, 1991. In an attempt to provide more opportunity for trapping of bobcat and fox after deer hunting seasons are closed, the department does hereby establish the 1990-91 furbearer trapping season for the north zone as November 20, 1990, through March 15, 1991, with trapping techniques restricted to the use of Soft-Catch traps, padded jaw traps, or their equivalent. The department secretary shall be authorized to close or extend the trapping season in any portion of the state as biologically justifiable.

Federal restrictions imposed by the CITES Scientific Authority for otter and bobcat fur continue to require placement of an export tag prior to out-of-state shipment.

Warren I. Pol  
Chairman

### DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B) and 967(D) of the Administrative Procedure Act and under the authority of R.S. 56:325.1, 326.1 and 326.3, the Wildlife and Fisheries Commission hereby finds that im-

minent peril to the public welfare exists and accordingly adopts the following emergency rule.

The minimum legal size for possession of Spanish mackerel (*Scomberomorus maculatus*) and king mackerel (*Scomberomorus cavalla*) whether caught within or without the territorial waters of Louisiana shall be 14 inches total length.

The minimum legal size for possession of cobia (*Rachycentron canadum*) whether caught within or without the territorial waters of Louisiana shall be 37 inches total length.

The recreational bag limit for possession of Spanish mackerel whether caught within or without the territorial waters of Louisiana shall be 10 fish per person per day.

The recreational bag limit for possession of king mackerel whether caught within or without the territorial waters of Louisiana shall be two fish per person per day for private vessels. For charter vessels the recreational bag limit for king mackerel whether caught within or without the territorial waters of Louisiana shall be either three fish per person per day, excluding captain and crew, or two fish per person per day, including captain and crew, whichever is greater. For the purposes of this rule, charter vessels shall be defined as vessels permitted by the National Marine Fisheries Service to fish as a charter vessel under the Federal Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic.

The recreational and commercial bag limit for possession of cobia whether caught within or without the territorial waters of Louisiana shall be two fish per person per day.

Warren I. Pol  
Chairman

### DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B) and R.S. 49:967 and under the authority of R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission has adopted a rule describing the conduct of the 1990-91 oyster season in Calcasieu and Sabine Lakes. The season shall be conducted as follows:

1. The 1990/91 oyster season in Calcasieu and Sabine Lakes will open 1/2 hour before sunrise Monday, November 5, 1990, and extend until 1/2 hour after sunset, Thursday, March 30, 1991.

2. Harvest will be by tonging only.

3. The waters of Calcasieu and Sabine Lakes will be open only when the state Department of Health and Hospitals classifies these waters as safe for the harvest of oysters.

4. The department's secretary has the authority to delay the closing of this season to compensate for health closures, such delay not to extend past April 30, 1991 or close the season if biological information indicates the need to do so or if enforcement problems arise.

Warren I. Pol  
Chairman

# Rules

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Seed Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture and Forestry, Seed Commission, amended and adopted the following rule and regulation to read as follows:

#### Title 7 AGRICULTURE AND ANIMALS Part XIII. Seeds

#### Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law

#### Subchapter B. General Seed Certification Requirements

#### §8741. Fees

A. The application fee for certification shall be \$15 for each crop, one variety per application, plus \$.60 per acre inspection fee for all crops except sweet potatoes and sugarcane which shall be \$.90 per acre and Turf and Pasture Grass which shall be \$25 per acre.

The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in LAC 7:XIII.8729 shall be \$100.

C. A fee of \$25 shall be charged for each reinspection of a field.

D. Fees for issuance of certified seed tags shall be eight cents for the following classes of seed:

1. breeder (white tag)
2. foundation (white tag)
3. registered (purple tag)
4. certified (blue tag)
5. selected tree seed (green tag); and
6. source identified tree seed (yellow tag)

#### E. Fees for Sweet Potatoes

A fee of five cents per 1,000 plants will be collected for each 1,000 sweet potato plants inspected for certification purposes.

#### F. Fees for Bulk Seed Certification

The fee for issuance of a bulk seed certificate shall be eight cents per bushel for each bushel in the lot being certified.

#### G. Fees for Phytosanitary Inspection

A fee of \$.50 per acre shall be charged for phytosanitary inspections.

The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

#### H. Fees for Re-sampling Certified Seed

A fee of \$15 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

#### I. Fees for Bulk Sampling

A fee of \$25 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July 1984); repealed and re-adopted by the Department of Agriculture and Forestry, Seed Commission LR 12:825 (December 1986), amended LR 14:604 (September 1988), amended LR 16: (October 1990).

#### §8815. Turf and Pasture Grass Certification Standards

The word "seed" shall be understood to include all propagated materials in this Section.

#### A. Classes of Seed

1. Foundation shall be the vegetative increase of Breeder's seed.

2. \*Registered shall be the vegetative increase of Foundation seed.

3. Certified shall be the vegetative increase of Registered seed.

\*A grower may increase his acreage on his own farm on a limited basis with the approval of the Louisiana Department of Agriculture and Forestry.

#### B. Land Requirements

##### 1. Sod and Sprigs (pre-planting inspections)

A field to be eligible for the production of all certified classes of sod shall be left undisturbed for a minimum of four weeks prior to planting and found to be free of noxious and objectionable weeds.

A recommended soil fumigation may be applied by a licensed applicator, followed by an inspection by the Department of Agriculture and Forestry a minimum of four weeks after the application, to ensure no emergence of noxious and objectionable weeds prior to planting.

#### C. Field Inspections

Turf Grasses and Pasture Grasses entered into the certification program shall be inspected at least three times a year: first (April-May); second (August-September); third (December-January) to ensure the quality of the grasses has met or exceeded the minimum standards set forth in these regulations. If a field is found to be deficient in meeting the standards then the producer has the option of spot roguing the undesirable, if the Department of Agriculture and Forestry deems possible, and call for a reinspection of the crop.

#### D. Field Standards

	Foundation	Registered	Certified
<b>Turf grasses</b>			
(Sprigs and sod)			
Other Varieties	None	None	1 plant/ 1000 sq.ft.
Other crop	None	None	1 plant/ 1000 sq.ft.
Noxious and objectionable weeds	None	None	None
Harmful diseases	None	None	None
Isolation	6 ft.	6 ft.	6 ft.
<b>Pasture grass</b>			
(sprigs)			
Other varieties	None	1 plant/ 1000 sq. ft.	3 plants/ 1000 sq.ft.
Other crop	None	None	3 plants 1000 sq. ft.
Noxious and objectionable weeds	None	None	None
Harmful diseases	None	None	None
Isolation	30 ft.	30 ft.	30 ft.

1. Other varieties consist of other strains of the species that can be differentiated from the variety or varieties that are being inspected.

2. Noxious and objectionable weeds

Noxious and objectionable weeds are with the inclusions of, but not limited to, the following plants: Virginia button weed (*Diodia virginiana*); dallisgrass (*Paspalum dilatatum*); crabgrass (*Digitaria spp.*); goose grass (*Eleusine indica*); bahiagrass (*Paspalum notatum*); torpedograss (*Panicum repens*); nutgrass (*Cyperus esculentus, C. rotundus*)

3. Harmful Diseases

Harmful diseases are diseases that seriously affect the quality of grasses and are transmitted by planting stock.

4. Isolation

Isolation shall be a barren strip or an approved crop to maintain purity without the risk of contamination.

E. Planting Stock Standards

	Foundation	Registered	Certified
<b>Turf Grass</b>			
Pure live plants	90.00%	90.00%	90.00%
Noxious and objectionable weeds	None	None	None
Other varieties	None	.05%	.05%
Other crop	None	None	.05%
Harmful diseases	None	None	None
<b>Pasture Grass</b>			
Pure live sprigs containing roots (minimum by count)	90.00%	90.00%	90.00%
Other live plants (maximum by count)	2.00%	2.00%	2.00%
Noxious weeds	None	None	None

I. Reporting System Issuing Certificates

1. The grower will be issued numbered certificates of certification and tags by the Department of Agriculture and Forestry upon request that must accompany each load of certified grass sold.

2. The grower is responsible for completing the forms and returning the appropriate copies to the Department of Agriculture and Forestry within 10 working days of issuance.

Tagging System

1. Upon meeting the standards set forth in these regulations the certified crop must have attached to the invoice two tags: A) one from the seed certification division; and B) one from the horticulture division of the Department of Agriculture and Forestry.

2. This two-tag system shall distinguish the crop to have met or exceeded the requirements set by both divisions of the Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 9:204 (April 1983), repealed and readopted by the Department of Agriculture and Forestry, LR 12:825 (December 1986), amended LR 16: (October 1990).

Bob Odom  
Commissioner

**RULE**

**Department of Economic Development  
Board of Architectural Examiners**

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners is amending §703 in accordance with a notice of intent published in the *Louisiana Register* Vol. 16, No. 6 dated June 20, 1990, as follows:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part I. Architects**

**Chapter 7. The Examination**

**§703. Review of Examination and Answers of the Candidate; Reversing Grades**

A. Except as set forth in the following provisions, a candidate will not be permitted to review his/her examination or answers thereto.

B. On a trial basis a candidate will be permitted to review his/her failing solutions to Division B Graphic and Division C of the ARE at a review to be conducted by a master juror or other qualified person. Candidates choosing to attend the review will be required to pay for the cost of the review (including copying the solutions), and the review will be canceled if in the opinion of the board insufficient interest is shown.

C. A candidate who has passed Division B Graphic or Division C of the ARE will be permitted to obtain a copy of his/her passing solution(s) if the candidate: (i) requests in writing such a copy prior to the deadline set by the board for copying the failing solutions for the review provided in §703(B) above, and (ii) pays the fee established by the board to cover the costs of copying the solution(s). A candidate will not be permitted to obtain the original solution(s) of such examinations.

D. The board will reverse the grade received by a candidate from NCARB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145-146.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973 promulgated LR 4:334 (September 1978), LR 10:738 (October 1984), repealed and adopted by the Department of Economic Development, Board of Architectural Examiners, LR 15:1 (January 1989), amended by the Board of Architectural Examiners, LR 16: (October 1990).

Persons seeking further information on this rule may submit written inquiry to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 8017 Jefferson Highway, Suite B2, Baton Rouge, LA 70809.

Mary "Teeny" Simmons  
Executive Director

**RULE**

**Department of Economic Development  
Board of Architectural Examiners**

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Archi-



structural Examiners is adopting §1113 which was published as a notice of intent in the *Louisiana Register* Vol. 16, No. 6 dated June 20, 1990.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part 1. Architects**

**Chapter 11. Administration**

**§1113. Interpretation of La. R.S. 37:155(4)(c)**

As set forth in R.S. 37:155(4)(c), renovations or alterations of any size building which do not affect the structural integrity or life safety, exclusive of building finishes and furnishings, are exempted from the Licensing Law, R.S. 37:141 et seq. Renovations or alterations which exceed \$125,000 are exempted from the Licensing Law only if the applicant documents to the satisfaction of the state fire marshal that the project does not affect structural integrity or life safety.

**AUTHORITY NOTE:** Adopted in accordance with R.S. 37:145-146.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 16: (October 1990).

Persons seeking further information on this rule may submit written inquiry to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 8017 Jefferson Highway, Suite B2, Baton Rouge, LA 70809.

Mary "Teeny" Simmons  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Annual Special Education  
Program Plan for FY 91-93

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28**  
**EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**§937. Special Education State Plan**

A. The Louisiana Annual Special Education Program Plan for FY 91-93 is adopted.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with PL 94-142 Part B; R.S. 17:7 (3); R.S. 17:1944, 1948.

**HISTORICAL NOTE:** Amended by the Board of Elementary and Secondary Education, LR 16: (October 1990).

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Teaching Time Requirements for Nonpublic Elementary  
and Secondary Summer School

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below.

Amendment to Bulletin 741

Teaching Time Requirements for Nonpublic Elementary and Secondary Summer School. Delete Standards 6.113.07 (elementary) and 6.116.09 (secondary) regarding the teaching time requirements of the nonpublic summer school.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Teaching Hours for Elementary and Secondary  
Public Summer School

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below.

Amendment to Bulletin 741

Teaching Hours for Elementary and Secondary Public Summer School. Delete Standards 2.113.07 and 2.116.09 relative to teaching hours in elementary and secondary public summer schools.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Certification Categories Specified  
in the Children First Legislation

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below.

Amendment to Bulletin 746  
Certification Categories Specified in the Children First  
Legislation for implementation September 1, 1990.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**Granting Temporary Teaching Assignments**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below.

Amendment to Bulletin 746

Regulations for Granting Temporary Teaching Assignments. See June, 1990 issue of the *Louisiana Register* for complete text of regulations.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**Administrative Leadership Academy  
Guidelines Bulletin 1882**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans  
§920. Administrative Leadership Academy Guidelines**

**A. Bulletin 1882**

1. Bulletin 1882, Administrative Leadership Academy Guidelines, is adopted.

2. This bulletin contains regulations and guidelines pertaining to membership in the Administrative Leadership Academy and credit-earning procedures to be used by members in fulfilling academy requirements. Also included are general guidelines to be used by individual members and sponsoring organizations seeking credit-worthy training activities and specific guidelines pertaining to the LEAD internship and the Louisiana Principal Assessment Center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761-3764.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 16: (October 1990).

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**Circular 665 Employees**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**§903. Teacher Certification Standards and Regulations**

\* \* \*

**I. Non-Certified Personnel**

1. Documentation shall include:

\* \* \*

g. teachers who do not have a regular Louisiana teaching certificate must be eligible for admission to an approved teacher education program, effective July 1, 1990.

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

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 16: (October 1990).

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**ECIA Chapter I FY 91-  
Migrant Education State Plan**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part 1. Board of Elementary and Secondary  
Education State Plan**

**Chapter 9. Bulletins, Regulations, and State Plans**

**§933. Migrant Education State Plan**

A. The ECIA Chapter I FY91-Migrant Education State Plan is adopted, as revised.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with PL 100-297; R.S. 17:7 (3).

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 16: (October 1990).

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

#### Teacher Tuition Exemption Program (FY 90-91)

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below.

Amendment to Bulletin 921

8(g) Policy and Procedure Manual

#### B. Tuition Exemption: Teachers

Teacher Tuition Exemption Program (FY 90-91) is adopted with the condition that if legislation is passed money will be available for the Tulane Medical Schools and LSU Medical Center.

Em Tampke  
Executive Director

## RULE

### Department of Employment and Training Office of Workers' Compensation

Notice is hereby given that the Office of Workers' Compensation, pursuant to the notice of intent published on May 20, 1990, and under the authorization of R.S. 49:950, et seq., and R.S. 23:1081(G), adopts as a rule, the following drug testing procedures and regulations to be used in regard to employees who are involved in job-related accidents.

#### Title 40

#### LABOR AND EMPLOYMENT

#### Part I. Workers' Compensation Administration

#### Chapter 15. Drug Testing Programs in Job-Related Accident Cases

##### §1501. Introduction

A. The following represents the text of the Office of Workers' Compensation Administration's scientific and technical guidelines for accident-related drug testing programs, as directed by Act 454 of the Regular Session of 1989. These guidelines address the mandatory scientific and technical requirements of drug testing protocols, including: collection of specimens, chain of custody and laboratory analysis.

1. Laboratories may not deviate from the provisions of these guidelines without the written approval of the director

of the Office of Workers' Compensation Administration, or his designee.

2. These guidelines are to be effective immediately upon promulgation; laboratories currently operating drug testing programs are to bring their programs into compliance within 180 days of promulgation.

3. The director of the Office of Workers' Compensation Administration or his designee may routinely update these guidelines for the purpose of conforming them to advances in technology or providing additional guidance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081(9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16: (October 1990).

##### §1503. Scientific and Technical Requirements

A. Compensation shall not be allowed to the employee who receives personal injury from a job-related accident if the injury was caused by the employee's intoxication; compensation will not be precluded, however, where the intoxication resulted from activities which were in pursuit of the employer's interest or in which the employer procured the intoxicating beverage or substance and encouraged its use during the employee's work hours. When an employee receives personal injury from an accident arising out of and in the course of his employment, his employer may test the employee for alcohol, and for any drug identified in Schedules I, II, III, IV or V of 21 U.S.C. 812.

#### B. Definitions

1. *Intralaboratory chain of custody*: Procedures used by the laboratory to maintain control and accountability from the receipt of specimens until testing is completed, results reported, and while specimens are in storage.

2. *Initial test*: A sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration.

3. *Confirmatory test*: A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmatory test must be different in technique and chemical principle from that of the initial test procedure to ensure reliability and accuracy. (At this time gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method. Gas chromatography is authorized for confirmation of alcohol (ethanol) concentrations in specimens.)

4. *Aliquot*: A portion of a specimen used for testing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081(9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16: (October 1990).

##### §1505. Specimen Collection Procedures

#### A. Collection Site

1. The collection site is a place where individuals present themselves for the purpose of providing urine, blood, breath or other specimens to be analyzed for abuse of drugs, including alcohol. The site must possess all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation (shipping) of specimens to a drug testing laboratory.

2. Procedures must provide for the collection site to be secure. Proper chain of custody procedures must be exe-

cuted by collectors when handling specimens. The handling and transportation of specimens from one authorized individual or place to another must always be accomplished through the use of chain of custody procedures.

#### B. Collection Procedures

1. Procedures for providing specimens must allow reasonable privacy but may require a witness to prevent substitutions, contamination or adulteration of the specimen to be provided. Employers must take precautions to ensure that a specimen has not been adulterated, contaminated, or substituted during the collection procedure and that all information on the collection container and in the chain of custody form can be identified as belonging to a given individual. To ensure that unadulterated specimens are obtained, the following procedures outline the minimum precautions that shall be taken during the collection of specimens, in noncritical, ambulatory accident-related testing.

a. At the collection site, if the specimen to be collected is urine, toilet bluing agents shall be placed in the toilet tanks, wherever possible, so that the reservoir of water in the toilet bowl always remains blue. The possibility of adulteration, substitution or contamination from other sources of water (e.g., shower, sink, etc.) in the enclosure where urination occurs should be prevented whenever possible.

b. Upon arrival at the collection site, the collector shall request the individual to present some type of photo identification. If the individual does not have proper identification, this shall be noted on the chain of custody form.

c. The collector shall ask the individual to remove any unnecessary outer garments (e.g., coat, jacket) that might conceal items or substances that could be used to tamper with or adulterate his/her specimen. Also, all personal belongings (e.g., purse, briefcase) must remain with the outer garments; the individual may, however, retain his/her wallet. The collector shall note any unusual behavior or appearance.

d. After washing his/her hands, the individual shall remain in the presence of the collector and not have access to water fountains, faucets, soap dispensers, or cleaning agents.

e. In a non-witnessed collection, the individual may provide his/her specimen in the privacy of a stall, or otherwise partitioned area that allows for individual privacy. The collector shall note any unusual behavior by the individual.

f. After the specimen has been provided and submitted to the collector, the individual should be allowed to wash his/her hands.

g. If the collection is non-witnessed, immediately after collection, the collector shall measure the temperature of the specimen and conduct an inspection to determine the specimen's color and signs of contaminants. Any unusual findings resulting from the inspection must be included on the chain of custody form. If the temperature of the specimen is outside the range of 32.5 - 37.7°C/90.5 - 99.8°F., this gives rise to reasonable suspicion of adulteration/substitution, and another specimen should be collected, and both specimens shall be properly labeled and forwarded to the laboratory.

h. Both the individual being tested and the collector should keep the specimen in view at all times prior to its being sealed and labeled. If the specimen is transferred to a second container, the collector shall request the individual to observe the transfer of the specimen and the placement of a tamperproof seal over the container cap and down the sides of the container. The collector will place the identification label securely on the container.

i. The identification label should contain the date, employee's name, and any other identifying information provided/required by the employer. The tested individual shall initial the label on the specimen container. If the individual refuses to initial the label, this fact must be noted by the collector on the chain of custody form.

j. The collector shall complete the appropriate chain of custody form. The individual shall be asked to read and sign a certification statement regarding his/her specimen and be given an opportunity to provide notification of any information which the individual considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant medical information.

k. After the above procedures, the specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, it must be appropriately secured during temporary storage.

l. In the event blood is required, it should be collected in a tube containing sodium fluoride as a preservative. To ensure no adulteration of the blood specimen, alcohol shall not be used as a disinfectant, but betadine, or its nonalcoholic equivalent, shall be used.

2. Note: During the performance of any part of the chain of custody procedures, it is essential that the specimen and custody documents be under the control of the involved collector.

a. If the collector must leave his/her work station momentarily, the specimen and custody form must be taken with him/her, or must be secured. After the collector returns to the work station, the custody process will continue. If the collector is leaving for an extended period of time, he/she should package the specimen for mailing prior to leaving the site.

b. If the specimen is to be collected from a critical, nonambulatory or unconscious employee, the collection procedures shall be left to the discretion of the treating medical provider, and shall reasonably preclude adulteration, contamination or substitution. After the patient's condition is stabilized and the patient is conscious, he/she shall be asked to read and sign a certification statement regarding his/her specimen, and be given an opportunity to provide notification of any information which the individual considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant medical information.

#### C. Collection Control

Collectors shall always attempt to have the specimen or specimen container within sight before and after the collection. The containers shall be tightly capped, properly sealed, and labeled. A chain of custody form shall be utilized for maintaining control and accountability from point of collection to final disposition of specimens. With each transfer of possession, the chain of custody form shall be dated, signed by the individual releasing the specimen, signed by the individual accepting the specimen, and shall note the purpose for transferring possession. Every effort should be made to minimize the number of persons handling specimens.

#### D. Transportation to Laboratory

After collection of specimens, collectors shall arrange to ship the specimens to the drug testing laboratory. The specimens shall be placed in appropriate containers (specimen boxes or padded mailers) that are securely sealed to eliminate the possibility of tampering. Collectors shall sign

and date across the tape sealing the containers and ensure that the chain of custody documentation is attached to each sealed container. An outer mailing wrapper shall be placed around each sealed container. Specimens may be delivered to the drug testing laboratory using either the United States Postal Service, commercial air freight, air express, or may be handcarried. It is unnecessary to send specimens by registered mail.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 23:1081(9).

**HISTORICAL NOTE:** Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16: (October 1990).

**§1507. Laboratory Analysis Procedures**

**A. Receiving/Preparation**

1. The laboratory must be secure at all times; procedures to control access by unauthorized personnel shall be in place. Upon receipt of specimens, accession personnel shall inspect packages for evidence of possible tampering and compare information on specimen containers with that on chain of custody forms. Any discrepancies shall be properly noted and described. Any direct evidence of tampering shall be reported immediately to the employer and shall also be noted on the chain of custody form which must accompany all specimens during laboratory possession.

2. Specimen containers and original chain of custody forms will normally be retained within the accession area until all analyses have been completed. Aliquots and intralaboratory chain of custody forms shall be used by laboratory personnel for conducting the initial and confirmatory tests.

**B. Initial Test**

If the initial drug test is negative, there shall be no confirmation test. The initial testing shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine usage of these drugs or classes of drugs:

	Initial Test Level (ng/ml)
Marijuana metabolite	50
Cocaine metabolites	300
Morphine/codeine	300
Phencyclidine	25
Amphetamines/Methamphetamines	1000
Alcohol/ethanol	.05 gram %/ml

1. These test levels are subject to change by the Office of Workers' Compensation, as advances in technology or other considerations may permit identification and quantification of these substances at lower concentrations.

2. The laboratory will use scientifically accepted initial cutoff levels when screening specimens for other drugs in 21 U.S.C. 812, Schedules I, II, III, IV and V.

3. Some specimens may be subjected to initial testing by methods other than immunoassays, where the latter are unavailable for the detection of specific drugs or special concern. These methods are thin layer, high pressure liquid, and/or gas chromatography. Alternate initial test methods and testing levels shall be submitted for written approval to the director of the Office of Workers' Compensation, or his designee.

**C. Confirmatory Test**

All specimens identified as positive on the initial test shall be confirmed using gas chromatography for alcohol

(ethanol) and gas chromatography/mass spectrometry (GC/MS) techniques for drugs in 21 U.S.C. 812, Schedules I, II, III, IV and V at the following cutoff values:

	Confirmatory Test Level (ng/ml)
Marijuana metabolite*	10
Cocaine metabolites**	150
Morphine/codeine	150
Phencyclidine	25
Amphetamines	300

\*Delta-9-tetrahydrocannabinol-9-carboxylic acid

\*\*Benzoyllecgonine

1. These test levels are subject to change by the Office of Workers' Compensation as advances in technology or other considerations may permit identification and quantification of these substances at lower concentrations.

2. Confirmation methods and levels for other drugs tested shall be submitted by the employer to the director of the Office of Workers' Compensation, or his designee, for approval. In the absence of an accepted quantitative GC/MS assay procedure, preference will be given to a confirmation of qualitative identification by means of full-scan GC/MS analysis and quantification by an alternate chromatographic method. All methods shall meet commonly accepted analytical standards.

3. Proper chain of custody controls shall always be enforced during confirmation testing. Authorized confirmation technicians shall sign the chain of custody forms and be responsible for each specimen to be tested. The laboratory shall include sufficient safeguards to ensure that unauthorized personnel are prevented from gaining access to the confirmation laboratory.

**D. Reporting Results**

1. Test results shall be reported to the employer within an average of five working days of receipt of the specimens. The report should contain the specimen number assigned by the submitting employer, the drug testing laboratory accession number, and results of the drug tests. All specimens negative on the initial test or negative on the confirmatory test shall be reported as negative. Only specimens confirmed positive shall be reported positive for a specific drug. Results may be transmitted to the employer by various electronic means (e.g., teleprinter, facsimile, or computer) in a manner consistent with maintaining confidentiality. It is impermissible to provide results verbally by telephone. A certified copy of the original chain of custody form, signed by the laboratory director or laboratory certifying official, shall be sent to the employer. Certified copies of all analytical results shall be available from the laboratory when requested by appropriate authority.

2. All records pertaining to a given specimen shall be retained by the drug testing laboratory for a minimum of two years.

**E. Long-Term Storage**

Specimens confirmed positive shall be retained and placed in properly secured long-term frozen storage for at least 365 days. Within this 365-day period, an employer, employee, or the director of the Office of Workers' Compensation Administration may request the laboratory to retain the specimen for additional periods of time. This ensures that the specimen will be available for a possible retest during any administrative or legal proceeding. If the laboratory does not receive a request to retain the specimen during the initial 365-day period, the specimen may be discarded.

#### F. Retesting Specimens

Should specimen reanalysis be required as a result of challenge or litigation, the quantitation of a drug or metabolite in a specimen may not be subject to the same testing level criteria that were used during the original analysis; some analytes deteriorate or are lost during freezing and/or storage.

#### G. Subcontractors

The drug testing laboratory shall perform all work with its own personnel and equipment, unless otherwise authorized by the employer or director of the Office of Workers' Compensation Administration. Subcontractors shall follow all procedures and regulations as set out in these rules.

#### H. Laboratory Facilities

Laboratories must comply with applicable provisions of any state licensure requirements. Laboratories must be able to perform, at the same facility, screening and/or confirmation tests for each drug or metabolite for which service is offered.

#### I. Laboratory Personnel

1. The scientific director of the drug testing laboratory shall meet the following criteria. He or she must hold a B.S. in pharmacology, toxicology, or analytical chemistry and have at least two years experience in analytic toxicology (the analysis of biological materials for drugs of abuse) and appropriate training and/or forensic applications of analytic toxicology (court testimony, research and publications in analytic toxicology of drug abuse, etc.). The director is responsible for ensuring that there are sufficient personnel with adequate training and experience to supervise and conduct the work of the drug testing laboratory.

2. A key individual in the laboratory is the certifying scientist; (who may also be the laboratory scientific director); this individual reviews the standards, control specimens, and quality control of the data, together with the screening and confirmation test results. After having assured that all results are acceptable, this individual certifies the test result. The certifying scientist must have sound training in the sciences, specific training in the theory and practice of the procedures used, including the recognition of aberrant results, and familiarity with quality control procedures.

3. Supervisors of analysts must possess a B.S. degree in chemistry, or at least the education and experience comparable to a medical technologist certified by the American Society of Clinical Pathologists, MT(ASCP), or its equivalent. These individuals, also, must have training in the theory and practice of the procedures used, and understanding of quality control concepts. Periodic verification of their skills must be documented. Other technicians or nontechnical staff must possess the necessary training and skills for the task assigned. Inservice continuing education programs to meet the needs of all laboratory personnel are desirable. Personnel files must include: resumé of training and experience, certification or license, if any; references; job description; health records; records of performance evaluation and advancement; incident reports; and results of tests for color blindness.

4. Laboratory screening personnel performing initial tests shall comply with personnel requirements to provide reasonable assurance of accuracy of test results.

#### J. Quality Assurance and Quality Control

Drug testing laboratories shall have a quality assurance program which encompasses all aspects of the testing

process: specimen acquisition, chain of custody, security, and reporting of results, in addition to the screening and confirmation of analytical procedures. Quality control procedures will be designed, implemented, and reviewed to monitor the conduct of each step of the process.

#### K. Documentation

Documentation of all aspects of the testing process must be available. This documentation will be maintained for at least two years and shall include: personnel files on analysts, supervisors, directors, and all individuals authorized to have access to specimens; chain of custody documents; quality assurance/quality control records; all test data; reports; performance records on proficiency testing; performance records on accreditation inspection; and hard copies of computer-generated data.

#### L. Reports

All positive test results, including screening, confirmation, and quality control data must be reviewed by the certifying scientist or laboratory director before a test result is certified as accurate. The report shall identify the drugs/metabolites tested for, whether positive or negative, and the threshold concentration for each.

#### M. Judicial Proceedings

The laboratory must have qualified personnel available to testify in an administrative or legal proceeding against an employee which is based on a positive drug or alcohol result reported.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 23:1081(9).

**HISTORICAL NOTE:** Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16: (October 1990).

#### §1509. Reporting and Review of Results

A. An essential part of the drug testing program is the final review of results. A positive test result does not automatically identify an employee as a drug abuser. A Medical Review Officer (MRO) with a detailed knowledge of possible alternate medical explanations must be involved in the review process.

1. *Medical Review Officer* means a licensed physician responsible for receiving laboratory results generated by employer or testing entities' drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information. The role of the MRO is to review and interpret positive test results obtained through the office's testing program. In the conduct of this responsibility, the MRO should undertake the examination of alternate medical explanations for a positive test result. This action could include conducting of employee medical interviews, review of employee medical history, or the review of any other relevant biomedical factors.

2. The MRO is required to review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. After the MRO has reviewed the pertinent information and the laboratory assessment is verified, the results are to be forwarded to the employer and the Office of Workers' Compensation. Should any question arise as to the veracity of a positive test result, the MRO is authorized to order a reanalysis of the original sample. If the MRO determines there is a legitimate medical explanation for the positive test

result, MRO may deem that the result is consistent with legal drug use, and take no further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1081 (9).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 16: (October 1990).

Phyllis Mouton  
Secretary

## RULE

### Department of Health and Hospitals Board of Examiners for Nursing Home Administrators

In accordance with the notice of intent published in the June 1990 *Louisiana Register*, the Board of Examiners for Nursing Home Administrators announces the adoption of changes of LAC 46:XLIX 1103.B.2.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLIX. Nursing Home Administrators

#### Chapter 11. Licenses

#### §1103. Registration of Licenses and Certificates

B.1...

2. A licensed nursing home administrator no longer practicing in Louisiana may place his license in an inactive status. He shall continue to register his license biennially but is exempt from continuing education requirements. Should he wish to reactivate his license he must undergo 60 days of on-site re-orientation under supervision of a board approved preceptor, unless such person has been actively practicing in another state and meets Louisiana continuing education requirements.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2504 and R.S. 37:2507.

HISTORICAL NOTE: Adopted by the Department of Health and Human Services, Board of Examiners for Nursing Home Administrators, April 1970, amended LR 11:864, and amended by Department of Health and Hospitals, Board of Examiners for Nursing Home Administrators, LR 16: (October 1990).

Winborn E. Davis  
Executive Director

## RULE

### Department of Natural Resources Office of Conservation

Injection and Mining Division  
Docket No. IMD 90-4

In accordance with the provisions of R.S. 49:950 et seq. and R.S. 30:4, the commissioner of conservation amended Statewide Order No. 29-B, which will establish a

revised method for the analytical testing and evaluation of nonhazardous oilfield waste (NOW) for barium and the barium criteria for closure of oilfield pits, the operation and closure of commercial facilities that treat NOW solids, and the reuse of treated NOW solids. Other amendments revise the NOW manifest system, add certain operation and monitoring requirements for commercial facilities, provide for the passive closure of oilfield pits, and require the closure of production pits in designated areas of the state.

A copy of Statewide Order No. 29-B may be obtained by writing Carroll Wascom, Office of Conservation, Injection and Mining Division, Box 94275, Baton Rouge, LA, by contacting Mr. Wascom at 504/342-5515, or in person from Mr. Wascom at the Department of Natural Resources Building, 625 North 4th Street, Baton Rouge, LA, 2nd Floor, Room 253. Additionally, copies can be obtained in person from the District Offices of the Office of Conservation at the following addresses: Shreveport District Office, 960 Jordan Street, Shreveport, LA 71101; Monroe District Office, 122 St. John Street-Rm. 214, Monroe, Louisiana 71201; Lafayette District Office, 106 Calco Boulevard, Lafayette, Louisiana 70503.

J. Patrick Batchelor  
Commissioner

## RULE

### Department of Insurance Insurance Education Advisory Council

#### Continuing Education

#### 10.1. Statutory Authority

The statutory authority for this regulation is Act 428 of the 1989 regular legislative session of the Louisiana legislature. This rule is issued pursuant to the authority vested in the Commissioner of Insurance, and the Administrative Procedure Act. LRS 49:950 et seq.

#### 10.2 Purpose

A. The purpose of this regulation is to protect the public, maintain high standards of professional competence in the insurance industry, and maintain and improve the insurance skills and knowledge of agents, brokers, and solicitors licensed by the Department of Insurance. This shall be accomplished by prescribing: minimum standards of education in approved subjects that a licensee must periodically complete; procedures and standards for the approval of such education; and a procedure for establishing that continuing education requirements have been met.

#### 10.3 Basic Requirements

A. As a condition for the continuation of a license, a licensee must furnish the Department of Insurance (commissioner), prior to the licensing renewal date, proof of satisfactory completion of approved subjects or courses having the required minimum hours of continuing education credit during each two-year licensing period.

1. Life-health license only	16 hours
2. Property-casualty license only	24 hours
3. Combination of both (P-C and L-H licenses)	32 hours

B. Failure to fulfill the continuing education requirements prior to the filing date for license renewal shall cause the license to write insurance to lapse. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements through the date of reinstatement and payment of all fees due. If the license has lapsed for more than two years, the license may be renewed only by fulfilling the requirements for issuance of a new license. Any licensee who fails to file timely for license renewal may be charged a late fee of five dollars.

C. Property-casualty insurance agents shall complete 24 hours of approved instruction prior to each license renewal, beginning with renewals effective in 1993. Life-health insurance agents shall complete 16 hours of approved instruction prior to each license renewal, beginning with renewals effective in 1994.

Each course to be applied toward satisfaction of the continuing education requirement must have been completed within the two-year period immediately preceding renewal of the license; with the exception of up to 10 excess hours carried forward from the previous two-year renewal period which have not been used previously to comply with continuing education requirements.

D. Agents authorized to write both life-health and property-casualty insurance shall have a continuing education requirement for renewal of both licenses with a total of 32 hours of approved instruction. These agents shall complete 20 hours of approved property-casualty instruction prior to each property-casualty license renewal beginning with renewals effective in 1993. These agents shall complete 12 hours of approved life-health instruction prior to each life-health license renewal beginning with renewals effective in 1994. Each course to be applied toward satisfaction of the continuing education requirement must have been completed within the two-year period immediately preceding renewal of the license; with the exception of up to 10 excess hours carried forward from the previous two-year renewal period which have not been used previously to comply with continuing education requirements.

E. For agents authorized both to write life insurance and to write fire, casualty, or fire and casualty insurance business, the continuing education requirement for renewal of licensure shall be as follows: 12 hours of approved life insurance instruction for renewal of life insurance license; 20 hours of approved property and casualty instruction for renewal of the property and casualty license.

#### **10.4 Applicability**

A. This regulation applies to all resident agents, brokers, and solicitors licensed by the Department of Insurance. Further, this rule shall apply to the providers of continuing education programs and instructors for such programs.

B. This regulation applies to all nonresident agents, brokers and solicitors licensed by the Department of Insurance. However, nonresident licensees subject to continuing education requirements in their home state shall be exempt from this regulation, provided that resident state recognizes full reciprocity with Louisiana continuing education requirements.

C. Agents who have held a valid license continuously over the 15-year period prior to the effective date of this regulation and have not been subject to disciplinary action relating to insurance matters by any insurance department are

exempt from this regulation for the initial period of its applicability. Insurance agents who have earned a recognized professional designation from a source approved to provide continuing education credits are exempt from the regulation for the initial period of its applicability. Persons exempt from the requirement of an examination under R.S. 22:1167 are exempt from this regulation for the initial period of its applicability. Persons licensed to write industrial fire insurance only are exempt from this regulation for the initial period of its applicability.

D. The Department of Insurance anticipates and expects that licensees will maintain high standards of professionalism in selecting quality education programs to fulfill the continuing education requirements set forth herein.

#### **10.5. Insurance Education Advisory Council**

A. The Insurance Education Advisory Council, comprised of representatives from each segment of the insurance industry, shall be appointed by the Commissioner of Insurance to perform the following duties:

1. Approve or disapprove programs as per the standards of this regulation.
2. Assign the number of continuing education hours to be awarded to programs that are approved.
3. Consider applications for exceptions as permitted under Rule of this regulation, and
4. Consider other related matters as the commissioner may assign.

B. The Department of Insurance shall provide all members of the Insurance Education Advisory Council timely written notice of all council meetings. The members present at any meeting of the Insurance Education Advisory Council shall be deemed to be a quorum for purposes of acting to perform the duties of the council pursuant to this regulation. Matters before the Insurance Education Advisory Council may be decided by a majority of those members present. In the event of a tie vote, the chairman shall vote to break the tie.

C. Decisions or ruling of the Insurance Education Advisory Council in performance of the duties set forth herein shall have the effect of decisions or rulings of the Department of Insurance, but are subject to review and approval by the commissioner.

#### **10.6. Program Requirements**

A. All continuing education programs are subject to review and approval by the Insurance Education Advisory Council and certification by the commissioner. Each program must be submitted to the Insurance Education Advisory Council in accordance with this Rule on forms promulgated by the commissioner (Appendix 1 to this regulation) not less than 60 days prior to the expected use of the program.

B. If a program is not approved in advance of presentation, a retroactive application for credit may be submitted to the Insurance Education Advisory Committee within 60 days of completion of the course on forms promulgated by the commissioner (Appendix 1 to this regulation). All correspondence courses or individual study programs must be approved and certified in accordance with this Rule prior to being offered to licensees for continuing education credit.

C. Any course which has not been approved by the Insurance Education Advisory Council and certified by the commissioner before the date on which it is to be presented shall not be represented or advertised in any manner as "approved" for continuing education credit.



D. Courses which qualify:

1. A specific course will qualify as an acceptable continuing education program if it is a formal program of learning which contributes directly to the professional competence of a licensee. It will be left to each individual licensee to determine the course of study to be pursued. All programs must meet the standards outlined in this Rule.

2. Subjects which qualify:

a. The following general subjects are acceptable as long as they contribute to the knowledge and professional competence of an individual licensee as an agent, broker, or solicitor and demonstrate a direct and specific application to insurance:

i. Insurance and risk management.

ii. Insurance laws, regulations and ethics.

iii. Economics, finances, taxes and law as they relate to insurance.

iv. Business environment or management as they relate to insurance.

b. Areas other than those listed above may be acceptable if the licensee can demonstrate that they have direct and specific application to insurance and contribute to professional competence and otherwise meet the standards set forth in this regulation. The responsibility for substantiating that a particular program meets the requirements of this regulation rests solely upon the licensee.

E. Courses which do not qualify:

1. Any course used to prepare for taking an insurance licensing examination.

2. Computer science courses.

3. Motivation, psychology, communications or sales training courses.

4. General business courses.

5. Any program not directly and specifically applicable to the insurance business, or not in accordance with this regulation.

F. In order to qualify for credit, the following standards must be met by all continuing education courses.

1. Course development:

a. The program must have significant intellectual or practical content to enhance and improve the insurance knowledge and professional competence of participants.

b. The program must be developed by persons who are qualified in the subject matter and instructional design.

c. The program content must be current and up to date.

2. Course presentation:

a. Instructors must be qualified, both with respect to program content and teaching methods. Instructors will be considered qualified if, through formal training or experience, they have obtained sufficient knowledge to instruct the course competently.

b. The number of participants and physical facilities must be consistent with the teaching method specified.

c. All programs must include some means for evaluating the quality of education provided.

G. Any provider organization intending to provide classes, seminars, or other forms of instruction as approved subjects shall apply for program approval on forms promulgated by the commissioner (Appendix 1 to this regulation) and furnish, for approval by the Insurance Education Advisory Council, a detailed outline of the subject matter to be covered, a list of resource material used, training aids used,

the method of presentation, the qualifications of the instructors, and other information supporting the request for approval as outlined in this Rule. The outline shall include schedule and description of location where the program will be offered including dates and times (Appendix 2 to this regulation). Any change in this schedule of locations, dates or time of classes shall be filed with the Department of Insurance not less than three days prior to the scheduled beginning date.

H. The outline shall include a statement of the method used to determine whether there has been a positive achievement of education on the part of the agent being certified as having satisfactorily completed the approved subject. Such method may be a written examination, a written report by the agent, certification by the providing organization of the agent's program attendance or completion, or other method approved by the council as appropriate for the subject.

I. Each course application shall be accompanied by a nonrefundable application fee of \$25.

J. Upon receipt of such material, the Insurance Education Advisory Council will approve or deny the course or program as qualifying for credit, indicate the number of hours that will be awarded for approved subjects, and refer the class, seminar, or program to the commissioner for his certification. In cases of denial, the Insurance Education Advisory Council shall furnish a written explanation of the reason for such action.

K. The department will provide, upon request, a list of all programs currently available which the Department of Insurance has certified.

L. Certification of a program may be effective for a period of time not to exceed three years or until such time as any material changes are made in the program; after this time the program must be resubmitted to the Insurance Education Advisory Council for its review and approval.

### 10.7. Provider Requirements

A. All continuing education provider organizations are subject to review and approval by the Insurance Education Advisory Council and certification by the commissioner. Applications for provider approval shall be submitted through the Department of Insurance to the Louisiana Insurance Education Advisory Council not less than 60 days prior to the first submission for program approval. Each education provider applicant shall provide the information set forth herein with its application in the format required by the commissioner as set forth herein (Appendix 3 to this regulation).

The provider application shall include:

1. Qualifications of the education provider organization including but not limited to the past experience of the provider in conducting insurance education programs.

2. Outlines including a list of resource materials used, detailed description of program, and cost of programs to participants.

3. Completion of Appendix 4 for the initial certification of the director/supervising instructor to be used in accordance with the requirements and qualifications of instructors set forth herein.

B. Each provider application shall be accompanied by a nonrefundable application fee of \$250.

C. Once approved, the provider shall maintain detailed attendance records for all students for all classes for three years following completion of all classes. These re-

cords may be reviewed by the commissioner and the council.

D. The provider shall not allow credit for required hours for any class work which is not conducted under the direct supervision of the course instructor at the approved facility during scheduled classes.

#### **10.8. Instruction Requirements**

A. For the purpose of this Section, a distinction of types of providers must be acknowledged when prescribing the specific required qualifications for instructors.

B. An insurance trade association as recognized by the commissioner shall submit for approval the education director who will be in a supervisory capacity. Said education director shall provide the council with qualifications for instructors to be used during the tenure of the instructional course and shall assume the responsibility of assuring the quality of all instructional courses.

C. An insurance company admitted to do business in the state of Louisiana shall submit for approval the education director holding education responsibility for that company. Said director shall submit and have approved a supervisory instructor who may be delegated as the supervisory instructor in charge of the instructional course being given. Company personnel possessing expertise in specific areas of instructional topics will not have to be approved as an instructor. The educational director and/or supervising instructors holding education responsibility for the company shall be responsible for assuring the quality of all education programs.

D. The instructor charged with the responsibility for the instructional course at an accredited public or private college or university shall require approval by the commissioner and the council based on the educational background of the instructor and the insurance experience said instructor may possess.

E. Other organizations recommended by the council and authorized by the commissioner shall have an education director certified. The education director shall be assigned the responsibility of conducting the instructional courses. The approved education director shall be responsible for any other instructor or guest instructor and shall be responsible for assuring the quality of all education courses.

F. All instructors must possess the necessary qualifications to enable them to teach the program and to present the instructional material. Special consideration may be granted by the commissioner or the council with the commissioner's approval where it is felt that the specific background of the instructor warrants such consideration. The qualifications for instructors shall include as a minimum the following:

1. For education directors and supervising instructors, five years of insurance and/or education experience satisfactory to the commissioner and council.

2. Instructors will not be qualified who have received disciplinary action for insurance-related practices by the Louisiana Insurance Department, the Insurance Department of another state, or any similar regulatory body or court.

The commissioner shall have the authority to waive this requirement after a public hearing to determine the applicant's qualifications has been held and findings of such hearing warrant such a waiver.

G. For all instructors, except those specified in Sections B, C and D of this Part, the education director or supervising instructor shall submit a form Appendix 4 for each instructor who will participate in the instructional course.

#### **10.9. Training Facility Requirements**

A. The provider shall furnish training facility descriptions when applying to become an approved provider of an instructional program. Minimum acceptable training facility characteristics must be maintained at all times.

B. An atmosphere conducive to the education presentation shall be maintained, including good housekeeping, controlled environment as to heating and cooling, proper lighting, and proper furnishings.

C. The facility shall be easily accessible and secure for the safety of the student.

D. The instructional area of the facility should be for the exclusive use for the instructional course while in session.

E. Readily accessible human needs should be considered when selecting a facility.

F. Training aids, overhead viewing equipment availability and a proper visual layout of the classroom should be addressed.

G. In the event that proper facilities are not available as previously described, the provider shall furnish specific description of the available facility for approval by the commissioner or the council.

#### **10.10. Measurement of Credit**

A. Professional education courses shall be credited for continuing education purposes in full hours only. The number of hours shall be equivalent to the actual number of contact hours — number of hours in the classroom in instruction or participation. Each hourly period must include at least 50 minutes of continuous instruction or participation. For this purpose, a one-day program will be granted eight hours credit if the total lapsed time is approximately eight hours and the contact time is at least 400 minutes.

B. University or college upper division credit or non-credit courses shall be evaluated as follows: each semester system credit hour shall not exceed eight hours toward the requirement; each quarter system credit hour shall not exceed four hours. The final number of credits shall be determined by the Insurance Education Advisory Council.

C. Credit hours for individual study programs shall be determined by the Insurance Education Advisory Council. The council shall determine the conservative equivalency of individual study programs to a comparable seminar or course for credit in an accredited educational institution.

#### **10.11. Controls and Reporting**

A. Upon completion of a class, program or course of study, the instructor or sponsoring organization shall, within 60 days of completion of the course, provide a certificate of completion (Appendix 5 to this regulation) to each individual who satisfactorily completes the class, program or course of study. The certificate of completion shall bear the seal of the education provider organization.

B. The application for renewal of a license shall include a signed continuing education statement, under oath, on a form prescribed by the department (Appendix 6 to this regulation), listing the courses that have been taken in compliance with this regulation. Copies of the original certificates of completion bearing the seal of the education provider shall be attached to the continuing education statement (Appendix 6 to this regulation) for each course taken in compliance with this regulation.

C. The original certificates of completion for each educational program or course shall be retained by the licensee

as evidence of completion of the program or course for the most recent two-year renewal period. The licensee shall provide the Department of Insurance with these original certificates as proof of completion upon request of a formal audit.

D. The continuing education statements submitted by licensees will be reviewed by the Department of Insurance and may be verified by a formal audit by the department. If a continuing education statement submitted by an applicant for license renewal, as required by this regulation, is not approved, the applicant shall be notified and administrative action shall be taken.

E. The responsibility for establishing that a particular course or other program for which credit is claimed is acceptable and meets the continuing education requirements set forth in this regulation rests solely on the licensee.

#### **10.12. Program Review - Disciplinary Action**

A. The commissioner, insurance department staff and the Insurance Education Advisory Council shall have the authority to visit a training facility and review the provider's program at any time. Said visits can include the review of curriculum records, review of attendance records, and observation of instructional sessions in progress, which must be accessible at all times during instruction.

B. The certificate of a provider or program may be suspended by the commissioner if he determines that:

1. The program teaching method or program content no longer meet the standards of this regulation, or have been significantly changed without notice to the commissioner for its recertification;

2. the provider certified to the commissioner that an individual had completed the program in accordance with the standards furnished for certification or completion of the program, when in fact the individual has failed to do so; or

3. individuals who have satisfactorily completed the program of study in accordance with the standards furnished for certification or completion were not so certified by the provider or instructor; or

4. there is other good and just cause why certification should be suspended.

B. Suspension shall be subject to notice and hearing in accordance with Part 29 of the Louisiana Insurance Code LRS 22:1351-67.

C. Reinstatement of a suspended certification may be made upon the furnishing of proof satisfactory to the commissioner that the conditions responsible for the suspension have been corrected.

D. The commissioner or the council at the direction of the commissioner shall review all complaints lodged against a provider or instructor of a program. Such complaints shall be lodged by a notarized affidavit of a student of said course. A hearing may be called for the purpose of investigating the complaint and/or taking necessary action to resolve the complaint. Any disciplinary action required shall be taken by the commissioner in accordance with Part 20 of the Louisiana Insurance code LRS 22:1351-67.

#### **10.13. Credit for Individual Study Programs**

A. In determining whether credit is to be allowed for specific individual study programs, the Insurance Education Advisory Council shall maintain the standards for approval established in this Rule and determine the equivalency of the program to a comparable seminar or a comparable course for credit in an accredited educational institution.

B. All approved independent study programs must in-

clude periodic testing or workbook completion to monitor the progress of the student through the course and, a final comprehensive examination which requires a score of 70 percent or better to earn a certificate of completion. For each approved course, the sponsoring organization shall maintain a pool of tests sufficient to maintain the integrity of the testing process. A written explanation of test security and administration methods shall accompany the course examination materials. The examinations shall be administered, graded, and the results recorded by the organization to which approval was originally granted. Completed tests shall be retained by the sponsor organization and shall not be returned to any licensee.

C. Insurance companies admitted to do business in the state of Louisiana, insurance trade associations as recognized by the commissioner, and accredited public or private colleges or universities may be recognized as providers of independent study courses. Other organizations recommended by the council and authorized by the commissioner may be approved as providers of independent study courses if they meet one of the following qualifications:

1. five years or more experience as a recognized insurance education provider of independent study courses;

2. accreditation by a national education organization.

All individual study programs must be submitted for approval by the organization which compiles or publishes the course materials. All individual study courses must be approved prior to being offered to licensees for continuing education credit. Any such course approval is not transferable to any other entity.

D. Continuing education credit for individual study programs will be allowed only in the renewal period in which the course is completed. No individual study program will be certified for more than 24 hours of continuing education credit.

#### **10.14. Credit for Service as Instructor**

A. One hour of continuing education credit will be awarded for each hour completed as an instructor or discussion leader, provided the class or program is certified by the commissioner and meets the continuing education requirements of those attending.

B. Credit for instruction will only be granted once for each course or program, not for successive presentations of the same course.

#### **10.15. Effective Date**

This regulation shall be effective January 1, 1991.

#### **10.16. Separability**

If any provision of this regulation is for any reason held to be invalid, the remainder of the regulation shall not be affected thereby.

#### **10.17 Expiration Date**

A. The Rule set forth herein shall expire three years after it becomes effective if the commissioner does not call for a hearing 30 days prior to the expiration date to determine whether the Rule should remain in effect, be revised, or allowed to expire.

B. In the event modification of this Rule is thought to be necessary, 20 days notice of a hearing shall be given.

C. In the event the statutes pertaining to this Rule are changed, requiring modification of this rule, 20 days notice of hearing shall be given.

**APPENDIX 1**

REQUEST FOR PROGRAM/COURSE APPROVAL

SUBMIT THIS FORM IN DUPLICATE

NAIC APPROVED

REQUEST FOR APPROVAL OF CONTINUING EDUCATION CREDIT IN THE STATE OF \_\_\_\_\_

Name And Address of Entity/Sponsor Submitting Course _____ _____ _____	Name and Telephone Number of Contact Person Name _____ 1-( ) _____ 1-( 800 ) _____
--	---

Course Title/Name \_\_\_\_\_

Date of Course \_\_\_\_\_ Start Time \_\_\_\_\_ End Time \_\_\_\_\_

If course will be repeated check and attach locations scheduled

Location \_\_\_\_\_ City \_\_\_\_\_

Primary Instructor \_\_\_\_\_ Telephone \_\_\_\_\_

<p><b>Method of Instruction</b></p> <p><input type="checkbox"/> Classroom/Lecture    <input type="checkbox"/> Correspondence</p> <p><input type="checkbox"/> Seminar                    <input type="checkbox"/> Prof. Assoc.</p> <p><input type="checkbox"/> College/University    <input type="checkbox"/> Employee Trng.</p> <p><input type="checkbox"/> Other _____</p> <hr/> <p>Hours of Instruction/ Contact Classroom Hours _____</p>	<p><b>Method of Determining Successful Completion</b></p> <p><input type="checkbox"/> Final Exam—Supervised</p> <p><input type="checkbox"/> Final Exam—Correspondence</p> <p><input type="checkbox"/> Completed Text</p> <p><input type="checkbox"/> Instructor</p> <p><input type="checkbox"/> Attendance</p> <p><input type="checkbox"/> Other _____</p>
<p><b>Credit Hours Requested</b></p> <p><input type="checkbox"/> Life/Health &amp; Accident/Annuities/Variable</p> <p><input type="checkbox"/> Property/Casualty</p> <p><input type="checkbox"/> Either            <input type="checkbox"/> General _____</p>	<p><b>Course Concentration</b></p> <p><input type="checkbox"/> Product            <input type="checkbox"/> Management</p> <p><input type="checkbox"/> Marketing        <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> General Ins. Principles</p>

States that have approved this course (if filing is pending place "P" in the hours column):

Dept.	Hours	Dept.	Hours	Dept.	Hours	Dept.	Hours	Dept.	Hours	Dept.	Hours
DE	_____	IA	_____	MN	_____	NM	_____	SD	_____	_____	_____
GA	_____	KS	_____	MS	_____	ND	_____	TN	_____	_____	_____
IL	_____	MA	_____	NE	_____	OR	_____	WA	_____	_____	_____

**Names and Signatures of Instructors Authorized to sign Certificate of Completion:**

Name (Typed or Printed)	Signature
Name (Typed or Printed)	Signature

**Application for Credit**—Each course sponsor must certify the hours of study, on the average, required to successfully complete each course. Credit will be granted in accordance with A) State Regulation, B) review by the Department of Insurance. The Provider agrees to C) maintain a record for not less than three (3) years ( Five (5) years for Georgia ) for persons attending each course, D) provide Certificate of Attendance/Completion with hours earned to successful students upon completion and E) comply with the regulations of the Department of Insurance in conducting Continuing Education courses.

**Attachments**—1) Attach course description\*, outline\*, Continuing Education objectives\*, copy of Certificate of Attendance/Completion\*, promotional material, types of policies, forms, etc. that may be used in considering the submitted course. 2) Attach Instructor biographical statement including typed name\* and signature\*.

3) Text must be filed in:  
 (\*REQUIRED FOR APPROVAL)

Submitted by \_\_\_\_\_

Name (Typed or Printed)	Signature
Title	Date

**DEPARTMENT USE ONLY**

Course approved for \_\_\_\_\_ hours

Not Approved

Comment \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Course certification number: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
 Department of Insurance

APPENDIX 2

CONTINUING EDUCATION PROVIDER  
TRAINING SCHEDULE

TRAINING PROVIDER :  
TRAINING LOCATION :  
TELEPHONE NUMBER :  
INSTRUCTOR (S) :

-----  
DATE TIME LOCATION  
-----

-----  
SIGNATURE OF SUPERVISED INSTRUCTOR

APPENDIX 4

REQUEST FOR INSTRUCTOR APPROVAL

APPLICATION FOR APPROVAL AS AN INSTRUCTOR OF CONTINUING  
EDUCATION INSURANCE COURSES PURSUANT TO ACT 428 TO THE 1989  
REGULAR LEGISLATIVE SESSION

PROVIDER \_\_\_\_\_  
INSTRUCTOR \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE \_\_\_\_\_  
OCCUPATION \_\_\_\_\_  
Qualifications \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have \_\_\_\_\_ or have not \_\_\_\_\_ received disciplinary  
action for insurance related practices by the Louisiana  
Insurance Department, the Insurance Department of another  
state, or any similar regulatory body or court.

\_\_\_\_\_  
Signature of Instructor

\_\_\_\_\_  
Signature of Supervising Instructor

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DISAPPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

APPENDIX 3

REQUEST FOR PROVIDER APPROVAL

TO: STATE OF LOUISIANA  
COMMISSIONER OF INSURANCE  
LICENSING DIVISION  
P.O. BOX 94214  
BATON ROUGE, LA 70804-9214

APPLICATION FOR APPROVAL AS A PROVIDER OF CONTINUING EDUCATION COURSES  
PURSUANT TO ACT 428 OF THE 1989 REGULAR LEGISLATIVE SESSION

NAME OF PROVIDER \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
TELEPHONE NUMBER \_\_\_\_\_

(ATTACH THE APPLICABLE CHANGES)

- 1) COURSE OUTLINE
- 2) LIST OF RESOURCE MATERIAL
- 3) RESUME OF SUPERVISING INSTRUCTOR OR DIRECTOR
- 4) DESCRIPTION OF TRAINING FACILITIES TO BE USED
- 5) CLASS SCHEDULES AND LOCATIONS
- 6) COST TO PARTICIPATE

\_\_\_\_\_  
(PROVIDER)

\_\_\_\_\_  
(SIGNATURE OF PROVIDER REPRESENTATIVE)

\_\_\_\_\_  
(DATE)

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DISAPPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

APPENDIX 5

CONTINUING EDUCATION  
CERTIFICATION

This Certificate of Completion will be accepted as evidence  
that the person named herein has complied with the  
Continuing Education requirements mandated by the  
Department of Insurance in the state of

LOUISIANA

\_\_\_\_\_  
Name of Education Provider

\_\_\_\_\_  
Provider Authorization No.

Name of Agent \_\_\_\_\_ Agent ID No. \_\_\_\_\_ Social Security No. \_\_\_\_\_

Course Title \_\_\_\_\_ Certificate Number \_\_\_\_\_

Course Completion Date \_\_\_\_\_ Credit Hours Earned \_\_\_\_\_

Signature of Authorized Instructor \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

The Department of Insurance makes the agent responsible  
for using this certificate to meet state requirements.

ATTENTION: A copy of this Certificate must be filed with the Department

**APPENDIX 6**

(TO BE PART OF THE LOUISIANA AGENTS LICENSE RENEWAL APPLICATION)

CONTINUING EDUCATION STATEMENT

I, hereby certify under penalty of perjury that I have completed the required number of hours for renewal of my license as required by Rule 8 of the Department of Insurance.

Course Title	Course No.	Date Held	Sponsoring Organization	Hours Earned
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(ALL COURSES MUST BE APPROVED BEFORE THEY MAY BE CONTINUING EDUCATION CREDIT)

I hereby certify that the information provided above, to the best of my knowledge, is complete and accurate and that I did in fact attend the above-listed courses for the number of hours indicated.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Name- type or print)  
\_\_\_\_\_  
(Social Security No.)

Douglas D. "Doug" Green  
Commissioner

# Notices of Intent

**NOTICE OF INTENT**

**Department of Civil Service  
Civil Service Commission**

The State Civil Service Commission will hold a public hearing on Wednesday, November 14, 1990, to consider proposed changes to civil service rules. The hearing will begin at 8 a.m. in the Second Floor Commission Hearing Room in the DOTD Annex Building at 1201 Capitol Access Road, Baton Rouge, LA.

The following are proposed amendments to be considered at the meeting:

**Amend Civil Service Rule 8.4(A)**

8.4 Certification of Eligibles.

a. The director, in issuing certificates, shall certify to the appointing authority the names of the highest ranking eligibles from the appropriate list for the class of the vacant position.

- b. ...
- c. Repeal
- d. ...

**Repeal Civil Service Rule 8.6**

**Amend Civil Service Rule 8.11**

8.11 Provisional Appointment

When a vacancy is to be filled in a position for which there are fewer than five eligibles on the appropriate list of eligibles available for appointment, the director may authorize the appointing authority to make a provisional appointment of any person who possesses the qualifications specified in the appropriate standard as requirements for admission to the examination.

a. A provisional appointment may be made at any time within three months of the issue date of a certificate, provided the complete list of eligibles was issued on the certificate.

**Amend Civil Service Rule 8.12**

8.12 Termination of Provisional Appointment

A provisional appointment shall terminate six months after its effective date; or will convert to probational as soon as the person appointed takes and passes the appropriate examination with a score high enough to rank within the top five grade groups on the original certificate from which he was appointed provisionally.

a. The conversion of a provisional appointment to probational appointment is not retroactive; the probational appointment begins with the effective date of the score issued from testing.

b. No applicant hired to a provisional appointment is eligible for another provisional appointment for period of one year from the termination of the previous provisional appointment.

c. The appointing agency is responsible for providing the terms and conditions of the temporary provisional appointment to the applicant; and both the agency and applicant are jointly accountable for having the applicant tested.

**Explanation**

The new rules for provisional appointments specify the time frame within which an appointment may be made from an inadequate certificate. The rules identify the maximum term of additional ones. Also stated is the earliest effective date which may be used as conversion to probational, and emphasis is added to having the person appointed submit an application for testing at the earliest possible date. Since provisional appointments have a maximum life of six months, Rule 8.4(c) does not apply. Conversion certificates (Rule 8.6) will not be necessary because the original certificate will be used for conversion.

**Amend Civil Service Rule 17.24**

17.24 Department Preferred Reemployment Lists

A person should apply in writing to his personnel officer or to the Department of Civil Service no later than 30 calendar days following his layoff in order to ensure eligibility for the department preferred reemployment list. This time limit can be extended only with the approval of the director. Except as provided in Rule 17.16.1(f), eligibility for the de-

partment preferred reemployment does not extend to an employee whose two most recent service ratings were unsatisfactory when he was affected by a layoff action.

Also, eligibility for the department preferred reemployment list does not extend to any person who, after being affected by a layoff action, is terminated for disciplinary reasons, or resigns to avoid disciplinary action, except that a person terminated for disciplinary reasons and who is later reinstated will have his eligibility for the department preferred reemployment list restored. Also, a person who retires from state service shall not be eligible for such a list.

An employee's name will be removed from such applicable lists when he declines an offer or fails to respond to an offer. Also, his name will be removed from the list(s) in accordance with Subsections (d), (e), (f), (g), and (h), of this rule. If an employee declines an offer to the same job from which he was laid off, he shall be removed from all preferred lists for which he is eligible. If he declines, fails to respond, or accepts, an equivalent job, he shall stay on the list only for the job from which he was laid off.

- a. ...
- b. ...
- c. ...

d. If a permanent employee was laid off or officially moved as a result of a layoff action from a position in a job that has undergone a change in the qualification requirements or title, such employee shall be entitled, on proper request, to have his name placed on the preferred reemployment list for the newly revised job title, equivalent, and lower level jobs in the same career field for which he is qualified. However, the employee shall not be required to meet the new minimum qualification requirements if sufficient evidence is presented to the director to show, as determined by the director, that he is returning to a job having essentially the same duties and responsibilities he was performing when he was affected by layoff, unless the qualification lacking is one required by law or under a recognized accreditation program. If the minimum of the pay range for the job or position he occupied at the time of the layoff action has changed upward, he shall have eligibility for such position. This eligibility shall not be limited by a change in the job title as defined by Rule 1.38.2, a general increase as defined by Rule 1.15.2.1, or a market grade job assignment as defined by Rule 6.6, or an allocation adjustment effective January 1, 1987.

- e. ...
- f. ...
- g. ...

h. The maximum period during which a former or otherwise affected employee's name may remain on a department preferred reemployment list(s) shall be three years from the effective date of the applicable layoff. The director shall remove the employee's name from all such lists at the expiration of that period if it has not been previously removed.

#### **Explanation**

The proposed amendments to Rule 17.24 change an individual's eligibility for the Department Preferred Reemployment List from five years to three years but make yearly requests for extensions of eligibility unnecessary. The other changes are clarifications, and primarily cosmetic.

One of the biggest problems we now have with the department preferred reemployment list is that people forget to extend their eligibility, as specified in Rule 17.24(d). We wish to make the eligibility a continued period of time with no need of extensions.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall  
Director

#### **NOTICE OF INTENT**

##### **Department of Civil Service Civil Service Commission**

At its regular meeting on September 12, 1990, the State Civil Service Commission adopted Emergency Rule 11.26(e), according to Civil Service Rule 2.10(f), to be effective that same date. This rule will be proposed for regular adoption at the November 14, 1990 commission meeting. The public hearing will be conducted at 8 a.m. on Wednesday, November 14, 1990, in the Commission Hearing Room in the DOTD Annex Building at 1201 Capitol Access Road, Baton Rouge, Louisiana.

The emergency rule is as follows:

##### **11.26 Military Leave**

- (a) .....
- (b) .....
- (c) .....
- (d) .....

(e) A member of a reserve component of the Armed Forces of the United States who is called to active duty as a result of the August, 1990 Persian Gulf crisis shall, upon request, be allowed by his appointing authority to use a minimum of 300 hours of accrued annual leave and/or compensatory leave. Such employees shall not be subject to separation for the duration of the resulting active duty, for up to four years, and if not in paid leave status, shall be retained in leave without pay status.

#### **EXPLANATION**

This rule is being proposed to provide for reservists called to active military duty for the Persian Gulf crisis. It allows the reservist to apply for and use a limited amount of annual leave to lessen the possibility of a break in paid service and interruption of benefits. It also prevents a separation which could adversely affect retirement benefits.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall  
Director

#### **NOTICE OF INTENT**

##### **Department of Economic Development Board of Examiners of Certified Shorthand Reporters**

The Louisiana Board of Examiners of Certified Shorthand Reporters is hereby amending Part XXI, Chapters 1, 5, 6, and 9 of the *Louisiana Administrative Code* as follows:

## Title 46

### Professional and Occupational Standards

#### Part XXI. Certified Shorthand Reporters

##### Chapter 1. Certification

###### §103. Qualifications for Certification

A. Any person over the age of 18 years, who has not committed any acts, crimes, or omissions constituting grounds for suspension or revocation of a certificate issued by the board pursuant to R.S. 37:2557(A), who has a high school education or its equivalent as determined by the board, and who has satisfactorily passed each portion of the examination described in Chapter 3 below, in accordance with the rules of the board, shall be entitled to a shorthand reporter certificate.

B. Any person who is qualified under Subsection A, except for the satisfactory passage of each portion of the examination, and whom the board deems to be qualified under the provisions of R.S. 37:2554(G) or (H), shall be entitled to a general reporter certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2556.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Court Reporters, LR 9: 678 (October 1983), amended by the Department of Economic Development, LR 17:

##### Chapter 5. Certificates

###### §503. Temporary Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2556.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:679 (October 1983), repealed by the Department of Economic Development, LR 17:

###### §505. Cause for Suspension, Revocation, or Non-issuance of Certificate

The causes for suspension, revocation, or non-issuance of a certificate by the board shall consist of one or more of the following:

- A. conviction of felony;
- B. conviction of a misdemeanor involving moral turpitude;
- C. fraud, dishonesty, corruption, willful violation of a duty, or gross incompetency in the practice of the profession;
- D. failure to satisfy and complete the continuing education requirements, for two consecutive years, as set forth by the board. The failure to comply with this Subsection shall be cause for the suspension by the board of a certificate;
- E. failure to satisfy and complete the continuing education requirements for three consecutive years as established by the board. The failure to comply with this Subsection shall be cause for revocation by the board of a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2557.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:679 (October 1983), amended by the Department of Economic Development, LR 17:

###### §506. Certification Without Examination

A. All applications for certification as a certified general reporter from any notary public, official court reporter, deputy official court reporter, or temporary certified short-

hand reporter must be submitted within six months after January 1, 1991. The payment of the proper fee, as determined by the board, and due proof of the applicant's qualifications pursuant to R.S. 37:2554(G) and (H) must accompany the application.

B. The due proof of qualifications to be submitted to the board for its acceptance and approval for a certificate as a certified general reporter under the provisions of R.S. 37:2554(G) shall, on forms provided by the board, consist of all the following.

1. An affidavit signed by the applicant that the principal occupation of the applicant for four quarters subsequent to January 1, 1989, and prior to January 1, 1991, was proficiently taking and transcribing depositions, investigations, conventions, court proceedings, or hearings as a verbatim official court reporter, deputy official court reporter, general court reporter, or free-lance court reporter.

2. The affidavit by the applicant shall have attached both federal and state income tax returns for the years 1989 and 1990 or a notarized attestation by a licensed certified public accountant stating that the applicant's 1989 and 1990 federal and state income tax returns have been reviewed by that accountant and that the review indicated that the principal source of income for the applicant for years 1989 and 1990 was incurred from the activities of a court reporter domiciled in the state of Louisiana.

3. a. An applicant who is a notary public shall also submit a certified copy of his or her notarial commission and certified copies of four depositions taken by that applicant with verification from the scheduling attorneys that the depositions were taken at their requests; or

b. An applicant who is an official or deputy official court reporter of a court of record shall also submit certified copies of four transcripts of court proceedings and a certification by a judge of a court of record that the applicant is a salaried employee of the court.

4. The board may require such additional proof as it deems necessary.

C. The due proof of qualifications to be submitted to the board for its acceptance and approval for a certificate as a certified general reporter under the provisions of R.S. 37:2554(H) shall, on forms provided by the board, consist of all the following:

1. a. An affidavit signed by the applicant attesting to the fact that the applicant was enrolled in an educational course of shorthand reporting taught in a state-approved or licensed school and whose principal course of study consisted of verbatim shorthand reporting, as defined in R.S. 37:2555(A), prior to June 12, 1989; and

b. An affidavit signed by the owner or operator of the educational institution that the applicant was enrolled in an educational course of shorthand reporting conducted by the owner or operator and that the applicant's principal course of study consisted of verbatim shorthand reporting, as defined in R.S. 37:2555(A), prior to June 12, 1989; and

2. a. An affidavit signed by applicant that the applicant was enrolled in an educational course taught in a state-approved or licensed school to become a notary public prior to June 12, 1990, and that the applicant has become commissioned to be a notary public, with a certified copy of the notarial commission attached, before January 1, 1991; and

b. An affidavit signed by the operator or owner of the state-approved or licensed school that the applicant was en-



rolled in an educational course to become a notary public prior to June 12, 1990; and

3. An affidavit signed by the applicant, with appropriate documentation, including four deposition transcripts with verification from the scheduling attorney that the deposition was conducted at the request of the attorney, that the applicant is proficient taking and transcribing depositions, investigations, conventions, court proceedings or hearings;

4. The board may require such additional proof as it deems necessary.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 17

## **Chapter 6. Continuing Education**

### **§601. Continuing Education Requirement**

The maintenance and continued validity of any license issued by the board shall be dependent upon the satisfactory performance and completion of those continuing education requirements as established and enforced herein.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 17:

### **§603. Continuing Education Credits**

A. Beginning January 1, 1991, and thereafter, each holder of a certificate issued by the Board of Certified Shorthand Reporters shall be required to obtain at least twelve continuing education credits during a period of two consecutive calendar years.

B. Any holder of a certificate issued by the board is exempt from the requirement of continuing education for one year succeeding the initial issuance of the certification, but shall be required to obtain at least six continuing education credits for the one-year period succeeding the first-year exemption.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 17:

### **§605. Prohibited Excess Credits**

A. Any continuing education credit obtained for a requirement of the board in excess of the required amount of at least 12 continuing education credits per reporting period shall not be applied to any subsequent or future continuing education requirements.

B. The board shall suspend or revoke the certification of a certified reporter in the event the reporter fails to satisfy and complete the continuing education requirements, pursuant to R.S. 37:2557.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 17:

### **§607. Maintenance of Record**

A. Each reporter issued a certificate by the board shall maintain a record of the satisfaction and completion of the continuing education credits required by the board.

B. On or before January 31 of each calendar year,

each reporter issued a certificate by the board shall submit to the board a written record of continuing education credits earned by the reporter for the preceding calendar year on a form provided by the board. The report shall contain information of the continuing education credits earned by the reporter for participation in approved seminar activities, formal courses, and special activities approved by the board and conducted on a national, regional, or state basis as contained in a standardized system of seminar registration, attendance control, and reporting as approved by the board and adhered to by the sponsoring organization or entity of the seminar activity, formal course, or special activity.

C. The form to record the attendance, satisfaction, and completion of the continuing education activity shall be forwarded to the designated reporter at each respective seminar and forwarded to the board no later than 30 days after the completion of the activities of the seminar by the sponsoring entity.

D. Any recordation of continuing education credit earned by a reporter certified by the board through participation in an academic course or classwork which does not maintain any documentation of the attendance and satisfaction of the course shall be forwarded to the board by adequate confirmation through a certified report of attendance, report card, or related record issued by the academic institution evidencing successful completion of the continuing education activity.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 17:

### **§609. Continuing Education Guidelines**

A. The following general subject matter and enumerated continuing education credits may be approved by the board in the event the subject matter contributes to the professional competence of the practitioner of shorthand reporting:

1. seminars and workshops sponsored by or at National Court Reporters Association (NCRA) regional, state, or local meetings, public institutions of higher learning, and judicial organizations, including:

- a. English;
- b. medical;
- c. legal;

d. Technical subjects presented by experts dealing with terminology and concepts encountered by the reporter during depositions and at trials;

e. new developments and knowledge in the field directly related to making the record;

f. general court and deposition procedures;

g. general court and deposition transcript preparation;

h. management;

i. professionalism; or

j. office procedures, record-keeping, health, and the "consummate" person.

2. Formal courses sponsored by or instituted for universities and colleges, postgraduate courses held by shorthand reporting schools, duly licensed by the state, adult education schools, duly licensed by the state, and related organizations, established and approved by the appropriate educational authority, to administer continuing education courses, subject to the approval of the Board of the Academy

of Professional Reporters with formal enrollment and recodation by official transcript of the completion of the course, including:

- a. Universities and Colleges
  - i. A reporter who has formally enrolled in an accredited university or college and has successfully completed an academic or technical subject and received a passing grade of C or better shall receive the following credits:
    - (a). one semester credit - eight C.E. credits;
    - (b). one trimester credit - seven C.E. credits;
    - (c). one quarter credit - five C.E. credits.
  - ii. A reporter who has formally enrolled in an academic or technical subject at an accredited university or college shall receive the following credits:
    - (a). one semester credit - four C.E. credits;
    - (b). one trimester credit - three C.E. credits;
    - (c). one quarter credit - two C.E. credits.
- b. Postgraduate Courses in Shorthand Reporting Schools

- i. A reporter who successfully completes a postgraduate course (excluding dictation practice) in an accredited shorthand reporting school and receives a passing grade shall receive the following credit:

- (a). two C.E. credits for every postgraduate course completed.

- c. Adult Education School

- i. A reporter who successfully completes an adult education course in an academic subject at an accredited school shall receive the following credit:

- (a). one C.E. credit for every four contact hours.

- d. Institutions and Organizations Giving Continuing Education Courses

- i. The course shall be in subject matter that meets the needs of the reporter's professional and/or career goals in shorthand reporting.

3. Special activities including a certificate of merit test or speed contest administered by the National Court Reporters Association (NCRA) or a board-sponsored speed contest or award of excellence, with the award of excellence credit limited to no more than one continuing education credit per reporting period, as follows:

- a. Certificate of Merit Test.

- i. An NCRA-tested Registered Professional Reporter (RPR) passing any one section of the Certificate of Merit Test for the first time shall receive the following credit: Five C.E. credits.

- ii. A state-tested Certified Shorthand Reporter (C.S.R.) holding RPR status passing all three parts of the skills section at the same time shall receive the following credit: Five C.E. credits, each part.

- b. NCRA Speed Contest. A reporter qualifying on any one section of the NCRA Speed Contest shall receive the following credit: Five C.E. credits.

- c. State-Sponsored Speed Contest or Award of Excellence. A reporter qualifying on any one section of a state-sponsored speed contest or an Award of Excellence shall receive the following credits, provided such section equals or exceeds the requirements of the NCRA Certificate of Merit Exam:

State-sponsored speed contest - four credits;

Award of Excellence - four credits.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters in LR 17:

\* \* \*

## Chapter 9. Fees

### §901. Fees

The following fees shall be paid to the board:

A. The fee to be paid for the issuance of a certificate of registration without board examination, excluding those individuals issued a certificate by the board under the provisions of R.S. 37:2554(G) or (H), is \$50.

B. The fee to be paid for the issuance of a certificate of registration without board examination under the provisions of R.S. 37:2554(G) or (H) is \$100.

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:679 (October 1983), amended LR 10:269 (April 1984), amended by the Department of Economic Development, LR 17:

Interested persons may call or send written comments to Gwen Chevis, Office Administrator, Louisiana Board of Examiners of Certified Shorthand Reporters, 325 Loyola Avenue, Suite 306, New Orleans, LA 70112, Telephone No. 504/523-4306. A public hearing will be held on Tuesday, November 27, 1990 at 10 a.m. in the board office at 325 Loyola Avenue, Suite 306, New Orleans, LA 70112.

James L. Dennis  
Chairman

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Title 46 Professional and Occupational Standards

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

There will be an implementation cost of approximately \$2,000 initially and \$12,000 annually thereafter. The \$2,000 will cover additional computer software to handle continuing education credits and additional certified shorthand reporters. The \$12,000 figure will cover additional staff necessary to handle increased workload.

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

The Board of Examiners will collect approximately \$15,000 initially in certificate of registration fees to grandfather in new CSRs pursuant to Act 940 of 1990 and approximately \$11,250 annually thereafter in renewal fees. Continuing education requirements (Act 286 of 1990) will have no revenue impact on this board.

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

Persons seeking certification will be paying a one-time fee of \$100 for their certificate of registration and a \$75 renewal fee annually thereafter.

Persons must be certified and maintain their certification annually as required by the board.

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

There will be no effect on competition and employment because individuals seeking certification have been practicing under the auspice of being a notary public, which was repealed during the 1990 legislative session.

Rose Marie Bye  
Treasurer

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Economic Development Office of Financial Institutions

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Office of Financial Institutions intends to adopt a rule in accordance with Act 1068 of 1990 to establish that each credit union shall be subject to examination at least annually by the commissioner or his authorized deputy. The commissioner by this rule establishes the following schedule of fees for examinations to be assessed to credit unions regulated by the commissioner. These fees shall become effective on February 1, 1991.

#### Title 10 BANKS AND SAVINGS AND LOANS Part V. Credit Unions

##### Chapter 1. General Provisions

##### §101. Assessments

###### A. Fees and Charges

During 1991 and each year thereafter, all state chartered credit unions shall pay an annual operating fee, the exact amount of which shall be fixed from time to time by the commissioner. During 1990, credit unions shall continue to be charged and be liable to the Louisiana Office of Financial Institutions for the examination fees presently fixed by R.S. 6.646(B)(3) and (4). Except as hereinafter provided, the annual operating fee set by the commissioner shall not exceed the fee calculated by the use of the following scale:

- a. when the assets are less than \$100,000, the fee is \$100;
- b. when the assets are greater than \$100,000, but less than \$1,000,000, the fee is \$250;
- c. when the assets are \$1,000,000, but less than \$3,000,000, the fee is \$1,000;
- d. when the assets are \$3,000,000, but less than \$4,000,000, the fee is \$2,000;
- e. when the assets are \$4,000,000, but less than \$6,000,000, the fee is \$3,000;
- f. when the assets are \$6,000,000, but less than \$10,000,000, the fee is \$5,000;
- g. when the assets are \$10,000,000, but less than \$18,000,000, the fee is \$7,500;
- h. when the assets are \$18,000,000, but less than \$30,000,000, the fee is \$10,000;
- i. when the assets are \$30,000,000, but less than \$40,000,000, the fee is \$12,000;

- j. when the assets are \$40,000,000, but less than \$50,000,000, the fee is \$15,000;
- k. when the assets are \$50,000,000, but less than \$60,000,000, the fee is \$18,000;
- l. when the assets are \$60,000,000, but less than \$70,000,000, the fee is \$21,000;
- m. when the assets are \$70,000,000, but less than \$80,000,000, the fee is \$24,000;
- n. when the assets are \$80,000,000, but less than \$90,000,000, the fee is \$27,000;
- o. when the assets are \$90,000,000, but less than \$100,000,000, the fee is \$30,000;
- p. when the assets are in excess of \$100,000,000, the fee is \$30,000 plus \$5,000 for each \$10 million or fraction of \$10 million in excess of \$100,000,000.

###### B. Administration

1. Provided the fees assessed in Subparagraphs a - p above fail to cover all operating costs of the credit union section of the Office of Financial Institutions, the commissioner shall have the authority to assess a floating rate fee based upon the total assets of each credit union for the previous year. This may only be done upon first notifying each credit union of the commissioner's intent to assess the additional fees and giving each credit union at least 30 days from providing notice of the proposed action to allow each credit union an opportunity to file oral or written objections to this action proposed by the commissioner.

2. The annual operating fee shall be paid on or before the last day of January of each year, based upon the assets of the credit union as of the end of the previous year. Any credit union failing to pay said operating fee may be charged a penalty assessment not to exceed \$50 for each day said fee remains unpaid.

AUTHORITY NOTE: Promulgated in accordance with Act 1068 of 1990.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 17:

Interested parties may request copies of the proposed rule, submit written comments or make written inquiries concerning the rule until 4:30 p.m., November 26, 1990, at the following address: Fred C. Dent, Commissioner, Office of Financial Institutions, 8401 United Plaza Blvd., Suite 200 (70809), Box 94095, Baton Rouge, LA 70804-9095, (504) 925-4660. Gary L. Newport, Senior Attorney, Office of Financial Institutions is the person responsible for responding to inquiries concerning the proposed rule.

Fred C. Dent  
Commissioner

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Credit Union Fees

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

Under SB 744, the Commissioner of Financial Institutions is authorized to levy/impose fees on state-chartered credit unions. This rule will establish a fee structure based on the actual costs of operating the credit union division. There is no estimated implementation cost associated with the adoption of this rule.

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

Revenue collections will equal the costs of operating the credit union division. Funding is totally self-generated at this time. With the adoption of this rule fees collected from the 78 state-chartered credit unions will be reduced from \$249,640 to approximately \$200,350 or a reduction of \$49,290.

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

The economic benefits to be derived by implementing the new fee schedule will result in an actual cost savings to the 78 state-chartered credit unions of approximately \$49,290.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Prior to the enactment of SB 744, R.S. 6:646(B)(4), relative to credit union fees, provided a fee structure based solely on the size of the credit union. Under this method, the larger credit unions were forced to bear a disproportionate share of the costs. The new fee schedule will provide more parity and a significant cost savings to the larger credit unions and force the small to medium size credit unions to pay their fair share. Under the current fee structure currently utilized by the NCUA, primary regulator for Federally-chartered credit unions the larger credit unions (greater than \$10 million) pay approximately half that of a state-chartered credit union. Overall, the new rule will prove to be a significant cost savings to the larger state-chartered credit unions, thereby making them more competitive.

Fred C. Dent  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part XIII: Wagering**

**Chapter 103. Pari-Mutuels**

**§10317. Closing and Opening of Pari-Mutuel Machines**

The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid delay. The pari-mutuel ticket issuing machines shall be locked by the state steward and the "off" bell sounded when the gate opens. It shall be the duty of the stewards to see to it that the horses arrive at the starting gate as near to post time as possible. If their arrival at the starting gate exceeds two minutes past the advertised post time as

reflected by the infield board, the pari-mutuel machines shall be locked unless extenuating circumstances exist as determined by the stewards such as an accident to a horse or jockey, or equipment failure. At the discretion of the state steward, the ticket issuing machines may be unlocked prior to the declaration that the result of the race is official. However, in no case shall the mutuel cashier's windows be opened until after the declaration that the result of the race is official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:439 (December 1976), repromulgated LR 3:35 (January 1977), LR 4:281 (August 1978), amended LR 5:96 (May 1979), amended LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

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

**Rule Title: LAC 35:XIII.10317**

**"Closing and Opening of Pari-Mutuel Machines"**

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

There are no costs to implement this rule.

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

There is no effect on revenue collections.

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

The proposed rule change benefits the tracks' mutuel department personnel and patrons by providing for the coordination of the beginning of each race and the closing of the pari-mutuel ticket issuing machines. Delays or special circumstances are provided for, as well as when the machines may be reopened.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices  
§1739. Disqualified Horse Recognized as Winner**

A. When the stewards declare a horse to be the winner or qualifier of an elimination or eligibility race for a futurity, stakes or handicap and, thereafter, a report as described in LAC 35:I.1729 is received from the state chemist, the horse shall be deemed to have forfeited its eligibility to compete in any subsequent race related to that futurity, stakes or handicap.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 2:449 (December 1976), repromulgated LR 3:45 (January 1977), amended LR 4:287 (August 1978), LR 15:961 (November 1989), LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:I.1739**

**“Disqualified Horse Recognized as Winner”**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits horsemen and patrons by clarifying those horses qualified to participate in eligibility or elimination races.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part XV: Off-Track Wagering**

**Chapter 123. General Rules  
§12330. Fax Transmission**

A. Fax machines shall be located in each tote room as the priority backup method of communication of wagering data. Verbal transmissions of wagering data will be accepted only in the event of a fax failure and confirmed in writing as soon as possible. Proof of successful fax transmission shall be maintained for the minimum of 60 days by the association.

B. Scratched horses and other betting format changes must be communicated from host mutuel department head to all tote department managers at both live and guest associations via fax transmission immediately upon receipt of that information from the host track stewards or if the urgency of communication requires otherwise and confirmed in writing as soon as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:

\*\*\*

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:XV.12330  
“Fax Transmission”**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits the tracks' and OTB mutuel department personnel and patrons by providing for backup transmission by fax of wagering data.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part XV: Off-Track Wagering**

**Chapter 123. General Rules**

**§12328. Notification of Change**

Notification of any race date changes or changes in format for wagering including, but not limited to, addition of exactas, pick six, daily doubles and/or other exotic wagering must be provided by the host track to both the host track tote company, guest track tote companies, guest track mutuel department and off-track wagering facility tote companies at the time such changes are approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:XV.12328  
"Notification of Change"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits the tracks' and OTB mutuel department personnel and patrons by providing for

the notification by the host track to guest tracks, OTBs and corresponding tote companies of any changes in wagering format following commission approval.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part XV: Off-Track Wagering**

**Chapter 123. General Rules**

**§12341. Pari-Mutuel Tickets**

A. Pari-mutuel tickets utilized at an off-track wagering facility shall use a numerical designation for each betting interest.

B. All off-track wagering, guest and host facilities shall, upon request, cash all pari-mutuel tickets purchased at its facility during all hours of operation within the guidelines provided for under R.S. 4:176 and R.S. 4:219.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 14:290 (May 1988), amended LR 17.

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:XV.12341  
"Pari-Mutuel Tickets"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.

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

The proposed rule change benefits the patrons by adding the provision that all OTBs, guest and host facilities must cash pari-mutuel tickets that were purchased at that location, upon request, and during hours of operation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

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

**Chapter 63. Entries**

**§6311. Registration of Horse**

No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a quarter horse, thoroughbred or Appaloosa. Registration of a thoroughbred horse by the Jockey Club of New York, a quarter horse by the American Quarter Horse Association and an Appaloosa horse by the Appaloosa Horse Club, Inc. shall be prima facie evidence that such horse is a thoroughbred, quarter horse or an Appaloosa. However, such registry shall not be conclusive evidence, nor binding on the commission. At the time of entry such certificate of registration and Coggins test certificate must be on file in the office of the racing secretary before starting, except when such certificates are on file at another track which is then operating. The foal certificate must be on file with the racing secretary before a horse starts. The stewards may, at their discretion, waive this rule in the case of horses shipped in to start in stakes races in this state.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:91 (March 1976), LR 2:436 (December 1976), LR 3:32 (January 1977), repromulgated LR 4:279 (August 1978), amended LR 15:7 (January 1989), amended LR 17:  
\* \* \*

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to

this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:V.6311  
"Registration of Horse"**

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

There are no costs to implement this rule.

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

There is no effect on revenue collections.

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

The proposed rule change benefits horsemen and patrons by correcting a technical error—adding "stakes" in the last sentence just before the word "races."

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

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

**Chapter 63. Entries**

**§6360. Rider Named on Two Horses**

A rider may be named on two horses in a race provided one is on the also-eligible list. A coupled entry shall be considered one horse for the purpose of this rule.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 13:432 (August 1987), amended LR 17:  
\* \* \*

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to

this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:V.6360  
"Rider Named on Two Horses"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits jockeys by allowing them to be named on both horses in a coupled entry (two horses treated as one horse).
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part XV: Off-Track Wagering**

**Chapter 123. General Rules**

**§12331. Simulcast Audio Transmission**

- A. Each off-track wagering facility...
- B. In the event of the loss of both audio and video signals from the host track to guest tracks and/or off-track wagering facilities, wagering may continue. However, either the audio or video signal must be re-established as soon as possible, but no later than the start of the next day's wagering program or wagering shall not be allowed to begin at the guest track or off-track wagering facility that has suffered the loss of both audio and video signals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 14:289 (May 1988), amended LR 17:

\* \* \*

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P.

Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:XV.12331  
"Simulcast Audio Transmission"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits patrons by allowing them to continue to wager at an OTB facility should there be a break in audio and/or video transmission of races from the host track on that day.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part XV: Off-Track Wagering**

**Chapter 123. General Rules**

**§12329. Simulcast Video Transmission**

- A. - F. ...
- G. There shall be sufficient television monitors in each tote room to provide key tote employees a view of all horses starting from the starting gate at any track.
- H. In the event of a data or wagering communication failure, and communication is not restored by three minutes to post for the current race at the host track, betting shall cease at the guest track and/or off-track wagering facilities where such communication has been lost, and wagers to that point shall be manually merged. No further wagering data shall be accepted at the failed facilities until communi-



cations can be restored and authorization is given by both the host and guest mutuel departments.

I. In the event of a data communication failure which requires the manual merging of pools, betting for the next race cannot proceed at guest tracks or off-track wagering facilities which have suffered such loss until data communication has been re-established and all payoffs for any prior race have been posted. Races shall not be delayed at the host track past post time as normally reflected on the infield tote board while awaiting the re-establishment of failed data communications between the host track and guest or off-track wagering facility.

J. Any loss in communications causing a delay in races or payoffs between host tracks, guest tracks and/or off-track wagering parlors shall be considered an "incident" and will require incident reports to be filed with the commission by all tote managers and mutuel managers involved within 48 hours of the incident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 14:289 (May 1988), amended LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

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

##### **Rule Title: LAC 35:XV.12329 "Simulcast Video Transmission"**

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

There are no costs to implement this rule.

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

There is no effect on revenue collections.

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

The proposed rule change benefits the tracks' and OTB mutuel department personnel and patrons by providing for 1) sufficient monitors for the mutuel staff to view the races, and 2) the handling of events when there is a loss of data and/or video transmission from the host track to the receiving facility.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EM- PLOYMENT (Summary)**

There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

## **NOTICE OF INTENT**

### **Department of Economic Development Racing Commission**

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

#### **Title 35 HORSE RACING Part V: Racing Procedures**

#### **Chapter 83. Appeals to the Commission §8307. Subpoenas and Notices of Hearing**

A. The commission may issue an administrative subpoena to an individual referred to the commission, an individual appealing a steward's ruling, and any witness. The commission may issue a notice of hearing to an individual requesting reinstatement or an individual requesting to come before the commission for special circumstances. Excluding witnesses, the individual's responsibility shall include, but is not limited to the following.

1. Submitting notarized documents of evidence to the commission's domicile office prior to the meeting. Such documentation may include any documents evidencing reasons for the individual's reinstatement.

2. If desired by the individual, being represented by an attorney.

3. Bringing his/her badge to the meeting, unless previously surrendered to the stewards or the commission.

4. If pertinent, submitting the name, address and telephone number of any parole officer, to the commission's domicile office prior to the meeting.

5. If audio-visual equipment is desired by the individual, setting up and operating such equipment, and all costs incurred thereof.

B. The commission may issue a notice of hearing to an individual's attorney, which may include, but is not limited to the following.

1. The requirement of the attorney's written request of any witnesses he desires to appear before the commission, including their addresses and to what each witness will testify.

2. A responsibility clause to provide for reimbursement to individual's witnesses for their costs and/or travel expenses incurred.

C. The commission may issue a notice of hearing to an owner when having an interest in the matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:144, 148, 154, 192 and 197.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, adopted LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:V.8307  
"Subpoenas and Notices of Hearing"**

holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:I.1793  
"Testing for Alcohol Abuse"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits the commission by providing for specifics for issuing subpoenas and special notices for monthly commission meetings.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits horsemen and patrons by stipulating the penalties for first, second and third offenders of the overage limit on breathalyzer tests.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices  
§1793. Testing for Alcohol Abuse**

Any person licensed by the commission shall, when directed by the state steward, submit to a breathalyzer test and, if the results thereof show a reading of .05 percent or more of alcohol in the blood, such person shall not be permitted to continue his duties. For the first offense, any person having a reading of .05 percent or more shall be fined \$50 and not be permitted to perform his duties for the day. For the second offense, any person having a reading of .05 percent or more shall be fined \$100 and not be permitted to perform his duties for the day. For a third offense, any person have a reading of .05 percent or more shall be suspended for 30 days and be subjected to an evaluation as called for in LAC 35:I.1791.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 13:290 (May 1987), amended LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part I: General Provisions**

**Chapter 17. Corrupt and Prohibited Practices  
§1791. Testing for Dangerous Substance Abuse**

A. No person licensed by the commission shall use any controlled dangerous substance as defined in the "Louisiana Controlled Dangerous Substance Act," R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the person licensed by the commission to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed physician. This notice shall be in the form of an affidavit provided by the commission and completed by the licensed practitioner. Failure to provide the state steward with the appropriate affidavit prior to the collec-

tion of a urine sample shall result in a positive violation and shall be administered pursuant to Subsection D. Failure of a licensed person to provide this affidavit from his doctor or physician within 10 days of being notified by the stewards of a finding for a prescription drug shall be treated as a positive and having the person subject to a penalty as contained herein.

B. Every person licensed by the commission at any licensed racetrack may be subjected to a urine test, or other non-invasive fluid test at the discretion of the state steward in a manner prescribed by the commission. Any licensed person who fails to submit to a urine test when requested to do so by the state steward shall be liable to the penalties provided herein.

1. Failure or refusal to submit to a urine test when ordered by the state steward shall result in a minimum 90-day suspension. Failure or refusal to submit to a urine test for a second time shall result in a suspension by the stewards to the full extent of their power and referral to the commission.

C. Any person licensed by the commission who is requested to submit to a urine test shall provide the urine sample to a chemical inspector of the commission. When requested to provide a sample, that person shall submit the sample before leaving the racetrack. Failure to do so shall be considered a refusal. The sample so taken shall be immediately sealed and tagged on the form provided by the commission and the evidence of such sealing shall be indicated by the signature of the tested person. The portion of the form which is provided to the laboratory for analysis shall not identify the individual by name. It shall be the obligation of the licensed person to cooperate fully with the chemical inspector in obtaining any sample who may be required to witness the securing of such sample. Anyone who tampers with a urine sample shall be fined and/or suspended as provided for by R.S. 4:141 et seq., and/or the Rules of Racing.

D. . . .

1. - 7. ...

8. Amphetamines and other central nervous system stimulants are not permitted except in cases of exogenous obesity. In those cases, the participant must give proof that multiple dietary attempts to control exogenous obesity have failed and that he is participating in a medically supervised dietary program which includes the short-term (two to three weeks) usage of amphetamines.

E. - F. . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 13:289 (May 1987), amended LR 15:620 (August 1989), LR 16:394 (May 1990), amended LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:I.1791  
"Testing for Dangerous Substance Abuse"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits horsemen and patrons by assuring drug-free personnel involved in the racing industry on the race tracks.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment other than lost employment as a result of repeated drug abuse and being under the influence while performing duties on the race track.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

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

**Title 35  
HORSE RACING  
Part XV: Off-Track Wagering**

**Chapter 123. General Rules**

**§12332. Tote Forms; Glossary of Terms**

A. All tote companies operating within the state of Louisiana shall use a standard "manual merge" form approved by the commission. This form shall be authenticated by the signature of the tote manager and mutuel manager at both host and guest track or off-track wagering facilities, or by their designees.

B. All tote companies operating within the state of Louisiana shall correspond under a mutually accepted glossary of terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to

this rule through Monday, November 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:XV.12332  
"Tote Forms; Glossary of Terms"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits the tracks' and OTB mutual department personnel and tote companies by providing for a standard "merge form" and a standardized glossary of terms.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment.

Claude P. Williams  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amendment to Regulations for Granting  
Temporary Teaching Assignments (Circular 665)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to the regulations for Granting Temporary Teaching Assignments:

The Bureau of Teacher Certification, State Department of Education, may waive the requirement for admission to teacher education programs for persons employed on Circular 665 and temporary teaching assignments for those parishes that provide satisfactory documentation of recruitment efforts, and of critical need. Furthermore, individuals approved under this waiver are not eligible for teacher tuition exemption.

This amendment was advertised as an emergency rule in the September, 1990 issue of the *Louisiana Register* and is an amendment to the July 20, 1990 notice of intent.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., December 10, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Circular 665 Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is anticipated that the cost of printing and postage associated with this rule change will be \$50.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This action will not affect revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This proposed action will have no economic effect on individuals or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Due to the teacher shortage, this amendment will allow school systems to employ under certain circumstances noncertified personnel who are not eligible for admission to teacher education programs. The requirement of eligibility for admission to teacher education programs is a new requirement for the employment of noncertified personnel for the 1990-91 school year.

Graig Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Employment and Training  
Board of Barber Examiners**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), R.S. 34:341-392, and Act 1083 of the 1990 Regular Session, the Department of Employment and Training, Board of Barber Examiners, advertises its intent to repeal all previous rules adopted by it regulating the administration of the Board of Barber Examiners, and to substitute a complete new set of rules relating to the administration of the Board of Examiners. These rules comply with the statutory law administered by the board.

Copies of the proposed rules may be obtained at the Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA. A public hearing on the proposed rules will be held on November 26, 1990, commencing at 10 a.m., at the office of Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Sharon Cobb, 1000 Scenic Highway, Baton Rouge, LA 70802, through November 26, 1990.

Phyllis Coleman Mouton  
Secretary

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules for Appealed Claims of the Louisiana  
Board of Review**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no additional costs associated with the implementation of these rules and regulations. The current budget of \$165,980 will not be affected by the adoption of these rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of these rules will not affect the revenue collections of state or local governmental agencies.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Adoption of these rules and regulations will not have additional costs or economic benefits to affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Implementation of these rules will not affect competition or employment.

Sharon L. Cobb  
Office Secretary

David W. Hood  
Senior Fiscal Analyst

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no additional costs associated with the implementation of these rules and regulations. The Office of Employment Security has a budget of \$173,566,779 which will not be affected by the adoption of these rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The department does not anticipate any effect on revenue collections of state or local governmental units due to promulgation of these rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The department does not anticipate any costs and/or economic benefits to directly affected persons or non-governmental groups as a result of promulgation of these rules.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The rules do not have an effect upon competition and employment in the state.

Phyllis C. Mouton  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Board of Review**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Employment Security Law R.S. 23:1471 et seq. and Act 1083 of the 1990 Regular Session, the Department of Employment and Training, Board of Review, is hereby giving notice of intent to repeal all existing rules and to substitute a complete new set of rules to be set forth in LAC 40:IV, Sections 101 to 137 to be effective January 1, 1991. These rules comply with the statutory laws mentioned above which the agency administers.

A public hearing will be held at 11 a.m., on November 28, 1990, at 1001 North 23rd Street, Baton Rouge, LA 70804. Interested persons are invited to attend and submit oral or written comments on the proposed rules.

A copy of the proposed rules is available at the Legal Division, Office of Employment Security, 1001 North 23rd Street, Baton Rouge, LA 70804. For further information on these rules, contact Elvin L. Green, Sr., Executive Director, (504) 342-3129.

Elvin L. Green, Sr.  
Executive Director

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Employment Security**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Louisiana Employment Security Law R.S. 23:1471 et seq. and Act 1083 of the 1990 Regular Session, the Department of Employment and Training, Office of Employment Security, is hereby giving notice of intent to repeal all existing rules and to substitute a complete new set of rules to be set forth in LAC 40:IV, §§ 301 to 372 to be effective January 1, 1991. These rules comply with the statutory laws mentioned above which the agency enforces.

A public hearing will be held at 10 a.m., on November 28, 1990, at 1001 North 23rd Street, Baton Rouge, LA 70804. Interested persons are invited to attend and submit oral or written comments on the proposed rules.

A copy of the proposed rules is available at the Legal Division, Office of Employment Security, 1001 North 23rd Street, Baton Rouge, LA 70804. For further information on these rules, contact Bernard J. Francis, Sr., Assistant Secretary, (504) 342-3013.

Bernard J. Francis, Sr.  
Assistant Secretary

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

**Rule Title: Regulations for the Administration of the  
Employment Security Law**

ing, Box 94094, Baton Rouge, LA 70804-9094 through No-  
vember 27, 1990.

Phyllis Coleman Mouton  
Secretary

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

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

There will be no additional costs associated with the implementation of these rules and regulations. All of these rules have previously been in effect with the exception of Rule 372, which was included to comply with Section 3304 (a) (6) (A) of the Federal Unemployment Tax Act. The Office of Employment Security has a budget of \$173,566,779 which will not be affected by the adoption of these rules.

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

There will be no additional implementation costs or savings to the Department of Employment and Training or to local governmental units as a result of the adoption of these rules. Apprenticeship is a program within the Office of Labor, which has a budget of \$846,524 which will not be affected by the adoption of these rules.

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

The department does not anticipate any effect on revenue collections of state or local governmental units due to promulgation of these rules.

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

The adoption of these rules will not generate revenues for the state or local governmental units because no fees are assessed or collected for the benefit of governmental units.

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

The department does not anticipate any costs and/or economic benefits to directly affected persons or non-governmental groups as a result of promulgation of these rules.

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

Due to the lack of readily available data, it is impossible to determine or estimate the fiscal and economic impact.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

The rules do not have an effect upon competition and employment in the state.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

The effect on competition and employment as a result of adopting these rules cannot be measured as related to the number and types of program sponsors who apply for an Apprenticeship Program.

Phyllis Coleman Mouton  
Secretary

David W. Hood  
Senior Fiscal Analyst

Phyllis C. Mouton  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Labor**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and R.S. 36:308.B., and R.S. 23:381-392, and Act 1083 of the 1990 Regular Session, the Department of Employment and Training, Office of Labor, is hereby giving notice of its intent to repeal all previous rules adopted by it regulating apprentices, including but not limited to those rules adopted January 20, 1981, and to substitute a complete new set of rules, relating to employment standards and conditions of apprentices. These rules comply with the statutory law administered by the agency.

Copies of the proposed rules may be obtained at the Office of Labor, Box 94094, Baton Rouge, Louisiana 70804-9094.

A public hearing on the proposed apprenticeship law will be held on November 27, 1990, commencing at 10 a.m., at the Office of Labor Annex Conference Room, Third Floor, 1001 North 23rd Street, Baton Rouge, LA.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Robert Levy, Assistant Secretary of Employment and Train-

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Labor**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), the Job Training Partnership Act (Public Law 87-300, October 13, 1982), and Act 1083 of the 1990 Regular Session, the Department of Employment and Training, Office of Labor, advertises its intent to repeal all previous rules adopted by it regulating the implementation and administration of the Job Training Partnership Act, and to substitute a complete new set of rules relating to the implementation and administration of the Job Training Partnership Act. These rules comply with the statutory law administered by the agency.

Copies of the proposed rules may be obtained at the Office of Labor, JTPA Division, 1001 North 23rd Street, Baton Rouge, LA. A public hearing on the proposed rules will be held on November 28, 1990, commencing at 9:30 a.m., at the Office of Labor JTPA Conference Room (third floor of the

annex building), 1001 North 23rd Street, Baton Rouge, LA 70804.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Robert B. Levy, Assistant Secretary of Labor, Box 94094, Baton Rouge, LA 70804-9094, through November 28, 1990.

Phyllis Coleman Mouton  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Title 40  
Labor and Employment  
Part XIII Job Training Partnership Act**

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

The only costs associated with the implementation of these rules and regulations will be the costs to prepare and distribute these rules, which will be less than \$400. The Job Training Partnership Act is within the Office of Employment Security, which has a budget of \$173,566,779 which will not be affected by the adoption of these rules.

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

There is not expected to be any effect on the revenue collections by governmental units at the state or local level.

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

There will be no costs to directly affected persons or non-governmental groups. JTPA funds result in job training and employment opportunities for economically disadvantaged individuals, dislocated workers, and other individuals facing serious barriers to employment.

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

The proposed changes will have no impact on competition as the intent of the Job Training Partnership Act is to provide job training in demand occupations to eligible individuals. Job Training Partnership Act participated, per the federal legislation, will not replace persons presently employed.

Robert B. Levy  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Labor**

In accordance with the provisions of the Administrative Procedure Act, (R.S. 49:950 et seq.), R.S. 36:308.B., R.S. 23:151-274, and Act 1083 of the 1990 Regular Session, the Department of Employment and Training, Office of Labor, is hereby giving notice of its intent to repeal all previous rules

adopted by it, regulating employment standards and conditions of minors, including but not limited to those rules adopted on February 6, 1981, and to substitute a complete new set of rules relating to employment standards and conditions of minors. These rules comply with the statutory law administered by the agency.

Copies of the proposed rules may be obtained at the Office of Labor, Box 94094, Baton Rouge, LA 70804-9094.

A public hearing on the proposed minor labor law will be held on November 26, 1990, commencing at 1 p.m., at the Office of Labor Annex Conference Room, Third Floor, 1001 North 23rd Street, Baton Rouge, LA.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Robert Levy, Assistant Secretary of Labor, Box 94094, Baton Rouge, LA 70804-9094, through November 26, 1990.

Phyllis Coleman Mouton  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Minor Labor Law Rules**

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

There will be no additional implementation costs or savings to the Department of Employment and Training or to local governmental units as a result of the adoption of these rules. Minor labor law is a program within the Office of Labor, which has a budget of \$846,524 which will not be affected by the adoption of these rules.

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

Basically the revenue effect will be very little, if any, because the only monies collected will be from the general public when they request a copy of this booklet. The cost will be 17¢ per copy.

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

There will be no effect concerning any groups other than the cost of these booklets. This booklet will cost persons requesting a copy 17¢ per copy.

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

There will be no effect on competition and employment.

Robert B. Levy  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Labor**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and R.S. 3:101-115 and Act 1083 of the 1990 Regular Session, the Department

of Employment and Training, Office of Labor, advertises its intent to repeal all previous rules adopted by it regulating private employment services, including but not limited to those rules adopted March 20, 1988, and to substitute a complete new set of rules relating to the administration and enforcement of the State Private Employment Service Law. These rules comply with the statutory law administered by the agency.

Copies of the proposed rules may be obtained at the Office of Labor, 1001 North 23rd Street, Baton Rouge, Louisiana. A public hearing on the proposed Private Employment Service Rules and Regulations will be held on November 26, 1990, commencing at 10 a.m., at the Office of Labor, Annex Conference Room, Third Floor, 1001 North 23rd Street, Baton Rouge, LA.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Robert B. Levy, Assistant Secretary of Labor, Box 94094, Baton Rouge, LA 70804-9094, through November 26, 1990.

Phyllis Coleman Mouton  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Private Employment**

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

There will be no additional implementation costs or savings to the Department of Employment and Training or to local governmental units as a result of the adoption of these rules. Private employment services is within the Office of Labor, which has a budget of \$846,524 which will not be affected by the adoption of these rules.

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

The estimated effect on revenue collections to the state from the assessment and collection of license fees, manager examination fees and penalties is estimated to be between \$45,000 and \$60,000 annually; however, this revenue collection estimate does not reflect the collection or generation of any new additional dollars because the Office of Labor is already collecting this amount as provided by existing law. These proposed rules will have no effect on revenue collections of local governmental units.

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

The estimated costs to directly affected persons and non-governmental groups are as follows; bond requirements will result in a cost of \$50 to \$100; employment agency investigation requires a fee of \$250; employment agency licensee and manager's examination requires a fee of \$100; and foreign employment services advertisement fee of \$100. Additionally a resumé preparation fee of up to \$10 may be charged to the job applicant.

As mentioned in Items I and II above, these proposed rules do not impose any new or additional costs to the regulated community because the Office of Labor is already implementing the intent of the proposed rules as authorized in current statute.

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

Competition and employment should not be affected by these rules as such rules are designed primarily to protect the applicants.

Robert B. Levy  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Workers' Compensation**

In accordance with the provisions of R.S. 49:950 et seq., of the Louisiana Administrative Procedure Act, and under the authority of R.S. 23:1034.2 and R.S. 23:1203 of Act 938 of the 1988 Louisiana Regular Legislative Session, the Office of Workers' Compensation, through the Department of Employment and Training, hereby gives notice of its intent to adopt a rule for the establishment of a medical reimbursement fee schedule for services rendered by physicians and all health care providers using CPT Codes (current procedural terminology). The fee schedule shall provide the basis for billing and payment of medical services provided injured employees under the workers' compensation laws of the state of Louisiana.

The Office of Workers' Compensation previously promulgated a rule for a fee schedule for physicians that is applicable exclusively to state employees. Said schedule was previously used by the Office of Risk Management. On the effective date of this rule, the prior rule applicable exclusively to state employees shall be repealed.

The Legal Section of the Office of Workers' Compensation shall make available for public scrutiny a copy of the medical fee schedule at 1001 North 23rd Street, Baton Rouge, LA 70804. Written comments regarding this proposed rule should be forwarded to Stephen W. Cavanaugh, Director, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Verbal comments may be presented at a hearing on November 28, 1990, at 1:30 p.m., in the Mineral Board Hearing Room of the Natural Resource Building, 625 North 4th Street, Baton Rouge, LA 70804.

Stephen W. Cavanaugh  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Medical Fee Reimbursement Schedule**

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

The cost to implement the fee schedule prepared by Martin Segal Company, Inc. was \$26,730. The cost to the Office of Workers' Compensation to reproduce one copy of the fee schedule was \$4.50. Implementation of this new fee schedule will limit what physicians can charge workers' compensation insurers for services rendered to an injured employee. The exact amount that this will save is indeterminable.



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

Copies of this rule (fee schedule) will be provided by the Office of Workers' Compensation at a charge of \$31.23 per copy. Anticipated revenue of \$31,230 will be generated by amounts derived from the copies at 1,000 copies, which represents a "break even" amount for the copies and the costs to prepare and implement the schedule by Martin Segal, Inc.

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

The fee schedule will provide a limit on the amount physicians may charge workers' compensation insurers for services rendered to an injured employee. It shall control the cost for physician services rendered to government and non-government employees who are injured on the job. The precise economic benefit is not ascertainable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None. The medical fee reimbursement schedule is designed to provide guidance to health care providers when rendering services to injured employees. The impact is not directly felt on employment or competition. Employers through their insurance companies will realize a reduction in medical payments because health care providers will be limited to the schedule's provisions when charging for medical services as a result of an on-the-job injury.

Stephen W. Cavanaugh  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Workers' Compensation**

Pursuant to R.S. 49:950 et seq. and 23:1291 et seq. and Acts 1083 and 1085 of the 1990 Louisiana Legislature, the Department of Employment and Training, Office of Workers' Compensation, hereby gives notice of its intent to adopt rules regarding safety requirements for employers within the state of Louisiana.

The Louisiana Department of Employment and Training, Office of Workers' Compensation, is proposing for repromulgation of rules which are to govern safety requirements for employers.

These rules are authorized by R.S. 49:950 et seq. and 23:1291 et seq. and Acts 1083 and 1085 of the 1990 Legislative Session.

Acts 1083 and 1085 established a change in the law and required that the existing rules be repromulgated.

Comments regarding these rules should be directed to Willis Callihan, Safety Director, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted until the close of business, 4:15 p.m., on December 7, 1990.

A copy of the proposed rules may be obtained from the Louisiana Office of Workers' Compensation.

Phyllis Coleman Mouton  
Secretary

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

**Rule Title: Louisiana Workers' Compensation Rule-15**

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

The estimated cost of implementing these rules will be approximately \$339,866 in FY 91 and \$479,791 in FY 92. These funds are part of assessments currently being collected by the agency.

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

Implementation of these rules will not affect the revenue collections of state or local governmental agencies. These funds are part of assessments currently being collected by the department.

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

The overall benefit of these republished rules will be to all the employers and employees in the state of Louisiana, both the public and private sector. These rules provide for the implementation of a comprehensive loss prevention program to reduce work-related injuries to employees and to reduce the losses to the employers from Workers' Compensation payments, property, equipment damage and loss of production as a result of serious accidents.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

An employer with a good safety program and a good safety record will have an advantage in acquiring contracts with major industries where safety requirements are quite stringent.

Willis E. Callihan  
Administrator

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Workers' Compensation**

**Claims Section**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 23:1021 et seq and Act 1083, the Department of Employment and Training, Office of Workers' Compensation, Workers' Compensation Claims Process, is hereby given notice of its intention to repromulgate rules and regulations governing Workers' Compensation Administration.

These rules herein are being repromulgated pursuant to Act 1083 of the 1990 Legislature. These rules are the

same rules of the Office of Workers' Compensation which were made a rule in the *Louisiana Register* on May 20, 1987.

Therefore, the substance of the rules has not changed which consist of the following: it provides rules of procedures for employees, employers, physicians, and insurance when attempting to administer a workers' compensation claim.

These rules consist of the following: (1) General Provisions, (2) Disputes - physical condition, (3) Compensation and Professional Fees, (4) Rehabilitation, (5) Claims, and (6) Settlement of Claims.

Interested persons may view the proposed rules or make comments by contacting the Department of Employment and Training, Office of Workers' Compensation at 1001 North 23rd Street, Baton Rouge, LA 70804, telephone (504) 342-7555.

Stephen W. Cavanaugh  
Assistant Secretary

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

#### **Rule Title: Workers' Compensation Claims Process**

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

There will be no additional costs associated with the implementation of these rules and regulations. The Workers' Compensation Claims Process unit has been appropriated \$786,963 for FY 91, and these rules will not increase their costs.

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

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

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

Employers and claimants will benefit from these rules, due to the adoption of an orderly claims process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition or employment.

Stephen Cavanaugh  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

### **NOTICE OF INTENT**

#### **Department of Employment and Training Office of Workers' Compensation**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 23:1168 and Act 1083 of the 1990 Regular Legislative Session. The Office of Workers' Compensation through the Department of Employment and Training hereby gives notice of its intent to amend and re-enact rules and regulations pertaining to the fiscal responsibility of Workers' Compensation carriers. This rule will provide methods and criteria for implementing self-insurance and own risk programs.

Establishes that all employers are responsible for compliance with R.S. 23:1168 and provides directions for notifying the Office of Workers' Compensation of compliance with this legislation.

Provides guidelines for the termination of a Workers' Compensation of policy by an insurance carrier.

This rule begins by giving definitions to several insurance terms contained in the rules. This rule also provides guidelines for acceptable securities. Penalties for improper reporting by self-insurers are established. Provides guidelines for selecting acceptable excess insurance. Sets forth the requirements for becoming a qualified service company. Establishes a vehicle for revocation of the self-insurers privilege. Lastly, this rule establishes minimum qualifying criteria that must be met by self-insurance applicants, application processing fees for self-insurers and service companies, and also minimum security requirements for self-insurers.

Comments should be forwarded to Gerald East, Financial and Compliance Audit Manager of the Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted through December 7, 1990.

A copy of this rule may be obtained by contacting Gerald East at the above address.

Stephen Cavanaugh  
Director

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

#### **Rule Title: Rules for Office of Workers' Compensation Fiscal Responsibility Unit**

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

This program will increase the costs of operation of the Office of Workers' Compensation Administration by \$418,520. This estimate is independent of the income that implementation is expected to generate. Anticipated cost for distribution and mailing is approximately \$5,000 and printing approximately \$10,000. The increase cost in the Office of Workers' Compensation's operation includes salaries and equipment. The additional personnel will need to perform mandated duties.

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

Self-insured employers will pay a \$100 fee per application, anticipated applications of 350, which will generate approximately \$35,000. In addition, fines and penalties up to \$500 pursuant to RS. 23:1170 et seq., are expected to generate another \$100,000 (based on estimates by other state administrations).

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

Given that employers will be required to purchase workers' compensation insurance pursuant to R.S. 23:1168, the only increase to affected parties will be the application fee for individual self-insured. Self-insured employers will be required to pay a \$100 fee per application, with 350 applications anticipated, which will generate approximately \$35,000.

R.S. 23:1170 provides for a penalty to be assessed against an employer's failure to secure compensation as provided in R.S. 23:1168. Penalties may be assessed up to \$500.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

R.S. 23:1168 is a state law which will require all employers, whether in the public or private sector, to carry workers' compensation insurance. Therefore, all employers subject to the provision of the Louisiana Workers' Compensation Act will be impacted.

Stephen Cavanaugh  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Office of Workers' Compensation**

Fraud Section

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 23:1291 (c)(5) the Department of Employment and Training, Office of Workers' Compensation, Fraud Section is hereby giving notice of its intention to adopt rules and regulations governing the implementation and administration of Louisiana Workers' Compensation Fraud Section.

The rules being promulgated for the Fraud Section are designed to provide a procedural mechanism to substantiate fraud. These rules provide for a hearing to be held by the director or a designee wherein the Office of Workers' Compensation can compel the attendance of witness and render a fact finding determination.

These rules will establish the procedures to be used when investigating allegations of fraud.

Comments should be forwarded to Al Walsh, Manager of the Fraud Section, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted through the close of business, 4:15 p.m., November 30, 1990. A copy of these rules may reviewed at the Office of Workers' Compensation, Legal Division, 1001 North 23rd Street, Baton Rouge, LA 70804.

Stephen Cavanaugh  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Workers' Compensation Fraud**

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

The estimated cost of implementing these rules will be approximately \$506,996 in FY 91 and \$568,544 in FY 92. These funds are part of assessments currently being collected by the agency.

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

Implementation of these rules will not affect the revenue collections of state or local governmental agencies. These funds are part of assessments currently being collected by the department.

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

Implementing these rules will allow the unit to more easily discover fraudulent workers' compensation claims, thus decreasing the amount of claims paid out.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition or employment.

Stephen Cavanaugh  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Workers' Compensation Second Injury Board**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:450 et seq.) and R.S. 23:1376 A, the Workers' Compensation Second Injury Board is hereby giving notice of its intention to amend and repromulgate rules and regulations.

These rules and regulations provide for the Workers' Compensation Second Injury Board to process claims, including the time limit to file the claim, disposition of the claim, hearing procedures, and appeals from a decision of the board.

The following is a summary of the rules:

1. Authority
2. Domicile of Board, Time of Meetings, Special Meetings
3. Definitions
4. Presentation of Claim for Reimbursement from Second Injury Fund, Timely Filing Thereof
5. Disposition of Claim
6. Commencement of Hearings
7. Docket
8. Notice
9. Answer or Appearance
10. Leave to Intervene Necessary
11. Default in Answering or Appearing
12. Hearing Procedure
13. Finality of Board's Decision
14. Appeal
15. Stenographic Record of Hearing

Interested persons may comment on the proposed rules and regulations in writing, until November 27, 1990, at the following address: Workers' Compensation Second Injury Board, Box 44187, Baton Rouge, LA 70804-4187. A copy of the proposed rules and regulations may be reviewed at the above address.

A public hearing will be held on the proposed rules

and regulations on November 29, 1990 at 9 a.m. in the Third Floor Conference Room of the Department of Employment and Training Annex Building at 1001 North 23rd Street, Baton Rouge, LA.

James E. Campbell  
Director

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

**Rule Title: Rules of Practice and Procedure before the  
Workers' Compensation Second Injury Board**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no additional implementation costs or savings to the Department of Employment and Training or to local governmental units as a result of the adoption of these rules. The Workers' Compensation Second Injury Board currently has a budget of \$331,931, which will not be affected by the adoption of these rules. However, by not allowing the 52-week filing period for claims to be extended, an indeterminable amount of savings could be generated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of these rules will not affect the revenue collections of state or local governmental agencies.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no cost increases associated with implementing these rules. However, by not allowing the 52-week filing period to be extended, an indeterminable amount of savings could be generated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Implementation of these rules will not affect competition or employment.

James E. Campbell  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Employment and Training  
Plumbing Board**

In accordance with applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. and the Louisiana State Plumbing Law, 37:1361 et seq., the Louisiana State Plumbing Board hereby gives notice of its intent to adopt and to restate rules and regulations.

The Louisiana State Plumbing Board proposes a comprehensive restatement of its rules and regulations. This restatement is necessitated by passage of Acts 752 and 771 of the 1990 Regular Session. Act 752 enacts, effective January 1, 1991, new jurisdictional and regulatory provisions relative to the examination and licensing of master plumbers; introduces the regulatory concept "employing entity"; preempts

certain local governing authorities, examination and licensing practices affecting master plumbers; and expands the adjudicatory authority of the board, as well as its standing in civil injunctive proceedings. Act 771 introduces a concept of "maintenance work" which is to be defined by the board in its rules.

The restatement is summarized as follows:

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part LV. Plumbers**

Chapter 1. Provides definitions of operative terms, including master plumber, employing entity, repair and maintenance work, which are terms and concepts introduced by Acts 752 and 771.

Chapter 3. Reiterates current rules affecting journeyman plumbers and apprentices. Regulates activities of employing entities. Provides licensing procedures for master plumbers and inactive master plumbers. Authorizes the board to administer master plumber examinations utilizing standardized, nationally recognized test. Implements initial, renewal and enforcement fees relative to master plumber licensing. Imposes insurance requirements on persons performing work as master plumber. Continues fee structure for journeyman plumbers.

Chapter 5. Reiterates current rules pertaining to internal governance of board. Defines duties of executive director.

Chapter 7. Reiterates and clarifies duties of special enforcement officers. Restates current rules affecting examiners and examination custodians.

Chapter 8. Introduces regulations pertaining to preemption of examination and licensing of master plumbers by local governing authorities. Requires local governing authorities to notify local business interests applying for plumbing permits of new master plumber law and regulations.

Chapter 9. Expands adjudicatory functions of board relative to all enforcement authority. Restates notice and hearing procedures for license revocations and suspensions compatible with Administrative Procedure Act.

Comments should be forwarded to Don Traylor, Executive Director, 603 Europe Street, Baton Rouge, LA 70802 or 2714 Canal Street, Suite 512, New Orleans, LA 70119. Written comments will be accepted through the close of business at 4 p.m., Wednesday, November 28, 1990. Oral and written comments will also be accepted at a public hearing scheduled for November, 29, 1990 at 10 a.m. at the board's Baton Rouge office, 603 Europe Street.

A copy of the proposed rules may be reviewed at either the Baton Rouge or New Orleans offices.

Don Traylor  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules & Regulations of the State Plumbing  
Board of Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no additional costs associated with continuation of the board's licensing of journeyman plumbers.

It is estimated that \$150,000 in additional costs will be incurred in connection with the examining and licensing of master plumbers. This cost will be offset by the new master plumber license fees adopted in the proposed regulations.

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

The new master plumber license fees will generate an estimated \$150,000 in annual revenues for the board. The estimated revenues from licensing of journeyman plumbers will be \$160,900, revenues that would have been collected in any event.

Local governmental units can no longer assess master plumber license fees, however Act 752 reserves their right to assess local permit fees. The effect on local governmental units, though, can not be estimated at this time.

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

The overall benefit of the proposed rules affecting master plumbers will run to the general public and those persons employed in the plumbing industry. Safeguards are provided to implement the intent of Act 752, which is to protect the public health and welfare. Preemption of local licensing functions will streamline industry and business practices and reduce the cost of doing business for affected plumbers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition should be enhanced, as examination requirements will instill knowledge and skill commensurate with recognized industry standards. Uniform, statewide requirements will replace varying, complicated local regulatory practices, thus further enhancing competition throughout the state.

Don Traylor  
Executive Director

David W. Hood  
Senior Fiscal Analyst

Seth E. Keener, Jr.  
Patient's Compensation Fund Oversight Board  
Box 4304  
Baton Rouge, LA 70821

Interested persons may submit written comments to Seth E. Keener, Jr., Director, Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

V. E. Patrick  
Assistant Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Medical Review Panel**

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

There are no costs or savings to state or local governments associated with the proposed change in the regulations.

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

There is no effect on revenue collections of state or local government units.

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

The proposed rule change will have no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Victor E. Patrick  
Assistant Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Division of Administration  
Office of Risk Management**

Medical Review Panel  
Patient's Compensation Fund Oversight Board

In accordance with R.S. 40:1299.47 et seq. (Act 967 of the 1990 regular session) notice is hereby given that medical malpractice claims filed pursuant to the above statute should be submitted effective October 1, 1990 as follows:

Patient's Compensation Fund Oversight Board  
Box 4304  
Baton Rouge, LA 70821

Claims should no longer be sent to the Commissioner of Insurance.

Service on the Patient's Compensation Fund Oversight Board pursuant to R.S. 40:1299.44 C. (2) shall be made by certified mail addressed to:

**NOTICE OF INTENT**

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

The Division of Administration, Office of Telecommunications Management, hereby gives notice in accordance with R.S. et seq., and R.S. 39:140-143 that it intends to repeal and repromulgate LAC 4:IX relative to telecommunications.

**Chapter 1. General Provisions**

**§101. Title**

These rules shall be known as the administrative rules and regulations of the Office of Telecommunications Management.

**§103. Authority**

These rules are adopted pursuant to R.S. 39:140-143 and R.S. 39:1751-1755.

**§105. Purpose**

The purpose is to establish overall policy and define areas of responsibility for the provision and management of

coordinated telecommunications services to support the programs of the executive branch of state government.

#### **§107. Scope**

These rules apply to the executive branch of state government as defined in R.S. 36:3(1) and any and all entities, state or non-state, approved to utilize state telecommunications systems. All group(s) may be referred to collectively hereafter as agency or agencies.

### **Chapter 3. State Agencies' Responsibilities**

#### **§301. General**

All of the executive branch and all entities approved to utilize state telecommunications resources must comply with the requirements and standards stated in these rules and regulations.

#### **§303. Telecommunications Coordinator**

A. All state agencies and approved entities shall appoint one or more representatives to be designated as the agency telecommunications coordinator(s). The telecommunications coordinators shall be recognized by the Office of Telecommunications Management as the agency's authorized representative for approving and coordinating telecommunications activity. Communications concerning policy and operating procedures will be directed to agencies through their respective telecommunications coordinator(s).

B. Training designed to instruct the telecommunications coordinator on the procedural aspects of interfacing with the Office of Telecommunications Management and the design and operation of various telecommunications systems will be furnished by the Office of Telecommunications Management upon request by agencies.

#### **§305. Telecommunications Problem Reporting**

It is the agency's responsibility to report all repair problems to the Office of Telecommunications Management.

### **Chapter 5. Approval of Non-State Entity Use of State Telecommunications Services**

#### **§501. General**

Non-state entities may be allowed to use state telecommunications services under particular circumstances.

#### **§503. Approval Criteria**

A. When one of the following criteria is met and upon approval of the Office of Telecommunications Management, non-state entities may use state telecommunications services.

B. The non-state entities shall be either A) political subdivisions created by statute and whose operating expenses are financed in part or in whole from state appropriations; B) state credit unions; C) Blind Services approved operators in state buildings; or, D) the working press with offices in the State Capitol.

C. A non-state entity may be required to supply documentation or evidence of its creation.

#### **§505. Charges**

The non-state entities being allowed to use the state provided services will be charged the same rates as state agencies and must pay for the service within 30 days of receipt of the Office of Telecommunications Management invoice.

#### **§507. Availability and Usage Constraints**

The use of state services by the non-state entities shall not preclude any state agency from use of those services. The non-state entity's use of these services should not result in any additional unreimbursed cost to the state.

### **Chapter 7. Telecommunications Service Standards**

#### **§701. General**

The state of Louisiana will utilize a statewide, consolidated concept of providing telecommunications services which are most cost effective and best meet the overall needs of the state.

#### **§703. Local Service Standards**

The Office of Telecommunications Management will determine the telecommunications system to be used within a given metropolitan area. The selection of the service will be based on the best overall service alternative for that area. Agencies will be provided service through this metropolitan service vehicle.

#### **§705. Long Distance Network Service Standards**

The Office of Telecommunications Management will determine the means for providing long distance telephone service for each individual metropolitan area. State agencies will be provided service through this metropolitan service vehicle.

### **Chapter 9. Telecommunications Use**

#### **§901. General**

All agencies approved to utilize state telecommunications services are responsible for devising, implementing, and enforcing controls related to telephone usage and informing employees of such policies to preclude unnecessary and unauthorized charges.

#### **§903. Authorized Use**

State telecommunications equipment and services are provided for the conduct of state business.

#### **§905. Receiving Collect Telephone Calls**

Collect calls shall not be accepted on state telephones.

#### **§907. Calls Billed as a Third Number Call to State Telephone Numbers**

Third number calls billed to state telephones are prohibited.

#### **§909. Call Detail Reporting and Management**

Call detail reporting shall be provided to agency management to assist in monitoring and controlling the usage of long distance service. Call detail reporting will be exempt upon request for elected officials, for law enforcement units where security is required, and in some instances as determined by the Office of Telecommunications Management where there are equipment limitations.

#### **§911. Agency Usage Policy**

Agency policy concerning telephone usage must be consistent with this Chapter and should be appropriate for the particular needs of each agency.

### **Chapter 11. Telecommunications Service Request**

#### **§1101. General**

All request for modifications to existing telecommunications equipment, systems, or related services for agencies must be submitted in writing to the Office of Telecommunications Management.

#### **§1103. Submission**

Service requests must be submitted on forms developed by the Office of Telecommunications Management and must contain the approval of the agency telecommunications coordinator.

### **Chapter 13. Telecommunications Charges**

#### **§1301. General**

The Office of Telecommunications Management is responsible for coordinating the payment of all telecommunica-

tions costs incurred by agencies and provides for equitable billing to agencies for telecommunications services utilized.

#### §1303. Charges for Services

The Office of Telecommunications Management charges respective user agencies for the cost of consulting, installation, maintenance, and operation of telecommunications systems and services. The specific charges for each line of service provided will be published in the Office of Telecommunications Management's *Catalog of Services*.

### Chapter 15. Directory Requirements

#### §1501. Responsibilities

The Office of Telecommunications Management will be responsible for the coordination and publication of all directory information for state telephone users. Respective agency telecommunications coordinators will be responsible for initiating directory listing changes and for verifying accuracy prior to publication.

### Chapter 17. Types of Contracts Used

#### §1701. General

The Office of Telecommunications Management will select and use the appropriate type of contract for telecommunications equipment or services according to a particular need and generally resulting from an invitation to bid (ITB) or request for proposal (RFP).

#### §1703. Selection of Contract Type

Contract types used by the Office of Telecommunications Management will be in compliance with LAC 34:IX.1701-1731.

#### §1705. Tariffs

When determined by the Office of Telecommunications Management to be in the best interest of the state and when available, general subscriber tariffs and related special billing assemblies will be used.

### Chapter 19. Vendor Responsibilities

#### §1901. General

All vendor contact for sales and service of telecommunications equipment, systems, and services shall be with the Office of Telecommunications Management.

#### §1903. Bid Notification

It is each vendor's responsibility to notify the State Purchasing Office of its desire to receive notification of state telecommunications bids.

#### §1905. Acceptance of Purchase Orders

Purchase orders and purchase release orders for state-ordered telecommunications equipment and services must be approved in writing by the Office of Telecommunications Management or may be invalid.

#### §1907. Telecommunications Contracts

Vendors shall not enter into any contract with any state agency for telecommunications equipment or services without prior written approval from the Office of Telecommunications Management.

### Chapter 21. Waiver of Regulations

#### §2101. Commissioner's Authority to Waive Regulations

The commissioner of administration may waive in writing, upon the recommendation of the Office of Telecommunications Management, any provision in these rules when the best interest of the state will be served.

### Chapter 23. Waiver of Regulations

#### §2301. Commissioner's Authority to Waive Regulations

Repealed.

Interested persons may direct written inquiries until 5 p.m., November 8, 1990 to Rhonda Brown, Education Man-

ager, Office of Telecommunications Management, Box 94280, Baton Rouge, LA 70804-9280, (504) 342-7725 (LINC 421-7725).

Joseph A. Lanier  
Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Telecommunications, LAC 4:IX

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no implementation cost or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There is no direct economic effect on any person or non-governmental group.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition and employment is expected.

Joseph A. Lanier  
Director

David W. Hood  
Senior Fiscal Analyst

### NOTICE OF INTENT

#### Office of the Governor Louisiana Property Assistance Agency

Notice is hereby given that the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency, under authority of LRS 39:321 advertises its intent to amend the existing State Property Control Regulations LAC 34:VII, with the following addition:

#### Title 34 GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL Part VII. Property Control

### Chapter 9. Noncompliance

#### §901. Penalties

A. The commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the state. The commissioner shall have the authority to invoke any and all of the following actions when agencies are found to be in noncompliance with these regulations.

1. Call in the good faith performance bonds of the respective property managers.
2. Take action to restrict or require acquisition of movable property only on approval of the commissioner until compliance with the movable property is completed.

3. Revoke or restrict purchasing authority for movable property.

4. Contract, at the expense of the agency in noncompliance, the resources necessary to resolve the compliance problem.

Interested persons may submit written comments on the proposed revision to Ed Fanguy, Assistant Director, Louisiana Property Assistance Agency, Box 94095, Baton Rouge, LA 70804-9095. Written comments will be received until 5 p.m. December 3, 1990.

Louis W. Amedee  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Property Control**

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

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

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

There are no effects on revenue collections of state or local governmental units.

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

There are no directly affected persons or non-governmental groups.

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

There will be no effect on competition and employment.

Louis W. Amedee  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective January 20, 1991. The purpose of this rule change is to reflect the provisions of the Older Americans Act regarding the time frames for the development and submission of state and area plans on aging.

**Title 4  
ADMINISTRATION**

**Part VII. Governor's Office of Elderly Affairs**

**Chapter 11. Elderly Affairs**

**Subchapter A. Authority, Organization, Functions**

**§1111. Governor's Office of Elderly Affairs Administration**

A. - D. ...

E. State Plan on Aging

1. - 2. ...

**3. Development and Amendment of the State Plan**

a. The state plan is developed for a two-, three-, or four-year period, determined by the state agency, with such annual revisions as are necessary. The state plan shall meet such criteria as the commissioner of the Administration on Aging may by regulation prescribe. The plan's resource allocation, including allotments to area agencies, is prepared annually and as available allotments change.

b. The state plan is amended whenever necessary to reflect changes in laws, regulations, resources, or other material changes.

c. The Governor's Office of Elderly Affairs holds public hearings on the state plan and all amendments. The state plan and all amendments are published in the *Louisiana Register*.

4. ...

F. - H. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:931, R.S. 49:932, OAA Section 203(b), OAA Section 307, 45 CFR 1321.17, 45 CFR 1321.19 and 45 CFR 1321.21.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), amended LR 17:

**Subchapter B. Area Agency on Aging**

**§1133. Area Plan for Programs on Aging**

A. ...

B. Duration and Format of the Area Plan

Each area agency on aging designated by the Governor's Office of Elderly Affairs shall, in order to be approved by the state agency, prepare and develop an area plan for a planning and service area for a two-, three-, or four-year period determined by the state agency, with such annual adjustments as may be necessary. Each such plan shall be based upon a uniform format for area plans within the state developed by the Governor's Office of Elderly Affairs.

C. ...

D. Development and Amendment of the Area Plan

1. Area plans shall be developed for a two-, three-, or four-year period with annual updates and amendments as necessary. The plan's resource allocation, including allotments for services, shall be prepared annually, and as available allotments change. The format of the area plan and instructions for its completion shall be prescribed by the Governor's Office of Elderly Affairs and issued separately.

2. Prior to the adoption of the content areas described in Subsection (C) of this Section, the area agency must conduct public hearings in accordance with a schedule established by the advisory council. The area agency (after consultation with the parish councils on aging if the area agency is not a parish council on aging) must give adequate notice to older persons, public officials, and other interested parties of the times, dates and locations of the public hearings in each parish. The area agency shall prepare public hearing materials to provide information and serve as a basis for comments, recommendations and other input to the development of the area plan.

3. Public hearings on plan amendments will only include information relating to the part of the plan being amended.

4. In accordance with the state public meetings law, R.S. 42:4.1 et seq., the area agency, in holding public hearings, must give adequate notice to older persons in each parish, including the advisory council, public officials, and



other interested parties of the times, dates, and locations of the public hearing(s) which will be held. Public hearings must be held at a time and location which permit older persons, public officials, and other interested parties a reasonable opportunity to participate. The area agency must submit the area plan and amendments for review and comment to the advisory council.

**E. Review and Approval of the Area Plan and Amendments**

The completed area plan will be submitted to the Governor's Office of Elderly Affairs for review and approval by a date specified by the Governor's Office of Elderly Affairs. The resource allocation plan describing the projected costs by source of funds and service, will be submitted annually as prescribed by the Governor's Office of Elderly Affairs.

2. The area plan must be amended if:

a. a new or amended state or federal statute or regulation requires a new provision, or conflicts with any existing plan provisions;

b. a U.S. or Louisiana Supreme Court decision changes the interpretation of a statute or regulation;

c. the area agency proposes to add, substantially modify, or delete any area plan objective(s); or

d. the Governor's Office of Elderly Affairs specifies additional circumstances under which area plan amendments are required.

3. Amendments must be documented on those area plan exhibits affected by the change and submitted to the state agency with a written rationale. Such proposed changes may not be executed until approved by the Governor's Office of Elderly Affairs.

4. The state agency shall approve an area plan which meets the requirements of this manual and the area plan format and guidelines issued.

5. A plan which is disapproved by the state agency shall be returned to the area agency along with a written reason for disapproval. At its discretion, the state agency may request that specific changes be made before resubmittal.

6. The area agency may appeal disapproval of its area plan or amendment in accordance with GOEA hearings and appeals procedures.

F. ...

**AUTHORITY NOTE:** Promulgated in accordance with OAA Section 306, Section 307(a)(2) and Section 307(a)(5).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17:

\* \* \*

Interested persons may submit written comments to the following address: Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374. Betty Johnson is the person responsible for responding to inquiries regarding this proposed rule change. Written comments must be received at the above address by 5 p.m. December 7, 1990.

A public hearing to receive comments on this proposed rule change will be held Tuesday, November 27, 1990 in the Governor's Office of Elderly Affairs Conference Room, 4550 North Boulevard, Second Floor, Baton Rouge, LA beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Vicky Hunt  
Director

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

**Rule Title: GOEA Policy Manual Revision**

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

There will be no implementation costs to state or local governmental units.

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

The proposed rule change will not affect revenue collections of state or local governmental units.

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

This proposed rule change will not affect operating costs of the state or area agencies on aging.

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

There will be no effect on competition and employment.

Vicky Hunt  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Embalmers and Funeral Directors**

The Department of Health and Hospitals, Board of Embalmers and Funeral Directors, in accordance with R.S. 37:840 gives notice that rulemaking procedures have been instituted to amend LAC 46:XXXVII.513 to read as follows:

**§513. Passing Examination**

When the applicant has complied with all requirements, and shall receive a passing mark of not less than 75 percent on the examinations for embalming and/or funeral directing, he shall be entitled to receive a license to practice the science of embalming and/or to engage in the business of funeral directing, provided the requirements of internship have been met.

**AUTHORITY NOTE:** Adopted in accordance with R.S. 37:840.

**HISTORICAL NOTE:** Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), LR 17:

Lloyd E. Eagan  
Secretary

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

**Rule Title: LAC 46:XXXVII.513  
Passing Examination**

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

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

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Lloyd E. Eagan  
Secretary

David W. Hood  
Senior Fiscal Analyst

#### NOTICE OF INTENT

##### Department of Health and Hospitals Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators advertises its intent to amend LAC 46:XLIX.1611.B. in the Certified Nurse Aide Program.

The entire text of this proposed rule can be viewed in its entirety in the emergency rule section published in this issue of the *Louisiana Register*.

Interested persons may submit written comments on the proposed regulation until 3:30 p.m., December 3, 1990 at the following address: Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 100, 4550 North Blvd., Baton Rouge, LA 70806.

Winborn E. Davis  
Executive Director

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

###### Rule Title: Certified Nurse Aide Program, 46:XLIX.1611

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no added costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The board will generate approximately \$40,000 in 90-91 \$42,000 in 91-92 and \$44,000 in 92-93 to be used to offset reduction in federal funds. There will be no effect on local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Persons affected will be approximately 20,000 Certified Nurse Aides who now pay only \$3 per year for certification.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition. Registration is required for Nurse Aides to be employed on a continuing basis.

Winborn E. Davis  
Executive Director

David W. Hood  
Senior Fiscal Analyst

#### NOTICE OF INTENT

##### Department of Health and Hospitals Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators intends to adopt a change in Chapter 1, Paragraph 105 of Title 46 XLIX as follows to amend an existing rule by adding:

##### Chapter 1. General Provisions §105. Notification of Change

Every licensed nursing home administrator shall immediately notify in writing the office of the Louisiana Board of Examiners of Nursing Home Administrators any and all changes in name, address, position and other information originally submitted on their application. Failure to comply with this rule within 10 days of the change will result in a \$25 penalty.

Interested persons may submit written comments on the proposed regulation until 3:30 p.m., December 3, 1990 at the following address, Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 100, 4550 North Blvd., Baton Rouge, LA 70806.

Winborn E. Davis  
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no added workload or additional paper work. There may be a reduced work load since proposed action should stimulate nursing home administrators (NHA) to promptly notify this office of change of job, address, etc. This should result in a \$700 per year savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The board anticipates its revenues may increase \$400 per year in 90-91; and \$250 per year thereafter. There will be no effect on revenue collections on local governments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Any of the 700 licensed NHA's who fail to notify the board of employment, address and related changes on a timely basis as required by law will pay a \$25 penalty.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Winborn E. Davis  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Examiners for Speech Pathology and Audiology**

The Louisiana Board of Examiners for Speech Pathology and Audiology hereby announces its intent to adopt the following Code of Ethics.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part LXXV. Speech Pathology and Audiology**

**Chapter 7. Code of Ethics**

**§701. Preamble**

A. The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all speech-language pathologists and audiologists. This Code of Ethics has been promulgated by L.B.E.S.P.A. in an effort to stress the fundamental rules considered essential to this basic purpose. Any action that is in violation of the spirit and purpose of this code shall be considered unethical. Failure to specify any particular responsibility or practice in this Code of Ethics should not be construed as denial of the existence of other responsibilities or practices.

B. The fundamental rules of ethical conduct are described in three categories: Principles of Ethics, Ethical Proscriptions, Matters of Professional Propriety.

C. Principles of Ethics. Five principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Individuals subscribing to this code shall observe these principles as affirmative obligations under all conditions of professional activity.

D. Ethical Proscriptions. Ethical proscriptions are formal statements of prohibitions that are derived from the principles of ethics.

E. Matters of Professional Propriety. Matters of professional propriety represent guidelines of conduct designed to promote the public interest and thereby better inform the public and particularly the persons in need of speech-language pathology and audiology services as to the availability and the rules regarding the delivery of those services.

**§703. Principle of Ethics I**

A. Individuals shall hold paramount the welfare of persons served professionally.

B. Individuals shall use every resource available, including referral to other specialists as needed, to provide the best service possible.

C. Individuals shall fully inform persons served of the nature and possible effects of these services.

D. Individuals shall fully inform subjects participating

in research or teaching activities of the nature and possible effects of these activities.

E. Individuals' fees shall be commensurate with services rendered.

F. Individuals shall provide appropriate access to records of persons served professionally.

G. Individuals shall take all reasonable precautions to avoid injuring persons in the delivery of professional services.

H. Individuals shall evaluate services rendered and products dispensed to determine effectiveness.

**§705. Ethical Proscriptions**

A. Individuals must not exploit persons in the delivery of professional services, including accepting persons for treatment when benefit cannot reasonably be expected or continuing treatment unnecessarily.

B. Individuals must not guarantee the results of any therapeutic procedures, directly or by implication. A reasonable statement of prognosis may be made, but caution must be exercised not to mislead persons served professionally to expect results that cannot be predicted from sound evidence.

C. Individuals must not use persons for teaching or research in a manner that constitutes invasion of privacy or fails to afford informed free choice to participate.

D. Individuals must not evaluate or treat speech, language or hearing disorders except in a professional relationship. They must not evaluate or treat solely by correspondence. This does not preclude follow-up correspondence with persons previously seen, nor providing them with general information of an educational nature.

E. Individuals must not reveal to unauthorized persons any professional or personal information obtained from the person served professionally, unless required by law or unless necessary to protect the welfare of the person or the community.

F. Individuals must not discriminate in the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for and potential benefit from such services, such as race, sex, age, religion, national origin, sexual orientation, or handicapping condition.

G. Individuals must not charge for services not rendered.

**§707. Principle of Ethics II**

Individuals shall maintain high standards of professional competence.

A. Individuals engaging in clinical practice or supervision thereof shall hold the appropriate qualifications for the area(s) in which they are providing or supervising professional services.

B. Individuals shall continue their professional development throughout their careers.

C. Individuals shall identify competent, dependable referral sources for persons served professionally.

D. Individuals shall maintain adequate records of professional services rendered.

**§709. Ethical Proscriptions**

A. Individuals must neither provide services nor supervision of services for which they have not been properly prepared, nor permit services to be provided by any of their staff who are not properly prepared.

B. Individuals must not delegate any service requiring the professional competence of a qualified clinician to anyone unqualified.

C. Individuals must not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility.

D. Individuals must not require anyone under their supervision to engage in any practice that is a violation of the Code of Ethics.

**§711. Principle of Ethics III**

A. Individuals' statements to persons served professionally and to the public shall provide accurate information about the nature and management of communicative disorders, and about the profession and services rendered by its practitioners.

**§713. Ethical Proscriptions**

A. Individuals must not misrepresent their training or competence.

B. Individuals' public statements providing information about professional services and products must not contain representations or claims that are false, deceptive or misleading.

C. Individuals must not use professional or commercial affiliations in any way that would mislead or limit services to persons served professionally.

**§715. Matters of Professional Propriety**

A. Individuals should announce services in a manner consonant with highest professional standards in the community.

**§717. Principle of Ethics IV**

A. Individuals shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of allied professions.

**§719. Matters of Professional Propriety**

A. Individuals should seek to provide and expand services to persons with speech, language and hearing handicaps as well as to assist in establishing high professional standards for such programs.

B. Individuals should educate the public about speech, language and hearing processes, speech, language and hearing problems, and matters related to professional competence.

C. Individuals should strive to increase knowledge within the profession and share research with colleagues.

D. Individuals should establish harmonious relations with colleagues and members of other professions, and endeavor to inform members of related professions of services provided by speech-language pathologists and audiologists, as well as seek information from them.

E. Individuals should assign credit to those who have contributed to a publication in proportion to their contribution.

F. Individuals should not accept compensation for supervision or sponsorship from the clinical fellow being supervised or sponsored beyond reasonable reimbursement for direct expenses.

G. Individuals should present products they have developed to their colleagues in a manner consonant with highest professional standards.

**§721. Ethical Proscriptions**

A. Individuals must not participate in activities that constitute a conflict of professional or personal interest.

**§723. Principle of Ethics V**

A. Individuals shall uphold the dignity of the profession and freely accept the profession's self-imposed standards.

B. Individuals shall inform the Board of Examiners for Speech Pathology and Audiology of any violations to this Code of Ethics.

C. Individuals shall cooperate fully with the Board of Examiners for Speech Pathology and Audiology on matters of professional conduct relative to this Code of Ethics.

**§725. Ethical Proscriptions**

A. Individuals shall not engage in violations of the Principles of Ethics or in any attempt to circumvent any of them.

B. Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, or other forms of illegal conduct that adversely reflect on the profession or the individuals' fitness for membership in the profession.

Interested persons may submit written comments or objections until 4:30 p.m. on December 26, 1990, to Gay Vekovius, Chairperson, Board of Examiners for Speech Pathology and Audiology, Box 355, Prairieville, LA 70769. The board will hold a public meeting to discuss the rules at 11 a.m. on Monday, November 26, 1990 in the Governor Long Room of the Bellemeont Hotel, Baton Rouge, LA.

Gay Vekovius  
Chair

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Speech Pathology and Audiology Ethical Standards**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated cost for implementing the proposed rule will be \$1,415 for the fiscal year 1990-91 only. The funds are available in the board's 1990-91 operating budget which is comprised of self-generated funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local government units as a result of the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no cost and/or benefit to directly affected persons or non-governmental groups as a result of the proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment as a result of the proposed rule.

Suzanne L. Pevey  
Executive Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Examiners For Speech Pathology and Audiology

The Louisiana Board of Examiners For Speech Pathology and Audiology hereby announces its intent to adopt the following disciplinary and procedural rules for matters concerning any licensee.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXV. Speech Pathology and Audiology

#### Chapter 5. Procedural Rules

##### §501. Authority

A. Consistent with the legislative purpose enumerated in LSA-R.S. 37:2651-2665, and to protect the safety and welfare of the people of this state against unauthorized, unqualified, and improper practice of speech pathology and audiology, the following rules of procedure are established under this board's rulemaking authority, LSA-R.S. 37:2656A(3), 37:2662, and 49:952 et seq.

B. This board may suspend or revoke a license which it has issued upon proof of any of the causes set out in R.S. 37:2662 or 2664.

##### §503. Investigation of Complaints

A. The board is authorized to receive complaints against licensees or applicants from any person.

B. Any complaint bearing on a licensee's professional competence, conviction of a crime, unauthorized practice, mental competence, neglect of practice or violation of the state law or ethical standards where applicable to the practice of speech pathology or audiology should be submitted to the board.

C. Complaints must be in writing, and signed by the complainant.

D. Once a written complaint is received, the board will initiate a review of the allegations contained therein. The board may dispose of the complaint informally through correspondence or conference with the licensee and/or the complainant, which may result in a consent order agreeable to both parties. If the licensee stipulates to the complaint and waives his/her right to formal hearing, the board may impose appropriate sanctions without delay. If the board finds that a complaint cannot be resolved informally, the written complaint will be forwarded to the board's designated investigator for an investigation.

E. The board's designated investigator shall have authority to investigate the nature of the complaint through conference and correspondence directed to those parties or witnesses involved. The board or its designated investigator shall send the involved licensee notice of the investigation containing a short summary of the complaint and any questions the board or the designated investigator may direct to the licensee relative to the complaint. All letters to the involved licensee, the complainant, or any other witness, shall be sent by certified mail, return receipt requested, with the designation "personal and confidential" clearly marked on the outside of the envelope.

F. 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 within 30 days of the date that the designated investigator first receives his/her assignment from the board.

G. The designated investigator shall report to the board and make a recommendation for proceeding to an informal hearing, a formal hearing, or for a dismissal of the complaint. When the designated investigator's recommended action might lead to denial, suspension or revocation of a license, the board shall immediately convene a formal adjudication hearing, pursuant to LSA-R.S. 37:2662. The designated investigator may recommend that the licensee's explanation satisfactorily answers the complaint, and that the matter be dismissed. The recommended remedial action or dismissal of the complaint shall be forwarded promptly to the complainant and to the licensee.

H. The designated investigator may also recommend the complaint to be resolved by a consent order entered into by the licensee and the complainant. If the order contains any agreement by the licensee to some remedial course of action, the agreement must be signed by the complainant, the licensee, and the board, and must be notarized. The designated investigator will make note of any agreement arrived at between the complainant and the licensee, but such an agreement does not necessarily preclude further disciplinary action by the board against the licensee.

I. If the designated investigator's recommendation for an informal hearing or a formal hearing is accepted by the board, the designated investigator shall notify the licensee of the time and place of the conference, and of the issues to be discussed. The licensee shall appear on a voluntary basis. The licensee shall be advised that the hearing will be informal, no lawyers 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 shall be informed that any statements made at the informal hearing may not be used or introduced at a formal hearing, unless all parties consent. If the licensee notifies the designated investigator or the board that he/she does not wish an informal hearing, or if the licensee fails or refuses to attend an informal hearing called by the board, the informal hearing shall not be held. In that event, the board may initiate a formal disciplinary hearing.

J. If the investigation discloses any of the following: the complaint is sufficiently serious to require a formal adjudication; the licensee fails to respond to correspondence by the designated investigator or by the board concerning the complaint; the licensee'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 refuses to comply with the recommended remedial action; in any of these events, the board shall initiate a formal disciplinary hearing.

K. Any recommended action submitted to the board by the designated investigator should be submitted 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.

L. The board shall also have authority to delegate to the designated investigator any alleged violations of LSA-R.S. 37:2662 prior to board action on those alleged violations. In that event, the designated investigator shall submit to the board the complete details of the investigation, including all facts, and the complete investigation file, if requested

by the board. Final authority for appropriate action rests solely with the board.

M. At no time shall the designated investigator investigate any case as authorized by this board or this section where the investigator has any personal or economic interest in the outcome of the investigation, or is personally related to or friendly with the complainant, the licensee, or any of the witnesses involved. In any such event, the designated investigator shall immediately contact the board, which shall appoint a substitute investigator for disposition of that particular case.

#### §505. Conduct of Hearing

The board shall be authorized to conduct two types of hearings: compliance hearings and formal disciplinary hearings.

##### A. Compliance Hearing

1. The board will provide a compliance hearing to a rejected applicant for licensure, provided the rejected applicant requests a compliance hearing, in writing, within 30 days of the receipt of the notice of his/her rejection. In his/her request, the rejected applicant shall state with specificity the reason why his/her application should be accepted.

2. A licensee whose certificate has lapsed for nonpayment of license renewal fees shall be entitled to a compliance hearing, provided he/she requests one in writing within 10 days after his/her receipt of the notice of the lapsed license.

3. The purpose and intent of the compliance hearing is to provide a forum for the applicant or licensee to present documentary evidence, in the form of affidavits, public records, official records, letters, etc., along with testimony under oath to establish that he/she does, in fact, meet the lawful requirements for issuance of a license or for the retention of his/her license. The board shall have the authority to administer oaths, hear the testimony and conduct the hearing. No transcript of the hearing is required. The applicant or licensee may be represented by counsel, or may represent him/herself, at his/her option.

4. In any compliance hearing, the burden shall be on the applicant or licensee to establish that he/she meets the criteria for licensure, or that his/her license was timely renewed.

5. Within 15 days after the compliance hearing, the board shall forward its final decision, including specific reasons therefor, by certified mail, return receipt requested, to the applicant or licensee.

6. Thereafter, the applicant or licensee may appeal the decision of the board to the district court for the parish in which the hearing was held, within 30 days of the decision, pursuant to LSA-R.S. 37:2663, 49:964, and 49:965.

##### B. Formal Disciplinary Hearings

1. The board shall also be authorized to conduct formal disciplinary hearings pursuant to LSA-R.S. 37:2662 and 2663. In the event the board determines that a formal disciplinary hearing is necessary, it shall promptly notify the attorney general, who is authorized and directed to appear on behalf of the state.

2. The hearing shall be held before the board only after the involved licensee charged is given at least 30 days notice by certified mail, return receipt requested. The content of the notice, as well as the conduct of the hearing, shall be governed by LSA-R.S. 49:955, including advising the licensee of his/her right to be represented by legal counsel.

The board shall arrange for a certified shorthand reporter to make an accurate recording of all testimony presented at the hearing. By bringing a complaint, the complainant waives the privilege of confidentiality for the purposes of the formal disciplinary hearing.

3. The rules of evidence, notice, authority to administer oaths, issue subpoenas, conduct depositions and control confidential or privileged information will apply to the formal disciplinary in the form specified by LSA-R.S. 39:4956.

4. It is the licensee's continuing obligation to keep the board informed of his/her whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a licensee's change of address, and the new address is not provided to the board, the board may hold the hearing in the licensee's absence, after making reasonable efforts to obtain the licensee's new address.

5. When the licensee receives notice, he/she may file a written answer to the notice, denying some or all of the charges, or offering any explanation or asserting whatever defense he/she deems applicable.

6. For good cause shown, the board has discretion to extend or continue the time set for the hearing, for such reasons as ill health, inability to obtain counsel, the complexities of the case, or such other matter deemed by the board in its sole discretion to present good cause.

##### C. ...

1. The board shall elect from its membership a person to act as presiding officer of the hearing, to make rulings on objections, admissibility of evidence, and to ensure that the conduct of the hearing proceeds without delay and pursuant to law. The other board members may not delegate their decision-making and fact-finding duties to the presiding officer, nor shall the presiding officer have any greater weight in the decision-making process than any other board member. The board's findings of fact and conclusions of law shall be signed by the majority of the board finding those facts and conclusions of law. Any board member disagreeing with those findings and conclusions may also file a dissent in the record, with his/her reasons therefor.

2. Any board member having reason to believe that he/she is biased against one of the parties to the proceeding, or has a personal interest in the outcome of the proceeding, shall immediately notify the other board members and request to be disqualified. Similarly, any party to a hearing may file with the board an affidavit requesting a disqualification of a board member from the formal hearing because of his/her bias or personal interest. As soon as possible, but no later than the beginning of the hearing, the majority of the board must pass upon any requests for disqualification. The concerned board member shall not participate in the deliberations of the board on the issue of disqualification, and shall not vote on the issue, either. If the board is quite certain that there is no merit to the requests for disqualification, the board will proceed with the hearing. However, any doubt should be resolved in favor of disqualification. In the event disqualification occurs, the board should immediately contact the governor to appoint a board member pro tem to replace the disqualified member for the hearing in progress only.

3. The parties to the hearing are urged but not required to confer prior to the hearing, through their respective counsel, or personally, to attempt to reduce or simplify the issues to be heard. The board will honor any stipulations

arrived at between the parties as proven facts at the hearing. The purpose of the pre-hearing conference is to ensure that the hearing is not unusually delayed by receiving testimony or other evidence on matters which are not seriously in dispute between the licensee and the complainant.

4. The board shall have discretion to consolidate one or more cases for hearing involving the same or related parties, or substantially the same questions of fact or law. The board may also grant separate hearings if such a joint hearing would be prejudicial to one or more of the parties. If hearings are to be consolidated, notice must be given to all parties in advance of the hearing.

5. The presiding officer shall consider a motion to modify or quash any subpoena issued in connection with the hearing, provided that such motion is filed by certified mail, return receipt requested, with the board at its registered office not later than three days prior to the hearing date, or the date scheduled for the deposition, if the subpoena was issued in connection with a deposition. Possible grounds to quash or limit the subpoena include, but are not limited to testimony on material protected by privilege or state regulation or other law; burdensomeness that would not be justified in light of the evidence's importance to the case; undue hardship on a witness; vagueness; immateriality.

6. The procedures to be followed in conducting the hearing governing the order of the proceedings, rulings on evidence, and the board's decision, are contained in Chapters 11 through 14, respectively, of the *Disciplinary Action Manual for Occupational Licensing Boards* prepared by the Louisiana Department of Justice, 1979, through the Office of the Attorney General. A copy of these pertinent chapters will be provided to any interested party involved with a hearing when the board receives a written request therefor.

7. The burden of proof at a formal disciplinary hearing rests upon the attorney general or the designated investigator who is bringing the charge before the board. No sanctions shall be imposed or order issued, except upon consideration of the entire record, as supported by and in accordance with reliable, probative and substantial evidence. While proof beyond all reasonable doubt is not required to establish a given fact as true, the burden must be carried by a clear preponderance of the evidence. This standard of proof shall obtain, in all hearings before the board, and for any review or examination of evidence provided by LSA-R.S. 49:957 or 958, or any rehearing requested, pursuant to LSA-R.S. 49:959.

8. Any party or person deemed to be governed by or under the jurisdiction of LSA-R.S. 37:2651-2665 may apply to the board for a declaratory order or ruling in order to determine the applicability of a statutory provision, rule of this board, or ethical consideration of this board, to said party or person. The board shall issue the declaratory order or ruling in connection with the request by a majority vote of the board, signed and mailed to the requesting party, as soon as possible after the request, except that the board may seek an opinion of legal counsel or the attorney general in connection with the request.

9. Judicial review and appeal of any decision or order of the board shall be governed by LSA-R.S. 37:2663 and 49:96-965.

Interested persons may submit written comments or objections until 4:30 p.m. on December 26, 1990, to Gay P. Vekovius, Chairperson, Louisiana Board of Examiners For

Speech Pathology and Audiology, Box 355, Prairieville, LA 70769. The board will hold a public meeting to discuss the rules at 11 a.m. on Monday November 26, 1990 in the Governor Long Room of the Bellemont Hotel, Baton Rouge, Louisiana.

Gay Vekovius  
Chair

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated cost for implementing the proposed rule will be \$2,615 for the fiscal year 1990-91 only. The funds are available in the board's 1990-91 operating budget which is comprised of self-generated funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local government units as a result of the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no cost and/or benefit to directly affected persons or non-governmental groups as a result of the proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment as a result of the proposed rule.

Suzanne L. Pevey  
Executive Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program, pursuant to Act 300 of the 1990 Louisiana Legislature, designated as La. R.S. 40:2116.

The policies and procedures for Facility Need Review are being revised to reflect the bureau's concern regarding the availability of beds for Title XIX recipients. In order to determine and monitor need and utilization rates for Title XIX beds, the department will consider only Title XIX enrolled beds.

The department recognizes that high occupancy is not the only indicator of bed need, nor is it necessarily an indicator of bed need. The department therefore reserves the right to determine that a special need exists in an area for a certain population within a certain period of time. When situa-

tions arise within a parish where there is a demand for additional beds in a specific facility, although demands in the parish as a whole may not warrant additional beds, the department may opt to approve such an expansion. Additionally, the department recognizes that expansion of existing facilities may not be sufficient to meet the needs of the community; in such situations, the department will determine if additional beds are needed in parishes with occupancy in excess of 93 percent, and if indicated, issue a Request for Proposal, specifying the parish in need of beds, the number of beds needed, and the date by which the beds are needed by the target population (enrolled in Medicaid). Accordingly, the policies and procedures for the program are being revised to specify the manner in which the department will apply the new provisions.

Interested persons may submit written comments to the following address: Carolyn Maggio, Director, Bureau of Health Services Financing, Office of the Secretary, Department of Health and Hospitals, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on November 20, 1990 in Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA, at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Facility Need Review**

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

Implementation of the proposed rule could result in increased state expenditures of \$481,523 in FY 91/92 and \$1,277,982 in FY 92/93. No costs are projected for the current state fiscal year.

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

Implementation of the proposed rule could increase federal matching funds for Title XIX vendor payments by \$1,401,345 in FY 91/92 and by \$3,729,786 in FY 92/93.

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

Implementation of the proposed rule could result in increased expenditures for Title XIX recipient care in nursing facilities of \$1,882,868 in FY 91-92 and \$5,007,768 in FY 92-93. It is projected that 397 additional nursing home beds and 102 additional community home beds could become available in high occupancy areas of the state during FY 91-92 and FY 92-93. There is no impact in the current fiscal year.

The proposed rule replaces and negates an existing rule adopted in July 1990 which projected an increase of 448 additional nursing home beds at a total cost of \$214,310 in FY 90-91 and \$1,732,598 in FY 91-92.

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

Under this rule, additional nursing facility services and intermediate care facilities for the mentally retarded will become available to Title XIX recipients. It is projected that increased staffing for both expanded and new facilities will increase employment in the state. The impact on individual providers as well as on competition in the marketplace cannot be projected.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance advertises its intent to adopt rules regarding the Governing Advertisements of Medicare Supplement Insurance with Interpretive Guidelines in the state of Louisiana.

These proposed rules may be viewed in their entirety at the Department of Insurance, 950 North Fifth Street, Baton Rouge, LA or at the Office of the State Register, 900 Riverside North, Baton Rouge, LA.

Interested parties may submit written comments on the proposed rules until 4 p.m., Tuesday, December 18, 1990, at the following address: Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in Baton Rouge, Louisiana at the Insurance Building Hearing Room located at 950 North Fifth Street at 10 a.m. on Tuesday, December 18, 1990.

Douglas D. "Doug" Green  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Governing Advertisements of Medicare Supplement Insurance with Interpretive Guidelines**

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

Implementation of this rule will be revenue neutral. The insurance department currently operates in accordance with the proposed rule. Local units of government have no role regarding the proposed rule.

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

Revenue collections of state and local governmental units are not impacted by the implementation of the proposed rule. The insurance department currently operates in accordance with the proposed rule.

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



There are no cost increases to persons or non-governmental groups. All parties currently operate in accordance with the proposed rule.

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

The proposed rule has no effect on competition and employment. All parties currently operate in accordance with the proposed rule.

Douglas D. "Doug" Green  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance advertises its intent to adopt rules regarding the Coordination of Benefit Provisions in Group Health Insurance Policies and repeal Regulation 34 in the state of Louisiana.

Interested parties may submit written comments on the proposed rules until 4:30 p.m., Thursday, December 20, 1990, at the following address: Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

These rules may be viewed in their entirety at the Department of Insurance, 950 North Fifth Street, Baton Rouge, LA or at the Office of the State Register, 900 Riverside North, Baton Rouge, LA.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in Baton Rouge, LA at the Insurance Building Hearing Room located at 950 North Fifth Street at 2 p.m. on Thursday, December 20, 1990.

Douglas D. "Doug" Green  
Commissioner

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

**Rule Title: Provisions in Group Health Insurance Policies and Repeal Regulation 34**

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

Implementation of this regulation will be revenue neutral. The Insurance Department currently operates in accordance with this regulation. Local units of government have no role regarding the proposed regulation.

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

Revenue collections of state and local governmental units will not be impacted by the implementation of the proposed regulation. The Insurance Department currently operates in accordance with the proposed regulation.

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

Under this rule, economic benefits will accrue to insureds covered by group plans because this rule will increase the amount of benefits available under hospital indemnity plans from \$30 per day to \$300 per day.

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

The proposed rule has no effect on competition and employment.

Douglas D. Green  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance advertises its intent to adopt rules regarding the Medicare Supplement Insurance Minimum Standards Model Act in the state of Louisiana.

These proposed rules may be viewed in their entirety at the Department of Insurance, 950 North Fifth Street, Baton Rouge, LA or at the Office of the State Register, 900 Riverside North, Baton Rouge, LA.

Interested parties may submit written comments on the proposed rules until 4:30 p.m., Thursday, December 20, 1990, at the following address: Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in Baton Rouge, Louisiana at the Insurance Building Hearing Room located at 950 North Fifth Street at 2 p.m. on Thursday, December 20, 1990.

Douglas D. "Doug" Green  
Commissioner

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

**Rule Title: Medicare Supplement Insurance Minimum Standards Model Act**

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

Implementation of Regulation 33-B will be revenue neutral. The insurance department currently operates in accordance with the proposed regulation. Local units of government have no role regarding the proposed regulation.

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

Revenue collections of state and local governmental units are not impacted by the implementation of the proposed rule. The insurance department currently operates in accordance with the proposed regulation.

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

Implementing this rule will directly affect the commis-

sion that agents receive on Medicare Supplemental Insurance Policies. Under this rule, an agent who sells a Medicare Supplemental Insurance Policy will initially receive less commission than under the current rule. However, in the long term, the total amount of the commission will be the same.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not affect competition or employment.

Douglas D. "Doug" Green  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance advertises its intent to adopt rules regarding the Transitional Requirements for the Conversion of Medical Supplemental Insurance Benefits and premiums in the state of Louisiana.

The purpose of this regulation is to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable standardization of the coverage, terms and benefits of Medicare of such policies or contracts; to facilitate public understanding of such policies or contracts; to eliminate provisions contained in such policies or contracts which may be misleading or confusing in connection with the purchase of such policies or contracts; to eliminate policy or contract provisions which may duplicate Medicare benefits; to provide full disclosure of policy or contract benefits and benefit changes; and to provide for refunds of premiums associated with benefits duplicating Medicare program benefits.

Interested parties may submit written comments on the proposed rules until 4:30 p.m., Tuesday, December 18, 1990, to Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing to obtain comments from interested parties will be held in Baton Rouge, LA at the Insurance Building Hearing Room located at 950 N. Fifth Street at 2 p.m. on Tuesday, December 18, 1990.

Douglas D. "Doug" Green  
Commissioner of Insurance

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

**Rule Title: Transitional Requirements for the Conversion of Medical Supplemental Insurance Benefits and Premiums**

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

Implementation of this rule will be revenue neutral.

The Insurance Department currently operates in accordance with the proposed rule. Local units of government have no role regarding the proposed rule.

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

Revenue collections of state and local governmental units are not impacted by the implementation of the proposed rule. The Insurance Department currently operates in accordance with the proposed rule.

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

There are no costs increases to persons or non-governmental groups. All affected parties currently operate in accordance with the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no effect on competition and employment. All parties currently operate in accordance with the proposed rule.

Douglas D. "Doug" Green  
Commissioner of Insurance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The secretary of the Department of Natural Resources hereby gives notice that, in accordance with the Administrative Procedure Act, R.S. 49:950-968, he intends to adopt rules pursuant to the Fishermen's Gear Compensation Fund, R.S. 56:700.1 (LAC 43:I. Chapter 15)

**Title 43**

**NATURAL RESOURCES**

**Part 1. Office of the Secretary**

**Chapter 15. Fishermen's Gear Compensation Fund**

**§1517. Rules for labeling equipment, tools, materials, and containers used by the oil and gas industry within Louisiana coastal waters.**

A. Marking and labeling

1. Materials, equipment, tools and containers that weigh more than 18 kilograms (40 pounds) and are likely to snag or damage fishing equipment if lost overboard are to be color coded, stamped or labeled with the owner's identification, in accordance with the requirements hereinafter set forth.

2. The marking convention used by lessees of state mineral leases, their contractors and subcontractors, and grantees of state pipeline rights-of-way, their contractors and subcontractors, shall be submitted for approval, prior to actual use, to the DNR Office of Conservation, Box 94275, Baton Rouge, LA 70804.

3. Requirements

a. All loose material, small tools and other objects shall be kept in marked containers when not in use or before transport over Louisiana coastal waters.

b. All cable, chain, tires or wire segments shall be recovered after use and securely stored.

c. Skid-mounted equipment, portable containers, spools or reels, materials on the reels, and drums shall be labeled with the owner's name prior to use or transport over Louisiana coastal waters.

d. All labels shall clearly identify the owner and shall be durable enough to resist the effects of the environmental conditions to which they are exposed.

e. Any items described in A. 1., 2. and 3. which are lost overboard shall be recorded on a facility's weekly progress report, as appropriate.

f. A copy of a facility's weekly progress report containing notations of items lost overboard shall be mailed promptly to the Department of Natural Resources, Office of Conservation, Box 94275, Baton Rouge, LA 70804 ATTN: Underwater Obstructions.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:700.5.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of the Secretary, LR 17:

Copies of the proposed rules may be obtained from the Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, (504) 342-0122. The text of the rules may be reviewed during normal business hours at 625 North Fourth Street, Room 1045A, Baton Rouge, LA.

Written comments regarding the rules may be submitted no later than December 20, 1990, and may be mailed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804.

Ron Gomez  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Labeling Tools and Equipment**

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

The State Department of Natural Resources will incur some minor administrative costs associated with reviewing and recording the marking conventions submitted by affected firms, and reports of any items lost overboard. To the extent the labels allow commercial fishermen to locate and receive compensation from the owners of lost items, claims on the state Fisherman's Gear Compensation Fund may be reduced. Local governments will not be affected.

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

There is no anticipated effect on state or local government revenue collections as a result of these regulations.

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

These regulations are essentially the same as federal regulations that apply to operations in the Outer Continental Shelf area. Thus, most oil and gas firms will only need to file their existing marking conventions with the state. However, some small firms that only operate in state waters will now have to mark their tools and equipment, and report items lost overboard. This cost can not be estimated but is not likely to be substantial.

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

There is no anticipated effect on competition or employment as a result of these regulations since they apply to all oil and gas firms operating in state coastal waters and the cost of labeling is not likely to be substantial.

Mary Mitchell  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Corrections Services**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to promulgate and amend the rules and regulations relative to the administrative remedy procedures and the policy for implementation and regulation.

Interested persons may submit written comments to the following address: Larry Smith, Deputy Secretary, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804-9304. Comments will be accepted through the close of business, 4:15 p.m., November 15, 1990. Copies of the proposed regulation may also be obtained from the above mentioned address.

Bruce N. Lynn  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Administrative Remedy Procedure**

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

The estimated implementation cost to state government is \$500 for printing a copy of the new regulation for each offender.

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

There will be no effect on revenue collections of state or local governmental units associated with this regulation.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups associated with this regulation.

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

The proposed regulation will have no effect on competition and employment.

Bruce N. Lynn  
Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Public Safety and Corrections Office of State Police

The Department of Public Safety, Office of State Police, in accordance with R.S. 36:408, R.S. 40:1485.4, and R.S. 49:950 et seq., gives notice that rulemaking procedures have been instituted to amend LAC 55:1.1701 and 1703 and to add LAC 55:1.1742, 1743 and 1744 to read as follows:

#### Title 55 PUBLIC SAFETY Part 1. State Police

### Chapter 17. Charitable Bingo, Keno and Raffle

#### Subchapter A. General Requirements

##### §1701. Statement of Department Policy

The public's health, safety and welfare are the primary considerations in the restatement, repeal, amendment and adoption of these rules. Further, it shall be the policy of the Division of Charitable Gaming to decrease the potential for fraud in the charitable games of chance and to insure that the net proceeds are contributed to bona fide charitable causes and further to prevent the infiltration of elements of organized crime or professional gambling into charitable gaming.

##### §1703. Definitions

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

1. "Act" means the Charitable Raffles, Bingo and Keno Licensing Law enacted as R.S. 33:4861.1 et seq., together with R.S. 40:1485.1 et seq., on regulation of charitable gaming including all amendments thereto that may hereafter be enacted.

2. "Applicant" means the organization, its members, officers, agents, or employees who have applied for any license from the division.

3. "Bona fide", "active", or "volunteer" member means a person accepted for membership in an organization eligible to be licensed under this Part upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization. The member functions shall not be limited to gaming-related activities.

4. "Certain related offenses" include the following of offenses committed contrary to the laws of this state, local jurisdictions, other states, the federal government, or other countries:

- a. any felony offense;
- b. any offense directly or indirectly related to gambling or gaming laws;
- c. the misdemeanor offense of any theft or related offense, any attempted theft or related offense, issuing worthless checks, illegal possession of stolen things, or false swearing or related offense.

5. "Charitable gaming" is the conducting or assisting in the conducting of any game of chance authorized by R.S. 33:4861.1 et seq., and R.S. 40:1485.1 et seq.

6. "Charitable gaming supplies" means any supplies (except raffle tickets), equipment, device, goods or wares intended for use in the conducting of any charitable gaming provided by law. It includes, but is not limited to, the receptacle and numbered objects to be drawn from it, the master board upon which the objects drawn are placed, the cards or

sheets bearing numbers or other designations to be covered and the objects used to cover them, the boards or signs, however operated, used to announce or display the number or designation as they are drawn, and all other articles essential to the operation, conducting and playing of bingo, keno, pull tabs or raffles. It also includes any computer system, software or cash register designed for the primary purpose of accounting for and reporting the transactions involved in the selling of share or shares to participate in charitable gaming. Bingo game sets commonly manufactured and sold as children's games for a retail price of twenty dollars or less shall be presumed not to be bingo equipment for these purposes unless used by a licensee in the licensee's gaming activity.

7. "Department" means the Louisiana Department of Public Safety and Corrections and shall include the Division of Charitable Gaming Control of the Office of State Police, Louisiana Department of Public Safety and Corrections.

8. "Division" means the Division of Charitable Gaming Control, Office of State Police, Louisiana Department of Public Safety and Corrections.

9. "Director" means the commissioned state trooper of sufficient rank, consistent with civil service regulations, designated by the deputy secretary to head the division.

10. "Expenses" means ordinary, necessary and reasonable costs incurred in preparation for or in the conduct of the gaming activity.

11. "Ideal Net Proceeds" means the projected gross amount to be collected upon sale of all pull tabs in a set or deal minus (1) the actual cost of the pull tabs to the organization, and (2) the projected total amount of prizes or winnings in the set or deal.

12. "Licensee" means any organization licensed to conduct charitable gaming activity pursuant to R.S. 33:4861.1 et seq., and R.S. 40:1485.1 et seq., or licensed as a manufacturer or distributor of charitable gaming supplies, manufacturer or distributor of electronic video bingo machines, commercial lessors, or licensed as a private contractor for cable television bingo.

13. "Immediate family" means the subject individual's spouse, children, parents, brothers and sisters, spouses of children, and spouses of brother and sisters.

14. "Non-Commercial Lessor" means a bona fide nonprofit organization licensed by the division to conduct games of chance which leases any building or structure used for charitable gaming to other organizations licensed by the division.

15. "Private Contractor" means a firm or person possessing demonstrated skills in the conduct and administration of charitable games of chance, and licensed by the division to provide for the operation and management of cable television bingo and any employee or agent of such firm or person.

16. "Promotional Game" means any game, contest, or arrangement used by any entity in order to stimulate sales or attendance, where absolutely no purchase or fee is necessary in order to participate in or win the game, contest or event.

17. "Pull tab" or "Charity Game Ticket" means a single or banded ticket or card with its face covered to conceal one or more numbers or symbols where one or more cards or tickets in each set has been designated in advance as a winner.

18. "Pull tab set or deal" means any form, series or group of pull tabs having the same serial number.

19. "Raffle" means a type of lottery in which several persons pay, in shares, the value of something put up as a stake, and then determine by chance which one of them shall become the sole possessor of it and any portion or share is retained by the person(s) conducting the raffle.

20. "Reasonable Market Rental Rate" is that rate at which similar facilities or equipment available for similar purposes, in the community may be leased or rented.

21. "Session" represents authorized games of chance played within a time limit of four consecutive hours, within the same calendar day, with a minimum of 12 hours between sessions. The four-hour session limit shall not apply to sessions held in conjunction with a bona fide fair or festival on property where no rent is paid for the session and payout of prizes is determined by the number of persons playing. Sessions are limited to not more than one session per day per licensee. In no instance, shall the total prize amounts exceed \$4,500 per session without a special license. A session of keno or bingo, when the licensee possesses a special license is limited to six consecutive hours.

22. "Special License" means a license to conduct one bingo session where the total prize amount shall not exceed \$25,000 in cash or things of equal value. No organization shall be issued more than two special licenses a year.

23. "Patriotic" means in addition to any other commonly accepted meaning, an organization whose membership is composed of veterans of the United States of America Military to include without limitation, United States Army, United States Air Force, United States Marines, United States Navy, and United States Coast Guard, and said organization has acquired an appropriate non-profit designation issued by the Federal Internal Revenue Service with its registered office and/or place of domicile in the state of Louisiana, or an auxiliary organization to such a veterans' organization.

B. The division shall establish the following fee schedule:

1. Customized organization list per request, one dollar per name (maximum fee \$500).
2. Manufacturer's license, \$200.
3. Distributor's license, \$100.
4. Organization license, \$50.
5. License modification per organization request, \$25, after first free modification.
6. Copy of public record, 25 cents per page.
7. Super bingo license (limit two), \$100.
8. Private Contractors Cable TV Bingo, \$1,000.
9. Organization application for Cable TV Bingo, \$50.
10. Retail Sale Outlet, \$200.
11. Paid Volunteer Personnel History Disclosure/Identification Card, \$15.
12. Personnel History Disclosure Form/Identification Card/Cable TV Bingo, \$15.
13. Commercial lessor's license, \$200.

#### §1742. Minimum Internal Accounting Controls

A. Effective July 1, 1991, all licensees whose gaming activities grossed over \$25,000 in the prior license year or any new licensee who the division projects to gross over \$25,000 in a year, must establish and maintain an internal accounting control system which meets minimum standards established by the Division of Charitable Gaming Control. The system must provide reasonable assurance that all

transactions are properly and accurately recorded, that gaming proceeds are disbursed in accordance with established policy of the licensed organization and that assets are protected against loss or theft.

B. The following are minimum internal accounting controls which must be implemented by all licensees:

1. The results of each gaming session must be fully and accurately documented. The "Division's Model Accounting System" will be used in its entirety by all licensed organizations with an anticipated annual gross of \$25,000 or more in order to ensure strict accountability for the handling of cash and inventory by all participating members; provide a sound audit trail; and allow for the systematic accumulation of data needed for preparation of the division's quarterly report;

2. a specific member must be designated as session manager for each gaming session. This person will be held responsible for the overall control of cash, inventory, and accounting at the session. A record of such designees must be maintained; and,

3. the organization must maintain a single separate charitable gaming checking account. All checks on this account must be prenumbered. Checks made payable to cash are prohibited; and,

4. the person(s) authorized to sign checks on the separate gaming account shall not be authorized to sign checks on any other account of the organization; and,

5. all proceeds from each gaming session, other than that amount paid out as cash prizes and that amount retained as a cash bank, must be deposited into the separate gaming account no later than the next banking day following the close of the session; and,

6. gaming session reports and deposits must be reviewed quarterly by a designated organization member who is not associated with gaming operations; and,

7. the separate gaming account must be reconciled monthly by someone other than a person who is authorized to sign checks on that account; and,

8. all disbursements from the separate gaming account must be in strict compliance with established written policy of the organization; must be fully supported by permanently filed receipts, invoices, or other sufficient documentation; and must be properly and accurately recorded; and,

9. detailed inventory records must be maintained on all gaming supplies. These records must be verified by means of a physical count made at least semi-annually by an organization member who is not associated with gaming operations. A record of these physical counts must be maintained; and,

10. all forms, bank records, and other documentation described herein must be maintained for a period of three years.

#### C. Accounting for Sale of Bingo Hard Cards

Every organization, with an anticipated annual gross of \$25,000 or more, which uses reusable bingo cards (slide, shutter or hard cards) must employ the receipting and recordkeeping procedures described by this rule, or submit to the division for preapproval an accounting system of their own design which similarly accounts for the sale of each card and provides a sound audit trail.

The following procedures are required unless advance approval is obtained from the division for use of an alternative system:

1. Each hard card must be assigned a distinct card control number. This number, along with the name of the card owner, or hall location, must be permanently and conspicuously printed or stamped on the card.

2. Duplicate preprinted serially-numbered receipts must be used to account for all hard card sales. A receipt must be prepared and issued upon each individual sale of one or more cards, with the licensee retaining the duplicate copy of the receipt. Each receipt must be initialed by the issuer (worker) and show the date of the session, the control number(s) of the card(s) issued, and the dollar amount of the sale. A line should be drawn under the last card number listed on the sheet so as to preclude anyone from adding extra card numbers to the list of paid cards.

3. All voided receipts must be initialed by the issuer, and retained by the organization.

4. Upon redemption of a winning card, the player must present his or her receipt showing purchase of the card. The checker must verify that the winning card number is listed on the receipt, and that the date of the receipt is current. In addition, should the receipt bear any apparent alterations, scratch-throughs, suspect initials, or other suspect markings, then the authenticity of the receipt must be verified by comparison to the licensee's duplicate.

5. At the end of each session, all receipts must be accounted for, and the licensee must reconcile total sales per duplicate copies of issued receipts with actual dollar amount collected from the sale of hard cards. A written record of this reconciliation must be prepared and retained by the organization.

6. The licensee shall be held strictly accountable for all receipt forms or booklets purchased and for all receipts issued. All receipt numbers must be fully accounted for, and all duplicate copies of issued receipts and voided receipts must be retained for a period of three years.

In addition to the above procedures, each organization using hard cards must attach a statement to each of their Charitable Gaming Quarterly Reports which shows the total amount collected during the quarter from the sale of hard cards.

D. Failure of an organization to establish and maintain an acceptable internal accounting control system will subject that organization to restriction, suspension or revocation of its gaming license.

E. Training sessions and accounting forms are available from the division to assist licensees in complying with this requirement.

#### §1743. Expenses

A. All expenses incurred in connection with the conduct of charitable gaming must be paid from the separate charitable gaming bank account.

B. All expenses paid must be bona fide, reasonable in amount, and ordinary and necessary to the conduct of the gaming activity. In connection with this rule, the following definitions shall apply:

1. *Bona fide* - an expense that is genuine and authentic.
2. *Reasonable* - an expense that is moderate or fair in amount.
3. *Ordinary* - an expense that is commonly incurred in the conduct of charitable gaming.
4. *Necessary* - an expense that is appropriate and justifiably required to conduct the games.

C. Incurring or paying, whether directly or indirectly, of expense for the following goods and services is specifically prohibited:

1. Transportation of game players.
2. Child care or baby sitting service.
3. Rentals in excess of reasonable market rental rate.
4. Promotional items given to game players during a bingo or keno session.

D. All expenses paid must be fully supported by receipt or other written evidence.

E. Payments for door prizes are not deductible as an expense, but rather are deductible as gaming prize payouts subject to the \$4,500 per session limitation [\$25,000 per special session].

F. Deductions on quarterly reports for non-sufficient fund (NSF) checks exceeding \$500 or one percent of gross proceeds must be accompanied by a written explanation of collections efforts undertaken and evidence of changes in check cashing policies which will ensure future amounts do not exceed one percent of gross proceeds.

G. Disbursement of net proceeds: A licensee is prohibited from transferring gaming proceeds to its general fund or to any other entity in which membership is predominantly shared and where licensee's members maintain control over the other entity's bank account(s). A licensee may not enter into an agreement or arrangement with another entity to swap or refund donations, the sources of which were gaming proceeds. This rule does not prohibit a licensee from repaying its general fund for loans made to the gaming account.

H. Pull tabs: A licensee is prohibited from selling a pull tab for an amount different from the pull tab's face value. Under no circumstances may a licensee give away free pull tabs or sell pull tabs at discounted prices.

#### §1744. Assigned Fixed Value Required on Disposable and Non-disposable Bingo/Keno Cards, and Bonanza Sheets

A. For the purpose of this rule, a disposable bingo/keno card is a card made of paper or other suitable material which is designed or intended for use at a single bingo/keno occasion. A non-disposable bingo/keno card is a reusable card such as a hard card, or one that contains a slide or shutter.

B. Each organization will assign a fixed value, the amount it intends to charge, for individual non-disposable bingo/keno cards, if used; and/or for each cut and collation of disposable bingo/keno card, and bonanza sheet it intends to use, sell, or otherwise furnish in the conduct of its gaming sessions.

C. Each organization will submit a list to the division with the assigned fixed values it intends to charge for each disposable or non-disposable bingo/keno card, and bonanza sheet that it intends to sell. This list will be resubmitted with each license application submitted by the organization.

D. All sales of disposable and non-disposable bingo/keno cards, and bonanza sheets must be in accordance with the fixed assigned values as reported to the division.

E. Neither the fixed assigned values nor the cuts and collations of disposable bingo/keno cards can be changed without prior written approval from the division.

F. Organizations may not (1) issue or otherwise furnish any free disposable or non-disposable bingo/keno cards, or bonanza sheets, (2) discount the price of any disposable or non-disposable bingo/keno card, or bonanza sheet, or (3) ac-

cept in trade, in lieu of full or partial payment, any disposable or non-disposable bingo/keno card, or bonanza sheet.

Interested persons may submit written comments on the proposed rule to: Frank T. Brown, Director, Department of Public Safety and Corrections, Office of State Police, Box 66614, Baton Rouge, LA 70896. Telephone: (504) 925-1835.

Marlin A. Flores  
Deputy Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Charitable Bingo, Keno, and Raffle**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
\$990 per year in operating expenses will be the net impact of the proposed action. This figure is based on 37.5¢ per document times 1,200 organizations which will be required to utilize the forms. 37.5¢ per document is based on last year's cost of \$750 for 2,000 copies of "Minimum Internal Accounting Controls." Postage costs included in this estimate will be \$.45 times 1,200, or \$540.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This proposed action is revenue neutral.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Impact on licensed organizations will be limited to additional record keeping which the organizations will be mandated to keep. This may require some of the organizations to hire accountants to assist in the preparation of the reports. The division has determined that \$300 per quarter is a fair estimate of the reasonable expenses a large organization would incur in complying with the Model Accounting System.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed action will not impact competition or employment.

Marlin Flores  
Deputy Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Social Services  
Office of the Secretary  
Bureau of Licensing and Quality Assurance**

The Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance is by this notice of intent proposing to adopt the following rule. This notice of intent is to comply with 42 USCA 602(g) and 42 CFR 255.5 as implemented in regard to child care in Louisiana by the "Child Care Registration Law" (Louisiana Revised Statutes Title 46.1441-1441.12) signed July 25, 1990. Child care is to be provided by a Class A Day Care Center or

registered Child Care Home prior to receiving monies from the Department of Social Services.

**RULE**

All Family Child Day Care Homes that care for unrelated child(ren) shall be registered prior to receiving state or federal funds from the Department of Social Services.

All Family Child Day Care Homes that care for only related child(ren) shall be considered registered with the Department of Social Services upon receipt of the application form until "Disapproval for Registration" is received from the Office of the State Fire Marshal.

Any child day care home that does not meet the definition of a Child Day Care Center shall be required to be registered with the Department of Social Services.

**LICENSURE**

Child Day Care Centers are to be licensed in accordance with Louisiana Revised Statutes 46: 1401-1424 (The Child Care Licensing Law). A Child Day Care Center is defined as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision and guidance of seven or more children not related to the caregiver and unaccompanied by parent or guardian, on a regular basis for at least 20 hours in a continuous seven day week.

The rule for the licensing of a Day Care Center is contained in the Louisiana Administrative Code Title 48 Chapter 53 Sections 5301-5377. A copy of this rule may be obtained from the Licensing Section of the Department of Social Services for a printing and handling fee.

A Class A licensed Day Care Center may receive local, state or federal funds.

A Class B licensed Day Care Center shall not receive local, state, or federal funds directly or indirectly in accordance with Louisiana Revised Statutes 46:1412(D).

**REGISTRATION**

Family child day care home means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any group for the primary purpose of providing care, supervision, and/or guidance to six or fewer children of ages 12 years or less.

All family child day care homes that receive state or federal funds, directly or indirectly through the Child and Adult Care Food Program, the Family Support Act of 1988 or any other state or federal funding program shall be registered if not already licensed as a Class A Day Care Center.

All family child day care homes which were a part of a sponsoring agency on September 1, 1990 shall automatically be considered registered with the Department of Social Services.

Sponsoring agency means any private, public, for profit or nonprofit corporation, society, agency, or any other group approved by or contracted with the Department of Education to coordinate homes participating in the federal Child and Adult Care Food Program.

Individuals that provide care for only related family members shall not be required to be registered within the time period established by the Department of Social Services. This exception means that individuals that provide care for only related family members shall be considered registered with the department upon receipt of the application to register.

All other registrants shall be registered upon completion of the registration procedure.

DEPARTMENT OF SOCIAL SERVICES REGISTRATION PROCEDURE

This application form must be completed and signed by the registrant:

APPLICATION FOR REGISTRATION

NAME: \_\_\_\_\_  
FIRST MIDDLE LAST

SOCIAL SECURITY NUMBER \_\_\_\_\_

LOCATION ADDRESS \_\_\_\_\_  
HOUSE NUMBER/APT. NUMBER, STREET/HWY NAME

CITY, STATE, ZIP \_\_\_\_\_  
CITY, STATE, ZIP

MAILING ADDRESS \_\_\_\_\_  
P. O. BOX NUMBER OR SAME AS ABOVE

CITY, STATE, ZIP \_\_\_\_\_  
CITY, STATE, ZIP

TELEPHONE NUMBER OF REGISTRANT \_\_\_\_\_  
AREA CODE PHONE NUMBER

I WILL ONLY CARE FOR CHILDREN RELATED TO ME: YES \_\_\_\_\_ NO \_\_\_\_\_

I WISH TO APPLY AS A REGISTERED CHILD DAY CARE PROVIDER. I WILL COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS. I WILL PERMIT PARENTS TO SEE AND BE WITH THEIR CHILDREN AT ALL TIMES. I CERTIFY BY MY SIGNATURE THAT I HAVE NEVER BEEN CONVICTED OF A FELONY AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED \_\_\_\_\_  
SIGNATURE OF REGISTRANT/APPLICANT

PRINTED OR TYPED SIGNATURE \_\_\_\_\_  
PRINTED OR TYPED SIGNATURE

DATE \_\_\_\_\_  
(DSS/RFL)(9/9/90)

This completed application form is to be sent to:  
Department of Social Services  
Quality Assurance Section  
P.O. Box 44367  
Baton Rouge, Louisiana 70804

IMPORTANT: Any change(s) in the application form submitted to the Department requires the submission of another signed and completed application form.

The Department of Public Safety, Office of the State Fire Marshal, will make an on-site visit to the location given on the application form by the registrant.

During the on-site visit the Department of Public Safety, Office of the State Fire Marshal, will collect a fee for the inspection. Part of this fee will be sent by the Office of the State Fire Marshal to the Department of Social Services for processing expenses.

The Office of the State Fire Marshal will make an on-site inspection (both for the Department of Health and Hospitals, Office of Public Health and the Department of Public Safety, Office of the State Fire Marshal) using an agreed upon checklist of health and safety standards to assure that health and safety standards are met at the location given on the application form by the registrant.

The registrant must meet all health and safety standards of, pass the inspection by, and obtain approval of the Office of Public Health and the Office of the State Fire Marshal.

The Department of Public Safety, Office of the State Fire Marshal will send either a "Recommendation for Registration" or a "Disapproval for Registration" to the Licensing Section of the Department of Social Services. The registration of the applicant becomes effective upon the date of receipt of the "Recommendation for Registration" from the State Fire Marshal.

The applicant will be sent a Registration Certificate by the Licensing Section of the Department of Social Services.

Registered homes shall be open to inspection by the Department of Public Safety and/or the Department of Social Services, parents, and by other authorized inspection personnel during normal working hours or when children are in care.

The Department of Social Services shall have the authority to deny, revoke, or refuse to renew a registration or licensure of a registered or licensed home if an applicant has failed to comply with the provisions of the Child Care Registration law, any applicable published rule or regulation relating to registered homes, state fire marshal regulations, or any other state, federal, local, or sponsoring agency rule or regulation or license. If a registration or license is denied, revoked, or withdrawn, the action shall be effective when made and the Department of Social Services shall notify the applicant or registrant of such action by registered letter immediately. The letter shall give the reason for the denial, revocation, or withdrawal of the registration or license. The Department of Social Services shall also notify the sponsoring agency and other state agencies as deemed necessary.

Upon the refusal of the Department of Social Services to grant a registration or license or upon the revocation of a registration or licensure, the agency, institution, society, corporation, person or persons, or other group having been refused a registration or license or having had a registration or license revoked shall have the right to appeal such action by submitting a written request to the secretary of the Department of Social Services within 30 days after receipt of the notification of the refusal or revocation. The appeal hearing shall be held no later than 30 days after the request therefor, except as provided in the Administrative Procedure Act, and shall be conducted in accordance with applicable regulations of the Department of Social Services and the provisions of LRS 46:107. This provision shall in no way preclude the right of the party to seek relief through mandamus suit against the Department of Social Services, as provided by law.

The Department of Social Services shall remove any child or all children from any registered or licensed home when it is determined that one or more violations exist within the home which places the health and well-being of the child or children in imminent danger, provided, however, that a contradictory hearing shall be held within seven days thereafter by the appropriate district court to determine whether the action was justified and whether and how long it shall continue.

A public hearing on this notice of intent shall be conducted by Steve Phillips, Licensing Section of the Department of Social Services on Monday November 26, 1990. The hearing will be at 755 North Riverside, Baton Rouge, Louisiana 70802 in Auditorium A Conference Room on the second floor at 10 a.m.

Comments may be made in writing to the Licensing Section of the Department of Social Services by writing to Licensing, Box 3078, Baton Rouge, LA 70821 before December 1, 1990.

May Nelson  
Secretary



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

**Rule Title: Family Child Care Home Registration**

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

The estimated implementation cost to the state is \$24,422 for fiscal year 90-91; \$48,909 for fiscal year 91-92; \$46,353 for fiscal year 92-93. The cost primarily is for clerical staff to process the paper work.

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

The estimated revenue from interagency transfer of funds from the State Fire Marshal's office is \$26,875 for fiscal year 90-91; \$50,000 for fiscal year 91-92; \$55,000 for fiscal year 92-93. The interagency transfer of funds is from a portion of the fee collected by the Fire Marshal during the on-site visit at the home.

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

The costs to directly affected persons cannot be measured because the cost will depend on what physical corrections will have to be done to their home(s) as a result of the on-site inspection.

The benefit to directly affected persons will be that the home will become eligible to receive both state and federal funds.

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

There is no measurable effect upon competition since the rule applies to all who wish to participate in state or federal funds.

Steve Phillips  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits, September 20, 1990, to provide that those state employees who are ordered to active military service be allowed, at their option upon their return to state service, to reinstate their coverage with the State Employees Group Benefits Program without a pre-existing condition limitation.

Amend Article 1, II (F) (1) of the Plan Document, as follows:

- F. Pre-existing Condition
- 1. Overdue Application

The terms of the following paragraphs shall apply to all eligible employees who apply for coverage after 30 days from the date the employee became eligible for coverage and to all eligible dependents of employees and retirees for whom the application for coverage was not completed within

30 days from the date acquired. The provisions of this Section shall not apply to military reservists or national guardsmen ordered to active duty who return to state service and reapply for coverage with the State Employees Group Benefits Program within 30 days of the date of reemployment. Their coverage will be reinstated effective on the date of return to state service.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on November 29, 1990, at the following address: Tommy D. Teague, Acting Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

Tommy D. Teague  
Acting Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Waiving PEC Limitations for Military  
Reservists**

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

Currently there is no way to estimate the number of employees who are members of the military reserves. Additionally, it is impossible to determine which of these reservists will maintain or cancel their insurance benefits while on active duty. The average annual premium for group health and accident insurance is \$2,514; the employer portion would be \$1,257 (\$2,514 × 50 percent).

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

The State Employees Group Benefits Program would continue to receive an average of \$2,514 in annual premiums on those military reservists who continue to maintain their health insurance benefits through the program. The program would lose an average of \$2,514 in annual premiums on those military reservists who cancel their health insurance benefits through the program while on active duty.

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

The directly affected persons, the military reservists, who cancelled coverage, return to state employment, and re-apply for benefits within thirty days of reinstatement would be eligible for benefits without a pre-existing condition limitation. Since there is no way to determine the number of persons affected, an estimated cost cannot be determined.

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

Competition and employment will not be impacted by this rule change.

Tommy D. Teague  
Acting Executive Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

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

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules governing participation in the voluntary Deer Management Assistance Program. Said Rule is made a part of this notice of intent.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part V: Wild Quadrupeds and Wild Birds

#### Chapter 1: Wild Quadrupeds

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

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

##### A. Application Procedure

1. Application for enrollment in Deer Management Assistance Program (DMAP) must be submitted to the Louisiana Department of Wildlife and Fisheries annually by September 1.

2. Each application must be accompanied by a legal description of lands to be enrolled and a map of the property. The applicant must have under lease or otherwise control a minimum of 500 acres of contiguous deer habitat of which up to 250 acres may be agricultural lands, provided the remainder is in forest and/or marsh. This information will remain on file in the appropriate district office.

3. Each cooperator will be assessed a \$25 enrollment fee and \$.05/acre for participation in the program.

4. An agreement must be completed and signed by the official representative of the cooperator and submitted to the appropriate district game supervisor for his approval. This agreement must be completed and signed annually.

5. Boundaries of lands enrolled in DMAP shall be clearly marked and identifiable; however, legal posting is not required.

6. By enrolling in the DMAP, cooperators agree to allow department personnel access to their lands for management surveys, investigation of violations and other inspections deemed appropriate.

##### B. Tags

1. A fixed number of special tags will be provided by the department to each cooperator in DMAP to affix to deer taken as authorized by the program. These tags shall be used only on DMAP lands for which the tags were issued.

2. All antlerless deer taken shall be tagged, including those taken during archery season and on either-sex days of gun season.

3. Immediately upon kill, a tag shall be attached through the ear or hock in such a manner that it cannot be removed before the deer is transported from the site of the kill.

4. All unused tags shall be returned by February 15 to the district office which issued the tags.

##### C. Records

1. Cooperators are responsible for keeping accurate records on forms provided by the department for all deer harvested on lands enrolled in the program. Mandatory information includes tag number, sex of deer and name of person taking the deer. Additional information may be requested depending on management goals of the cooperator.

2. Information on deer harvested shall be submitted by February 15 to the district game supervisor handling the particular cooperator.

Failure of the cooperator to follow these rules and regulations will result in immediate cancellation of the program on those lands involved. Cancellation of the program will be for a minimum of one hunting season immediately following the infraction. Failure to follow harvest recommendations may result in the cooperator being dropped from the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:

Public hearings concerning the proposed rule will be held at regular commission meetings in November and December. Additionally, interested persons may submit written comments relative to the proposed rule until 4:30 p.m., November 30, 1990 to Clyde Vienne, DMAP Coordinator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Warren Pol  
Chairman

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Deer Management Assistance Program

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

The estimated implementation cost to state government is \$141,175.

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

This program will result in approximately \$83,500 in new revenues for the Louisiana Department of Wildlife and Fisheries with additional federal dollars. These new monies will offset some of the cost of this existing program.

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

Deer Management Assistance Program Clubs are required to pay a \$25 administrative fee and .05/acre for lands enrolled in the program.

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

There is no way to estimate the effect on competition and employment.

Bettsie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter I. Wild Quadrupeds**

**§113. Fox/Coyote Hunting Preserves, Purchase and Sale of Live Foxes and Coyotes, Permitting Year-Round Coyote Trapping Regulations**

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to prohibit the importation and exportation of foxes and coyotes in Louisiana, establish regulations governing fox/coyote hunting preserves, regulate the purchase and sale of live foxes and coyotes, and regulations governing the year round trapping of coyotes.

The rules and regulations governing the operations of fox/coyote hunting preserves in Louisiana may be viewed at the Louisiana Department of Wildlife and Fisheries Headquarters, 2000 Quail Drive, Baton Rouge, Louisiana, phone (504) 765-2811.

Interested persons may submit written comments on the proposed rule to James Manning, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:123(C) and R.S. 56:262.1.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:

Warren Pol  
Chairman

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

**Rule Title: Fox/Coyote Hunting Preserve Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The implementation of this rule will require approximately one-fourth man year of biological time and approximately three weeks of secretarial assistance time. These people are on staff and will assume these responsibilities.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
At the present time there are 40 fox/coyote hunting preserves in the state. It is estimated that approximately 100 special permits will be issued which will generate \$2,500 to cover the administrative costs associated with regulating these preserves.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
These proposed regulations will allow approximately 40 fox/coyote hunting preserves to continue to operate. Many of these preserves are commercial and gross income to these operations could be approximately \$300,000 annually. Trappers selling foxes and coyotes to these hunting preserves could receive as much as

- \$25,000 annually. Additional economic benefits would include the maintenance of buildings and pens, game and dog food purchases, veterinary services, and travel and lodging costs associated with hunting in these preserves.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All commercial preserves are now in competition, proposed regulations will not change this. There will be more competition for trapped, in-state live foxes and coyotes to supply the demand of these hunting preserves.

Betsie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

**Title 76**

**WILDLIFE AND FISHERIES**

**Part III. State Game and Fish Preserves and Sanctuaries**

**Chapter 3. Particular Game and Fish Preserves and Commissions**

**§320. Orleans Parish Closure**

The Wildlife and Fisheries Commission does hereby give notice of its intent to close that portion of Orleans Parish East of the Jefferson-Orleans Parish line, Northward to the southern shoreline of Lake Pontchartrain, northeast along the southern shoreline of Lake Pontchartrain to South Point, east-southeast along the southern shoreline of Lake Pontchartrain to Chef Pass, the southern shoreline of Chef Pass eastward to the western shoreline of the Intra-Coastal Waterway, the western shoreline of the Intra-Coastal Waterway southward to the Industrial Canal, the Industrial Canal south to the Mississippi River, and the Mississippi River to the Orleans-Jefferson Parish line to all hunting or shooting by any means or device.

Interested persons may submit written comments until 4:30 p.m., January 9, 1991, to: Tommy Candies, Department Wildlife and Fisheries, Enforcement Division, Box 98000, Baton Rouge, LA 70898-9000.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:6 and 115.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:

Warren I. Pol  
Chairman

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

**Rule Title: Closure of a Portion of Orleans Parish to Hunting or Shooting**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule will have no significant cost to the state, as

enforcement will be handled along with current enforcement activities and responsibilities.

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

This rule should have no effect on revenue collections of the state or local governments.

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

We anticipate only negligible costs to affected persons, who will no longer be able to hunt in the area (Please note: Parish Ordinance 42-54 has closed this area to shooting and firearms discharge for many years, and all current hunting is illegal).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule may slightly increase hunting competition on Wildlife Management Areas but the increase will be negligible.

Bettie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

Warren I. Pol  
Chairman

**NOTICE OF INTENT**

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

The Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations establishing size limits and recreational bag limits for king mackerel, Spanish mackerel and cobia.

The proposed size and bag limits are as follows:

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishing**

**§323. Size Limits Set by Commission**

The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations establishing size limits:

The minimum legal size for possession of Spanish mackerel (*Scomberomorus maculatus*) and king mackerel (*Scomberomorus cavalla*) whether caught within or without the territorial waters of Louisiana shall be 14 inches total length.

The minimum legal size for possession of cobia (*Rachycentron canadum*) whether caught within or without the territorial waters of Louisiana shall be 37 inches total length.

**§327. Daily Take and Possession Limits Set by Commission**

The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations establishing recreational bag limits:

The recreational bag limit for possession of Spanish mackerel (*Scomberomorus maculatus*) whether caught within or without the territorial waters of Louisiana shall be 10 fish per person per day.

The recreational bag limit for possession of king mackerel (*Scomberomorus cavalla*) whether caught within or

without the territorial waters of Louisiana shall be two fish per person per day for private vessels. For charter vessels the recreational bag limit for possession of king mackerel whether caught within or without the territorial waters of Louisiana shall be either three fish per person per day, excluding captain and crew, or two fish per person per day, including captain and crew, whichever is greater. For the purposes of this rule, charter vessels shall be defined as vessels permitted by the National Marine Fisheries Service to fish as a charter vessel under the Federal Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic.

The recreational and commercial bag limit for possession of cobia (*Rachycentron canadum*) whether caught within or without the territorial waters of Louisiana shall be two fish per person per day.

Interested persons may submit comments relative to the proposed rule to: John Roussel, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Spanish Mackerel, King Mackerel and Cobia  
Bag Limits and Size Limits**

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

There will be no state or local governmental implementation costs.

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

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

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Bettie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

#### Notice of Quarantine Citrus Canker

Whereas, the bacterial pathogen disease of citrus and citrus plant parts of the Family Rutaceae known as citrus canker, *Xanthomonas campestris pv citri* (Hasse) Dawson is established in the state of Florida; and

Whereas, there are commercial nurseries that raise citrus nursery stock located north of the Interstate 10 - Interstate 12 line;

Therefore, I, John W. Impson, State Entomologist of the State of Louisiana, by virtue of the authority provided for in R.S. 3:1652 and Rule 7:9509, hereby designate all of Louisiana as a commercial citrus producing area and establish a quarantine to prevent the spread of citrus canker disease and set forth: prohibition, definitions, regulated materials, quarantined area, movement of certain regulated materials under federal certificate for interstate movement, and penalties.

#### 1.0 Prohibition

No common carrier or person shall move any regulated materials from the quarantined area into or within the state of Louisiana except in accordance with conditions explained in the quarantine.

#### 2.0 Definitions

Citrus canker is a plant disease caused by strains of the bacterium *Xanthomonas campestris pv citri* (Hasse) Dawson.

#### 3.0 Regulated Materials

a. Plants and any plant parts, including fruit and seeds, of any of the following:

Calamondin orange (*Citrus mitis*)

Citrus citron (*Citrus medica*)

Grapefruit (*Citrus paradisi*)

Kumquat (*Fortunella japonica*)

Lemon (*Citrus limon*)

Lime (*Citrus aurantifolia*)

Mandarin orange (tangerine) (*Citrus reticulata*)

Pummelo (Shaddock) (*Citrus maxima*)

Satsuma (*Citrus reticulata*) Sour orange (*Citrus aurantium*)

Sweet orange (*Citrus sinensis*)

Tangelo (*paradisi x. c. reticulata*)

Temple orange (*reticulata x. c. sinensis*)

Trifoliata orange (*Poncirus trifoliata*)

b. Any other product, article, or means of conveyance, of any character whatsoever, not covered by Paragraph a. when it is determined by an inspector that it presents a risk of spread of the citrus canker and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to this quarantine.

#### 4.0 Quarantined Area

That portion of Manatee County, Florida and any future areas designated as quarantined under the Federal Cit-

rus Canker quarantine 7 CFR 301.75 et seq.

5.0 Movement of Certain Regulated Materials in Louisiana

a. Regulated articles shipped under a limited permit for interstate movement in accordance with 7 CFR 301.75-2(b) of the Federal Citrus Canker Regulations will not be allowed to move into Louisiana.

b. Only regulated materials originating outside of the quarantined area and moving interstate in accordance with 7 CFR 301.75 et seq. of the Federal Citrus Canker Regulations may be shipped or moved into Louisiana.

c. Any regulated materials from the quarantined area found in Louisiana shall be confiscated and/or destroyed or shipped to the point of origin at the expense of the owner. The state entomologist shall determine, at his discretion, which course of action is most appropriate.

#### 6.0 Penalties

Any person who violates this quarantine shall be subject to penalties provided in R.S. 3:1653.

#### 7.0 Repeal of Prior Quarantine

The Notice of Quarantine for Citrus Canker dated May 10, 1988, is hereby repealed and replaced.

DATE: October 10, 1990

Bob Odom  
Commissioner

## POTPOURRI

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

#### Crop Pests and Diseases

In accordance with LAC 7:XV.9507 and 9509 we are hereby publishing the following amendment to the annual quarantine:

11.0 Citrus Canker (*Xanthomonas campestris pv citri* (Hasse) Dawson)

The entire state of Florida.

Has been amended to read:

11.0 Citrus Canker, *Xanthomonas campestris pv citri* (Hasse) Dawson

That portion of Manatee County, Florida and any future areas designated as quarantined under the federal citrus canker quarantine 7 CFR 301.75 et seq.

Bob Odom  
Commissioner

## POTPOURRI

### Department of Employment and Training Office of Labor

The Notice of Intent for rule changes affecting the Department of Employment and Training, Office of Labor, Community Services Block Grant that appeared in the September 20, 1990 edition of the *Louisiana Register* gave the

incorrect time for its public hearing. The public hearing is scheduled to start at 10 a. m. on October 26, 1990, rather than 10 p. m. The location of the public hearing remains the same.

C. Gino Spina  
Director

**POTPOURRI**

**Department of Environmental Quality  
Office of Legal Affairs and Enforcement  
Regulatory Compliance Section**

Copies of the *REGULATORY AGENDA* (A summary of pending and proposed Department of Environmental Quality rules and a timetable related to these rules) are available at 333 Laurel St., Suite 620, Baton Rouge, LA 70801 or by contacting Lisa Lamendola at (504) 342-9163.

J. Terry Ryder  
Assistant Secretary

**POTPOURRI**

**Department of Health and Hospitals  
Office of Public Health  
HIV/AIDS Services Program**

In accordance with Public Law 100-607 the HIV/AIDS Prevention Education Project, HIV/AIDS Services Program is soliciting comments from the general public on the program's application for funding support. The application describes in detail the objectives and the planned activities of the Prevention Education Project for 1991. Interested persons may find a copy of the application in the HIV/AIDS Services Office, Room 618, 325 Loyola Ave., New Orleans, LA or may apply in writing for a copy of the application through October 26, 1990. Comments should be written and received in the HIV/AIDS Services Office by the close of business November 9, 1990.

Address correspondence to: Department of Health and Hospitals, Office of Public Health, HIV/AIDS Services Program, 325 Loyola Ave., Room 618, New Orleans, LA 70112. Additional information may be gathered by contacting Ms. Barbara Trahan at (504) 568-5508.

Louise McFarland, D.P.H.  
Director

**POTPOURRI**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

In accordance with §1923 of the Social Security Act, the Department of Health and Hospitals, Office of the Secre-

tary, Bureau of Health Services Financing has found that the hospitals listed below qualify for an interim payment adjustment for inpatient hospital services reimbursed by Medicaid as they serve a disproportionate number of low income patients. The Medicaid mean for cost reporting periods beginning 10/1/89 has been calculated to be equal to 14.94 percent plus one standard deviation equal to 11.92 percent for a total disproportionate share qualifying percentage of 26.86 percent. The qualification for disproportionate share adjustment as well as the amount of adjustment noted below is tentative as Medicaid reimbursement is subject to audit and cost settlement. The disproportionate share payment adjustment percentage as adjusted at audit shall be applied to both inpatient cost limits and then total allowable inpatient costs in accordance with the provisions outlined in the Medicaid State Plan, Attachment 4.19A, Item 1.

Provider Name:	Dispro Pymt Adj (%)
Caldwell Memorial Hospital	37.89%
Acadia St. Landry Hospital	22.68%
New Orleans General	46.51%
East Carroll Parish	18.80%
Riverwest Medical Center	9.26%
West Carroll Parish	6.51%
Riverland Medical Center	5.13%
L. S. Huckaby	4.76%
Bayou Rapides Medical Center	37.89%
Children's Hospital	37.88%
Opelousas General	4.00%
Madison Parish Hospital	4.00%
Tulane Medical Center	25.30%
United Medical Center	42.61%
Humana-Marksville	4.00%
LSU Medical Center	121.93%
E. A. Conway	162.94%
Earl K. Long	142.01%
Huey P. Long	178.90%
University Medical Center	144.08%
W. O. Moss	153.70%
Lallie Kemp	98.71%
Washington-St. Tammany	149.16%
South La. Medical Center	84.95%
Charity Hospital of New Orleans	121.77%
Villa Feliciana	88.78%
East Louisiana State	137.49%
Southeast Louisiana State	123.09%
Central Louisiana State	135.20%
Greenwell Springs State	129.26%
New Orleans Adolescent Hospital	141.09%

David L. Ramsey  
Secretary

**POTPOURRI**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is providing

notice of rate adjustment for Skilled Nursing, Intermediate Care I, and Intermediate Care II classifications of care as required under its flat rate methodology. This change applies the appropriate inflation adjustment factors to the base rate and includes adjustments to provide for the following additional requirements mandated by federal law and regulation.

Drug Regimen Review	Comprehensive and Annual Assessment
Physician/Medical Director	Quality Assurance Committee
RN Coverage - 7 Days/Week	Social Worker Staffing
Utilization Review Committee	Nurse Aide Wages After Training
Hearing Impaired Telephone	

Effective July 1, 1990, the rates for private Title XIX (Medicaid) skilled nursing services and intermediate care services are as follows:

Skilled Nursing Services	\$49.95 per day of care
Intermediate Care Services I	\$42.34 per day of care
Intermediate Care Services II	\$33.51 per day of care

Rates for services provided in facilities obtaining a waiver of the requirement for RN services seven days a week shall be adjusted to remove the allowance for the cost of that factor from the above flat rates.

David L. Ramsey  
Secretary

**POTPOURRI**

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

**Fishermen's Gear Compensation Fund**

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 41 claims in the amount of \$95,081.31 were received in the month of September 1990, 51 claims in the amount of \$114,079.79 were paid, and four claims were denied.

Loran C. coordinates of reported underwater obstructions are:

27325	46943
27118	46940
29117	46961
29106	46923
28115	46834
29114	46986
28535	46847
28561	46862
27362	46926
28756	46831
28566	46861
28583	47045

Anyone may obtain a list of claimants, and amounts paid, by submitting a request to Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez  
Secretary

**POTPOURRI**

**Department of Social Services  
Office of Community Services**

**Obligation and Expenditure of Supplemental Low-Income Home Energy Assistance Program (LIHEAP) Funds For Program Year 1989-90**

Supplemental Low-Income Home Energy Assistance Program (LIHEAP) funds have been awarded to Louisiana for payments to some households which receive heating assistance benefits between December 1, 1989 and March 31, 1990. The Department of Social Services, Office of Community Services will allocate these funds to those parishes which have demonstrated a need for additional funds caused by the record cold temperature during the 1989-90 heating season. Supplemental funds will be obligated to the various parishes by October 31, 1990 and expended no later than December 31, 1990.

May Nelson  
Secretary

**POTPOURRI**

**Department of Transportation and Development  
Sabine River Compact Administration**

**MEETING OF THE SABINE RIVER  
COMPACT ADMINISTRATION**

The fall meeting of the Sabine River Compact Administration will be held at the St. Anthony Hotel, 300 E. Travis Street, San Antonio, Texas 78205 on Friday, November 9, 1990; the meeting will begin at 9:30 a.m.

The purpose of the meeting will be to conduct business as programmed in Article IV(8) of the By-Laws to the Sabine River Compact.

The spring meeting will be held in Louisiana in June 1991.

The contact person in Louisiana concerning the meeting is: Max J. Forbes Jr., Secretary, Sabine River Compact Administration, 1064 Highland Park Drive, Baton Rouge, LA 70808, (B) 504-342-6403, (H)504-766-1698.

Max J. Forbes Jr.  
Secretary

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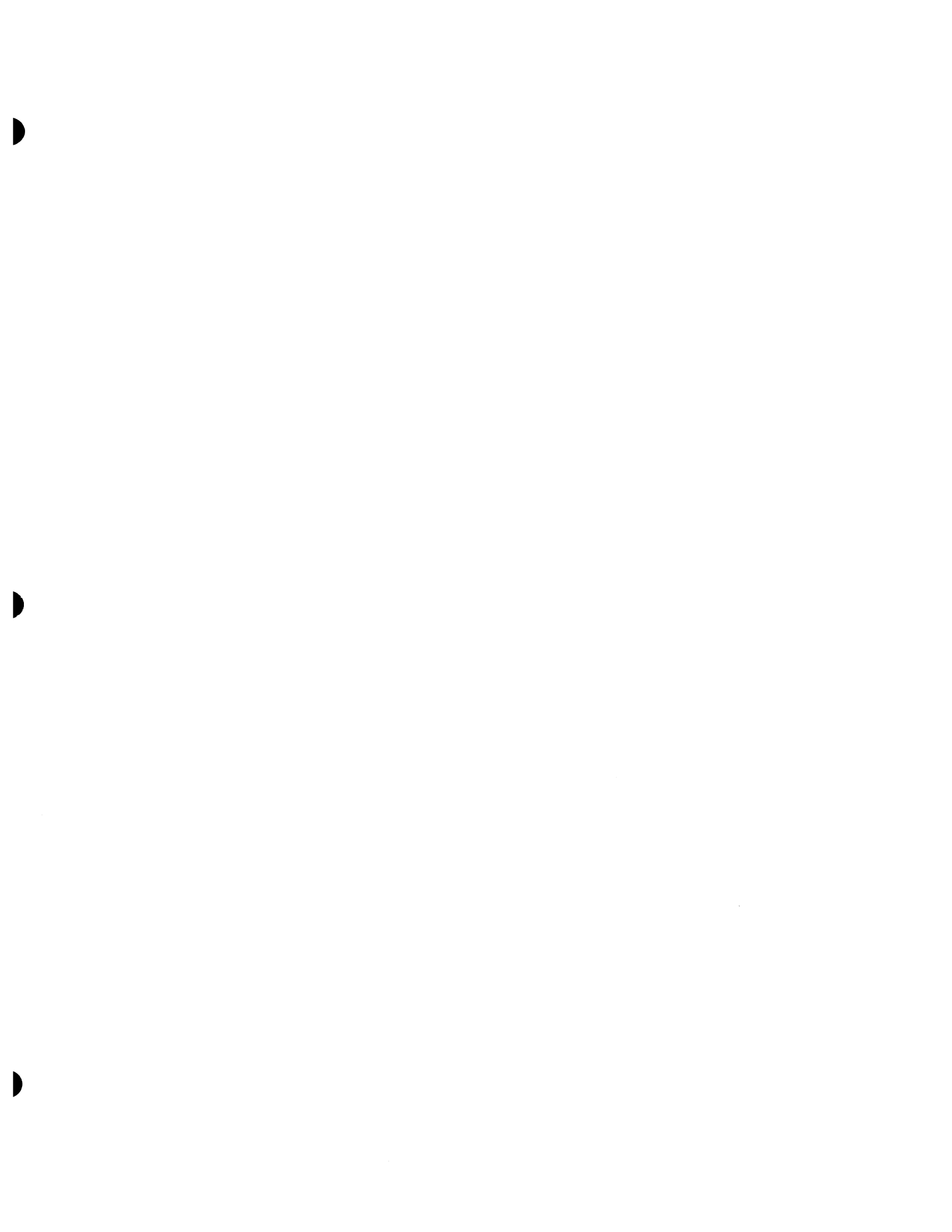
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8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities ( <i>If there are none, so state</i> )											
Full Name						Complete Mailing Address					
9. For Completion by Nonprofit Organizations Authorized To Mail at Special Rates ( <i>DMM Section 423.12 only</i> ) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes ( <i>Check one</i> )											
<input type="checkbox"/> (1) Has Not Changed During Preceding 12 Months				<input type="checkbox"/> (2) Has Changed During Preceding 12 Months				<i>(If changed, publisher must submit explanation of change with this statement.)</i>			
10. Extent and Nature of Circulation ( <i>See instructions on reverse side</i> )					Average No. Copies Each Issue During Preceding 12 Months			Actual No. Copies of Single Issue Published Nearest to Filing Date			
A. Total No. Copies ( <i>Net Press Run</i> )					1107			1206			
B. Paid and/or Requested Circulation											
1. Sales through dealers and carriers, street vendors and counter sales					1			1			
2. Mail Subscription ( <i>Paid and/or requested</i> )					1028			924			
C. Total Paid and/or Requested Circulation ( <i>Sum of 10B1 and 10B2</i> )					1029			925			
D. Free Distribution by Mail, Carrier or Other Means Samples, Complimentary, and Other Free Copies					54			54			
E. Total Distribution ( <i>Sum of C and D</i> )					683			979			
F. Copies Not Distributed											
1. Office use, left over, unaccounted, spoiled after printing					424			227			
2. Return from News Agents					-			-			
G. TOTAL ( <i>Sum of E, F1 and 2—should equal net press run shown in A</i> )					1107			1206			
11. I certify that the statements made by me above are correct and complete					Signature and Title of Editor, Publisher, Business Manager, or Owner <i>Nancy Midkiff, Director</i>						