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Executive Orders

EXECUTIVE ORDER EWE-79-7

WHEREAS, Act 38 of 1914 (now R.S. 41:98) vested the Governor of Louisiana with authority to withdraw from sale or entry any of the vacant and unappropriated public lands and lake beds or bottoms belonging to the state, whenever, in his opinion, they appear to be more valuable for mineral than for any other purpose, and to restore to sale or entry all withdrawn lands, at his discretion; and

WHEREAS, acting under the said authority, Honorable Ruffin G. Pleasant, then Governor of Louisiana, by executive order issued on March 20, 1917, withdrew from public sale and entry all state lands, except those adjudicated to the state for nonpayment of taxes; and

WHEREAS, Section 4 of Article IX of the Constitution of Louisiana of 1974 provides that in all cases the mineral rights on any and all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes; and

WHEREAS, the Secretary of the Department of Natural Resources has recommended that the hereinafter described property be restored to sale, since the obvious and apparent motive for the withdrawal from sale or entry of the public lands was for the protection of the state in its ownership of the minerals underlying said lands, and because the Constitution now requires the reservation in all cases of the mineral rights on any and all property sold by the state, there is no longer any particular necessity why the lands hereinafter described should not be restored to sale.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, do hereby issue this, my executive order, restoring to sale the following described land, and directing that the same shall be sold under the provisions of Act 215 of 1908, as amended, (now R.S. 41:131 et seq.). Excepting and reserving, however, to the State of Louisiana all minerals in the land so patented, and to it, or those authorized by it, the right to prospect for, mine and remove such deposits from the same in accordance with Section 4 of Article IX of the Constitution of 1974. Excepted from the lands hereinafter described and not included in this sale, are the waters and beds of all bayous, lagoons, lakes, and other water bodies, whether navigable or nonnavigable, in conformity with the statutory law of this state dedicating such property to a public purpose; like exception and exclusion are made of the waters and beds of all inland navigable waters, as well as arms of the sea, pursuant to the statutory, codal, or constitutional law of the state, viz:

Lot One of Section Eighteen Township Nine South, Range Fourteen East, St. Helena Meridian, Parish of St. Tammany, Louisiana, containing 3.38 acres according to the survey of said lands in the State Land Office approved August 19, 1856.

I have signed this order officially and caused the Great Seal of the State of Louisiana to be affixed at Baton Rouge, this 15th day of August, 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-8

WHEREAS, there is an ever-present concern over the scientific, technological, and environmental quality policies of this state; and

WHEREAS, it is the policy of this Administration to provide by all means possible for the positive utilization of scientific development, for technological transfer, and for the enhancement, protection, and improvement of environmental quality throughout the State of Louisiana; and

WHEREAS, in response to these concerns, the Office of Science, Technology and Environmental Policy (OSTEP) was created within the Office of the Governor by Executive Order EWE-77-18; and

WHEREAS, by Act 334 of 1978, the Department of Natural Resources was given authority to develop and administer a state hazardous waste program; and

WHEREAS, by Act 449 of 1979, the state environmental programs relating to air, water, solid waste, hazardous waste, and radiation control were consolidated within the Department of Natural Resources; and

WHEREAS, the goal of the protection and improvement of environmental quality within the State of Louisiana will best be served by the further consolidation of responsibility concerning environmental matters within the Department of Natural Resources.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby abolish the Office of Science, Technology and Environmental Policy and transfer the functions, duties and responsibilities of the Office of Science, Technology and Environmental Policy and all employees of such office to the Office of the Secretary within the Department of Natural Resources.

FURTHERMORE, all books, papers, records, money, grants, proposals for grants, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by the Office of Science, Technology and Environmental Policy are hereby transferred to the Department of Natural Resources, Office of the Secretary.

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 29th day of August, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture
Office of Animal Health Services
Livestock Sanitary Board**

The Livestock Sanitary Board adopted at its Friday, August 10, 1979, meeting, an amendment to Regulation 2, Governing the Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks, Section 5.5, second paragraph to read:

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request, by state-employed veterinarians and samples submitted to the laboratory for reconfirmation.

The Board also adopted an amendment to Regulation 28, Governing Equine Infectious Anemia, Section 1.2, third paragraph to read:

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request, by state-employed veterinarians and samples submitted to the laboratory for reconfirmation, as required in Regulation 2, Section 5, Paragraphs 4 and 5.

Adoption of this emergency rule is necessary because of the overwhelming desire of the livestock industry as a whole to change the identification of equine positive to the Coggins test. The previous method of identification has been affecting the industry, as the Livestock Sanitary Board has been unable to control the movement of positive equidae. The Board has received numerous complaints regarding the movement of positive equidae from individuals with the Louisiana Cattlemen's Association, Auction Market Association, etc. It has also been brought to the Board's attention by a representative from Consumer Protection, Office of the Governor, that this procedure was unworkable.

Forrest E. Henderson, D.V.M.
State Veterinarian

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on August 23, 1979, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B to adopt the following:

Rule 1.00.71

The Board amended operating procedures relative to meetings in order to comply with the open public meetings law which becomes effective September 7, 1979, as follows. (Replaces present policy.)

Frequency, Scheduling, Public Notices

1. The President of the Board shall call regular Board meetings at least four times a year to fall within calendar quarters. Regular meetings of the Board shall convene on the fourth Thursday of the month, except in November and December, unless a simple majority of Board members agree by ballot to meet on another day.

2. The chairman of each standing committee of the Board shall call regular committee meetings at such times as is necessary for consideration of items referred by the Board to the committee. Regular committee meetings shall be held on the day before the Board meeting and on the Wednesday and Thursday of the previous week. The Due Process Committee of the Board shall be regularly scheduled to meet on the Thursday preceding the Board meeting.

3. Special meetings of the Board may be held upon call of the President, and the President shall call a special meeting whenever requested to do so by a majority of the total members of the Board. (Reference: R.S. 17:3(E).)

4. Special meetings of a standing committee may be held upon call of the committee chairman, and the chairman shall call a special meeting whenever requested to do so by a majority of the total named members of the committee.

5. Public notices for regular and special meetings of the Board and its standing committees shall be made as required by the state's public meeting law. At the beginning of each calendar year the Board shall give written public notice of all regularly scheduled meetings; thereafter, a twenty-four hour written public notice shall be given of any regular, special or rescheduled meeting of the Board and its committees. The twenty-four hour public notice shall include the agenda, date, time, and place of the meeting. (Reference: R.S. 42:7)

6. Board members shall be given at their official residences a twenty-four hour written notice of all regular and special meetings of the Board and its committees. Cancellations of any Board or committee meeting shall be made only after a twenty-four hour notice to Board members, or in the event of the absence of a quorum at the scheduled time and place of the meeting.

7. All meetings of the Board, its committees and advisory councils shall be conducted according to provisions of the state's public meeting law. (See R.S. 42:4.1-12).

8. The agenda for each committee meeting shall include only those items to be discussed at the meeting. The agenda may include as an attachment a list of all other Board referrals retained in committee pending final committee action.

* * * * *

Rule 3.01.70.v(10)

The Board adopted as emergency rule adapted physical education certification requirements in order to comply with Act 754 of 1977 and Public Law 94-142. The following standards were established in order to protect welfare and provide public education for the handicapped students in Louisiana. These requirements become mandatory September 1, 1981.

Adapted Physical Education

Basic Requirements:

(1) State Certification in Physical Education (which must include Items 2, 3, and 4), 24 semester hours.

(2) Motor Development and Learning, 3 semester hours.

(3) Introduction to the Study of Exceptional Children, 3 semester hours.

(4) Test and Measurement (Physical Education or Educational or Psychological), 3 semester hours

Specialized Requirements:

(1) Introducing Physical Education for All Handicapped Children, 3 semester hours.

(2) Behavioral and Educational Impairment and Physical Education, 2 semester hours.

(2a) Practicum in Behavioral and Educational Impairment and Physical Education, 1 semester hour.

(3) Chronic Disability and Physical Education, 2 semester hours.

(3a) Practicum in Chronic Disability and Physical Education, 1 semester hour.

(4) The Physical Education Curriculum for all Handicapped Children, 3 semester hours (Prerequisite: Courses 1, 2, and 3).

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

Rules

RULES

Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

The Department of Agriculture, Livestock Sanitary Board has amended the following regulations.

Regulation 3, Section 13—Equine Requirements, Paragraph “b” under “Exceptions” is amended to read: “Untested horses arriving at auction market may be sold for purposes other than slaughter if a flood sample is drawn for equine infectious anemia testing at buyer’s expense before the animal leaves the auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory. If a private practitioner is not available to conduct the test, the state-employed veterinarian who is writing health certificates at the auction market, may conduct the test and shall charge a fee of ten dollars. This fee will go into the fund for state laboratories. Horses may then move from the auction market to the purchaser’s premises under quarantine issued by Livestock Sanitary Board personnel until results of the Coggins test are received. If the animal is found to be positive, it must be properly identified by a permanent identification and will remain under quarantine until sold for immediate slaughter.”

* * * *

Regulation 15, Paragraph 1 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.”

* * * *

Regulation 16, Section 1, Paragraph B.2 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart.”

* * * *

Regulation 17, Section 1, Paragraph B.2 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart.”

* * * *

Regulation 18, Section 1, Paragraph A.1 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.”

Forrest E. Henderson, D.V.M.
State Veterinarian

RULE

**Department of Agriculture
Dairy Stabilization Board**

Assessments

§12.9 Each processor shall pay his assessment when due under the Act. Processors who are delinquent in the payment of their assessment shall add to the amount due a sum equal to one percent of the amount due for each day of delinquency. In computing the amount of the assessment, frozen desserts shall be converted to milk equivalents as follows: Total milk solids non-fat times 5.79, plus total pounds of fat times 12.5. In the case of dairy products processed by one processor and transferred to a second processor for resale, the assessment due in connection with Class II items is to be paid by the transferor and the assessment due in connection with Class I items is to be paid by the transferee. No processor shall

be required to pay assessments on products sold outside of this state. Processors whose total annual assessments amount to less than twenty-five dollars shall be permitted to pay their assessments annually.

In the event any processor refuses or fails to obtain a license or refuses or fails to pay this assessment, the Board may collect same from the licensed buyer of said dairy products as the agent for said processors or as a user of said products.

If this provision, any part thereof, or the application thereof is held invalid, such invalidity shall not affect other parts of this provision or other provisions of these Rules and Regulations which can be given effect without this invalidated part, and to this end this provision of this Rule and these Rules and Regulations are hereby declared severable.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULE

**Department of Culture, Recreation and Tourism
Office of State Parks**

Rule 8.7-Glass containers of any kind are prohibited within any perimeter boundaries of pools, enclosed swimming areas, enclosed beach areas, and beach parks.

Robert Q. Hanisee, Assistant Secretary
Office of State Parks

RULE

Board of Elementary and Secondary Education

(Editor’s Note: The Department of the State Register will not publish the texts of Rule 3.01.05 and Rule 3.01.56.b described below, in accordance with R.S. 49:954.1C. Copies of these plans may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.)

Rule 3.01.05

The Board adopted the *State Plan for Nutrition Education and Training Program for 1979* as presented by the Department of Education.

* * * *

Rule 3.01.56.b

(Replaces present policy) The Board adopted the *State Plan for Career Education*.

* * * *

Rule 3.01.51s

The Board amended Bulletin 741, *Handbook for School Administrators*, page 19, Industrial Arts Section to read:

One-half or one unit of credit may be given for each of the following areas:

- World of Construction
- Basic Drafting
- Architectural Drafting
- Engineering Drafting
- Basic Electricity
- Advanced Electronics
- Basic Graphic Arts
- Advanced Graphic Arts
- World of Manufacturing

- Exploratory Industrial Arts
- General Shop
- Materials and Processes
- Home Mechanics
- General Metals
- Advanced Metals
- Welding
- Power and Energy
- Small Gas Engines
- Basic Automotive Mechanics
- Advanced Automotive Mechanics
- Basic Woodworking
- Advanced Woodworking
- Industrial Crafts

A maximum of two units may be allowed in each of the subject areas recommended. However, upon application to and approval by the Vocational Division of the Louisiana State Department of Education, one additional unit may be allowed in the requested area. Revision to become effective July 1, 1980.

(The Board adopted this change as requested by the local school systems and this policy change will allow a higher degree of technical training in a specific area.)

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULES

**Office of the Governor
Division of Administration
Office of Contractual Review**

*2d. Reg.
V. 5, No. 9
9-20-79
p. 277*

The Office of the Governor, Division of Administration, Office of Contractual Review, has amended LAC 1-4:8.2 and 8.3 to read as follows:

Section 8.2 So that the Civil Service Commission may, by authority of its Rule 4.1(e), add the positions of independent contractors to the unclassified state service, all contracts for professional, personal, and consulting services and for provision of social services shall be submitted to the Director of State Civil Service for his review and approval or disapproval, prior to the effective date of the contract and prior to its submittal to the Office of Contractual Review.

Section 8.3 Upon receipt of written approval of a contract from the Director of State Civil Service, said contract may then be submitted to the Office of Contractual Review pursuant to the requirements of R.S.39:1481, et seq.

Paul R. Mayer, Jr., Director
Office of Contractual Review

RULES

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

Rule 1. Application for License.

Section 1. Application for a funeral director license or a combination embalmer and funeral director license shall be made on forms as provided by the Board.

Section 2. Applications for license shall be sworn to by the applicant before a notary public and be accompanied by a fee of one hundred dollars.

Section 3. Applications shall be filed with the Secretary of the Board not less than thirty days preceding the date of the meeting at which the applicant desires to be examined for license.

(Fee change to agree with statute change)

Rule 2. Examinations.

Section 1. Examinations will be held at a location to be determined by the Board on the fourth Tuesday of March and September of each year and at such other times as the Board may deem necessary and expedient.

Section 2. Applicants for funeral director's license shall be given a written and/or oral examination on any subjects that the Board may deem necessary in keeping with the intent of the statutes.

Section 3. Applicants for a combination embalmer and funeral director license shall appear before the Board and be given a written and/or oral examination on subjects defined in courses required under R.S. 37:842 and such other subjects as the Board may deem necessary.

Section 4. Whenever an applicant shall fail to be present for examination at the time and place set by the Board, said applicant shall present a reasonable excuse for failure to attend and, by doing so, said applicant may attend the next examination held by the Board without payment of further examination fee, but shall not be entitled to further consideration in case of failure to be present at said next examination, and shall thereby forfeit the examination fee paid to the Board.

Section 5. Applicants, whose applications for examination are not accepted by this Board, shall be entitled to a return of the fee accompanying said applications.

Section 6. Any applicant for a funeral director's or embalmer and/or funeral director's license whose application has been accepted by the Board, and who shall fail in an examination shall not be entitled to the return of the examination fee, but shall be entitled to one reexamination at the next regular examination. Any applicant who shall fail the reexamination shall not be entitled to further consideration. In order to qualify for subsequent examinations, applicant must reapply as provided in R.S. 37:842. In addition, a funeral director applicant must serve one additional year of internship, and embalmer applicant must complete a three-month refresher course at an institution properly recognized by this Board and shall give proper evidence of the completion of said course.

Section 7. All questions used on examinations are the property of the Board, and must be returned by the applicants with their answers immediately upon completion of examinations.

Section 8. Any applicant found to have in his possession material of any nature which, in the opinion of the Board, may be used to assist in the examination, shall forfeit the fee paid and be ejected from the examination and shall not be entitled to any further consideration.

Section 9. When the applicant has complied with all requirements, and has received a passing mark of not less than seventy 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.

Rule 3. Internship.

Section 1. Any person desiring to engage in the practice of embalming in this state shall serve as an intern in Louisiana for one year under the direct supervision of a Louisiana licensed embalmer and shall have actively assisted in the preparation of at least twenty-five dead human bodies during his internship. The internship must be served within twelve months prior to entering embalming school, or within twelve months after graduating from embalming school.

Section 2. Any person desiring to engage in the profession of funeral directing in this state shall serve as an intern, in Louisiana, under the direct supervision of a Louisiana licensed funeral director for one year. He shall have actively assisted in conducting twenty-five funerals during period of internship. Upon completion of internship, intern applicant must appear before the Board at its next regular examination meeting except when a delayed appearance for good cause acceptable to the Board is allowed.

Section 3. Each intern shall make application to the Board on prescribed forms, accompanied by a fee of \$37.50, and if found acceptable shall be registered as such and given an identification card. Registration is for one year only. At the end of this internship period, applicant must appear at the next regular Board examination provided the educational requirements have been met. The intern may appeal to the Board for an extension of his internship provided, however, that he make application before the Board for such extension and that he appear at a regular meeting to show cause for this extension. Reapplication shall be an additional \$37.50. The Board may, at its own discretion, extend an internship to any period not to exceed one year. Each intern is required to file a complete report (each category must be marked as worked on or not worked on), for each month claimed served, which report must be filed monthly in the Board's office before an applicant is considered completed and before the applicant is eligible for examination.

Section 4. When tenure of internship is completed, an affidavit by both the intern and the person under whose direct supervision he served, shall be filed not later than fifteen days with the Board. Said affidavit shall list the number of bodies embalmed and/or funerals assisted in.

Section 5. The Secretary, upon notification by the applicant, will inform the licensed person responsible for the training of the intern of the rules and regulations concerning the internship and that he will be responsible to the Board for the application and enforcement of these rules and regulations.

Credit for funeral directors and/or embalmer internship shall not be allowed to any person while he is in military service or while enrolled in a university or college or in attendance at an embalming school nor in any event unless the intern shall serve the person under whom such training is given on a bona fide full-time basis between the hours of 7:00 a.m. and 7:00 p.m., which constitutes his primary occupation. Part-time students shall be permitted only if their school training is served during hours that do not interfere with times set forth in the regulation cited above and the intern meets all other requirements of the rule.

Penalties: It shall be a requirement and responsibility of the intern to make these reports monthly and to have them in the office of the Secretary on date specified. Failure to perform as specified in this rule will mean automatic loss of that monthly credit. Failure of the licensed trainer to perform as agreed or to in any way falsify records of the internship will cause a fine to be levied in accordance with R.S. 37:850 for said violation.

Rule 4. Funeral Establishments.

Section 1. Application for a funeral establishment license shall be made upon the form provided by the Board, sworn to by applicant and accompanied by a fee of five hundred dollars. Said establishment shall meet the requirements as defined in R.S. 37:842. When an existing licensed establishment is sold, or in excess of fifty percent of the stock in a corporation holding an establishment license is sold, the purchaser must pay a fee of five hundred dollars for a new license. The seller and the purchaser are required to notify the Board within ten days from the date of the sale or sales as set forth above, providing the Board with full information as to the sale. Failure by either party to provide the

Board with notice, as herein set out, will bring about the suspension and/or revocation of the license of either or both parties.

Section 2. The license is effective for a fixed place, or establishment, and for a specific name. Whenever the location or name of the licensed establishment is changed, a new license shall be obtained and a renewal fee of two hundred dollars paid. All changes of name and/or location must be reported to the Board's Secretary without delay.

Section 3. It shall be required that a licensed funeral director and/or embalmer be in charge of each funeral establishment. No licensed funeral director shall, during a protracted absence from his business, leave his establishment in charge of any person other than a licensee holding a license issued by this Board.

Section 4. Each funeral establishment shall be subject to inspection and shall comply with the following requirements:

A. Each establishment must be provided with suitable and dignified quarters devoted to such activities incident or related to the preparation and arrangement for the burial, or other disposition, of dead human bodies from which a funeral may be conducted.

It shall be the duty of the Board or anyone designated by the Board to inspect the establishment wherein licensed embalmers or funeral directors are practicing or propose to practice, to determine if proper and adequate facilities are provided.

B. Each establishment must consist of and be inspected for an adequate building containing a display room, which must contain a minimum of six adult caskets, embalming room, office or arrangement room, rest rooms (separate for men and women), parlors or chapel. They shall also contain suitable furnishings, equipment and other facilities that meet the standards of the Fire and Sanitary Codes of the State of Louisiana.

C. The preparation or embalming room of medium size shall meet the following requirements:

(1) Floors of tile, cement, linoleum, or like composition, finished with a glazed surface.

(2) Walls and ceilings shall be finished with tile, or other material finished with enamel or other waterproof material.

(3) A sanitary embalming table of metal, glass, or porcelain top, with running water draining from the table into a drain connected with a sewer or other proper receptacle.

(4) Suitable sanitary plumbing which shall comply with the requirements of the Louisiana State Office of Health Services and Environmental Quality.

(5) Only equipment and supplies necessary for the preparation or care of dead human bodies for disposal or transportation are to be kept in the preparation room. At no time shall it be used as a storage room.

(6) The room shall be properly ventilated and comply in respect to ventilation with state and local laws or ordinances and regulations. It shall be so ventilated that no deleterious odors be permitted to enter into any other part of the establishment or adjoining premises.

(7) The embalming or preparation room shall be strictly private and no one shall be allowed therein while the body is being embalmed except the licensed embalmers and other authorized persons and officials in the discharge of their duties.

(8) There shall not be any direct connection between the preparation or embalming rooms with the living quarters of a funeral establishment or rooms where food is customarily prepared and served. Its doors shall be closed at all times and all of its windows must be screened as a safeguard to the public health.

(9) Each funeral establishment and each preparation or embalming room shall be maintained in a clean and sanit-

any condition at all times. All instruments and other appliances used in embalming dead human bodies shall be thoroughly cleansed immediately at the conclusion of each individual case.

(10) Each funeral establishment must have available in the preparation room or embalming room a register book or log. The name of each body embalmed, place (if other than at establishment), the date and time that the embalming took place, the name and signature of the embalmer and his license number must be noted in said book. This must be available at all times in full view for our inspector.

D. (1) Each funeral establishment shall meet the requirements as provided by law relative to personnel.

(2) Each funeral establishment licensed by this Board to conduct the business of funeral directing as defined in R.S. 37:831-861 must have as its owner, partner, or shareholder, a person or persons licensed by this Board.

If the funeral establishment is a sole proprietorship, then the sole proprietor must be licensed by this Board.

Should the funeral establishment be a partnership, then a partner who is in charge of the conduct of said business must be engaged in the practice of the science of embalming or the business of funeral directing or both and licensed by this Board. He must have at least a financial interest in the partnership, which financial interest shall be fixed at a minimum of ten percent.

Should the funeral establishment be a corporation, then a shareholder of said corporation who is in charge of the conduct of the business of said corporation must be engaged in the practice of the science of embalming or the business of funeral directing or both and licensed by this Board, and have a financial interest in said corporation fixed at a minimum of ten percent.

This rule shall not affect those funeral establishments which were licensed by this Board prior to the passage of this rule (12/20/78).

E. All auxiliary or branch establishments, except as hereinbelow provided, shall have layout, embalming, display, personnel, and facilities as required by this rule for funeral establishments.

Exceptions: The following auxiliary or branch establishments shall be exempt from the above requirements: (1) any establishment if it is within forty miles of the main establishment and can be practically served by the licensed personnel of the main establishment; (2) if said auxiliary or branch establishment exceeds forty miles and there exists a public need for said facilities. The nonexistence of any funeral establishment which serves the public need shall be presumptive evidence of "public need."

F. Each funeral establishment licensed by the Board shall keep a set of books or records showing the name of each body prepared for burial, the name of the licensed embalmer who did the embalming, the dates connected with death and burial, and other necessary information required by law. If and when a "trade embalmer" or outside embalmer, is called in or performs embalming, it is required that a record of his services be kept, showing his name and time when he was at the funeral establishment.

G. Any licensed funeral establishment in the State of Louisiana is hereby prohibited from sharing or permitting the use of said establishment, or from furnishing equipment for use therein, or from rendering personal service therein, or from, in any manner entering into any arrangement or agreement with any person, for and in the conduct of such business upon such premises, who is not himself maintaining a licensed funeral establishment.

H. No one licensed by this Board shall be employed in any capacity by an unlicensed funeral establishment.

Rule 5. Advertising.

A. The use of misleading or false advertising will constitute unprofessional conduct. The following classes of advertising shall be deemed to be misleading:

(1) Advertising the price of caskets exclusively, without stating the prices of other merchandise and services, since the natural inference of the public is that the advertised price of caskets includes the price of the service.

(2) Offering service at "cost" plus a percentage, when the determination of the "cost" lies within the control of the funeral director or embalmer and is not published.

(3) Advertising or sale of certificates or stock participation or any form of agreement which creates the impression with the purchaser, when such is not a fact, that he becomes a part owner in the advertiser's establishment and therefore entitled to special price privileges for funeral services.

(4) Advertising which impugns the honesty, trustworthiness, or business or professional standards of competitors, or which states that the prices charged by competitors are considerably higher than those charged by the advertiser, when such is not the fact.

(5) Advertising which represents the advertiser to be the special defender of the public interest or which makes it appear that the advertiser is subjected to the combined attack of competitors. Such expressions as "independent," "not in the trust," "not controlled by the combine," and other expressions having the same import shall be deemed to be misleading unless it be shown by the advertiser that there is a "trust," or a "combine" and that other funeral directors constitute a monopoly for the purpose of maintaining prices or for any other purpose; and the burden of proving such "trust," "combine," or "monopoly" shall be upon the advertiser asserting the existence of the same.

B. It is prohibited for a licensed funeral establishment to authorize advertising by others not licensed by this Board, when such advertising offers services and/or merchandise primarily performed and offered by a licensed funeral director/embalmer and establishment, as defined in R.S. 37:831-861. Such advertising shall be considered as an inducement when used along with or in conjunction with plans, merchandise, preneed plans, or the like which are normally sold by others. The above rule does not, however, prohibit a licensed funeral establishment from advertising an affiliation with an insurance company.

Rule 7. License Renewal and Reinstatement.

Section 1. All individual licenses issued by the Board shall expire on the first day of December of each year and must be renewed on or before the thirty-first day of December. All establishment licenses and preneed affidavits shall also expire on the first day of December and must be renewed on or before the thirty-first day of December following said expiration. Applications for renewal of licenses must be made to the Secretary of the Board, upon forms furnished by said Board, and must be accompanied by a renewal fee of twenty dollars for individual licenses for embalmers and/or funeral directors and not more than two hundred dollars for funeral establishments. There is no fee for the annual report or prepaid funeral service or merchandise.

Section 2. When a funeral director or embalmer has failed to renew his license, same may be reinstated provided application is made to the Board within five years from date of his failure to renew same. If application for renewal is filed within the prescribed time, applicant shall appear in person before the Board at a time specified and, if the Board is satisfied that the applicant has met all requirements as prescribed by law and the rules and

regulations for the Board, it shall issue a renewal license for the remaining portion of the current year in which application is made, upon payment of the regular application fee of one hundred dollars. If the funeral director or embalmer fails to renew within the specified time, he must qualify under the prescribed law and rules and regulations as amended.

Section 3. When a licensed funeral establishment fails to renew its license, it shall submit to an inspection; and if the Board is satisfied that the applying establishment meets all requirements, it shall issue a renewal license for the remaining portion of the current year upon payment of regular application fee of five hundred dollars.

Section 4. When a licensed funeral establishment or individual licensee renews the license it shall either be paid in cash, check, or money order. If, for any reason, the check or money order received is not paid by the bank for nonsufficient funds (NSF) or any other reason, the licensee or the firm forwarding the funds shall be assessed a penalty of ten dollars for individual license and twenty-five dollars for establishment license. In either event, the license fee and penalty must be in the office within ten days after the notice of NSF or nonpayment is received. In the event the money is not received within the ten day period, the regular delinquent assessment will be levied.

Section 5. The Board, after full review of a bona fide retired or disabled licensee applicant who has been licensed by this Board at least twenty years, has reached the age of legal retirement, or is disabled and is no longer actively involved in the professional pursuit of funeral directing or embalming and is completely separated from a licensed establishment doing business in this state, may permit a retirement/disabled classification that would waive the assessment fee for that particular year. This classification must be renewed each year upon proper application after review and passage by a majority vote of the Board.

* * * *

Rule 12. Mandatory Disclosure. Every funeral firm in this state and/or the funeral service licensee thereof shall give or cause to be given to the person or persons making funeral arrangements or arranging for the disposition of a dead human body, at the time such arrangements are completed and prior to the time of rendering the service and/or providing the merchandise, a written statement showing to the extent then known:

1. The price of the service that the person or persons have selected and what is included therein.
2. The price of each of the supplemental items of service and/or merchandise required.
3. The amount involved for each of the items for which the firm will advance monies as an accommodation to the family.
4. The method of payment.
5. No funeral firm shall bill or cause to be billed any item that is referred to as a "cash advance" item unless the net amount paid for such item or items by the funeral firm is the same as is billed by the funeral firm.

Section A. Every funeral firm in this state or funeral service licensee thereof shall have available in their display room and inside the casket within view of the general public, the price of that particular casket and/or services included therein.

Rule 13. Transportation.

Section 1. In accordance with the definition as worded in Section 831 of Louisiana Revised Statutes the term "funeral directing" shall mean any service whatsoever connected with management and supervision of any services or act connected with management of funerals from time of death until disposition of such bodies or body for burial, cremation, or transportation out of the state for burial and in order to comply with the proper handling of the dead human body it will be necessary and required that whenever a dead human body is transported for

disposition that it be in a container that eliminates direct contact by those not licensed to handle the dead and to offer protection to those who might come accidentally in contact with said body.

Section 2. No section of this regulation shall be interpreted to prohibit transportation of dead human bodies without the use of a container as specified in Section 1 hereof, in closed vehicles designed exclusively for the transportation of dead human bodies.

When remains are transported by private airline or other conveyance, not a common carrier, it must be in a closed container.

Rule 14. Injunction Proceedings. The Board may bring legal proceedings to enjoin a person or establishment violating the rules and regulations of this Board from practicing the science of embalming or conducting the business of funeral directing or operating a funeral establishment, as may be the case, until such person complies with the requirements of these rules and regulations. The injunction, if granted, shall not be suspended by bond or appeal and the person or establishment enjoined shall be case for attorney's fees not to exceed fifty dollars, and court costs.

Rule 15. Penalty. Whoever violates the rules and regulations of this Board shall be fined not less than three hundred dollars nor more than one thousand dollars for each offense, or imprisoned for not less than thirty days nor more than one hundred eighty days for each offense, or both such fine and imprisonment.

If a firm or association violates the provisions of these rules and regulations, all the members of the firm or association who knowingly violate said rules and regulations shall be subject to the penalty. If a corporation violates said rules and regulations, the members of the Board of directors and the officers of the corporation who knowingly violate said rules and regulations shall be subject to the penalty.

Lloyd E. Eagan, Secretary
Board of Embalmers and Funeral Directors

RULES

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the following policies and rules in the Medical Assistance Program:

1. Policy that sets reimbursement rates not to exceed the seventy-fifth percentile of arrayed costs reflected in cost reports submitted by the long term care facilities.
2. Increase in the dispensing fee allowance for prescriptions under the pharmaceutical services program. The maximum fee is set at \$3.28.
3. Policy that permits reimbursement at the lower of either the usual and customary charge or the state's established fee schedule to dentists participating in the Medical Assistance Program. This clarification in the reimbursement policy of the Medical Assistance Program assures compliance with federal regulations requiring all providers of medical service to charge and be reimbursed for services no more than is charged to the general public.
4. Increase in the rates of reimbursement to long term care facilities participating in the Medical Assistance Program. The rates for the specified levels of care are as follows:

	Daily	Monthly
Skilled Nursing Facility (SNF)	\$26.73	\$813.04
Intermediate Care Facility I (ICF I)	24.43	743.08
Intermediate Care Facility II (ICF II)	19.37	589.17

5. Policy that requires chiropractors and dentists to submit their claims for reimbursement within six months from the date of service.

6. Changes in the medically needy income eligibility standards (MNIES) as follows:

Rural—Medically Needy Income Eligibility Standard

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 53	\$ 125	\$ 375
2	98	133	399
3	139	192	576
4	173	233	699
5	206	275	825
6	236	317	951
7	267	358	1074
8	297	400	1200
9	325	433	1299
10	354	475	1425
11	384	517	1551
12	416	558	1674
13	450	600	1800
14	483	650	1950
15	516	692	2076
16	549	733	2199
17	582	783	2349
18	615	825	2475
19	651	875	2625
20	687	916	2748
21	723	967	2901
22	759	1017	3051
23	795	1067	3201
24	831	1117	3351
25	867	1167	3501
26	903	1217	3651
27	939	1267	3801
28	975	1317	3951
29	1011	1367	4101
30	1047	1417	4251

Urban—Medically Needy Income Eligibility Standard

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 57	\$ 133	\$ 399
2	110	150	450
3	152	208	624
4	187	250	750
5	221	300	900
6	252	342	1026
7	281	375	1125
8	311	417	1251
9	340	458	1374
10	368	492	1476
11	399	533	1599
12	431	575	1725
13	462	617	1851
14	495	667	2001
15	528	708	2124
16	564	758	2274
17	591	792	2376
18	629	842	2526
19	668	892	2676
20	707	950	2850
21	746	1000	3000
22	785	1050	3150
23	824	1100	3300
24	863	1150	3450

AFDC Flat

Family Size	Grant Amount	Monthly MNIES	Quarterly MNIES
25	902	1200	3600
26	941	1250	3750
27	980	1300	3900
28	1019	1350	4050
29	1058	1400	4200
30	1097	1450	4350

In the near future appropriate revisions shall be made to Section 19-107.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

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

The Department of Health and Human Resources, Office of Family Security, in accordance with the Administrative Procedures Act, adopted effective July, 1979, the following increased flat grant amounts in the Aid to Families with Dependent Children's Program, and increased payment levels in the General Assistance Program:

I. Increased Flat Grant Amount to be Included in Every AFDC Assistance Payment Budget.

A. Non-Urban Grant

Household Size	Flat Grant Amount
1	\$ 53
2	98
3	139
4	173
5	206
6	236
7	267
8	297
9	325
10	354
11	384
12	416
13	450
14	483
15	516
16	549
17	582
18	615

For each additional person add \$36 to the flat grant amount.

B. Urban Grant (Orleans, Jefferson, St. Bernard, E.B.R.)

Household Size	Flat Grant Amount
1	\$ 57
2	110
3	152
4	187
5	221
6	252
7	281
8	311
9	340
10	368
11	399

Household Size	Flat Grant Amount
12	431
13	462
14	495
15	528
16	564
17	591
18	629

For each additional person add \$39 to the flat grant amount

II. Increased Payment in General Assistance.

A. Persons in Certification

	Allowable Per Person
13 years and older	\$50
Birth through 12 years	\$35

B. Value of Available Income In-Kind.

	Food	Clothing	Incidentals
13 years and older	\$37.00	\$8.00	\$5.00
Birth through 12 years	\$24.50	\$6.00	\$4.50

C. GA Maximum Grants.

1. Regular Grant. The maximum amount paid for a regular grant (to include one-person Indochinese cases) shall be:

- \$75 when only one person is included in the certification.
- \$109 when two or more persons are included in the certification.

2. Special Grant. The maximum amount paid for a special GA grant shall be:

- \$110 when the budget plan includes an allowance for a special grant and only one person is included in the certification; \$115 when a special diet is approved and there are two or more persons in the certification.
- \$126 when the budget plan includes an allowance for special care in a foster family placement or discharge from a state mental institution.
- \$120 when the budget includes one person and an allowance is necessary for special care in his own home or home of a relative or in a private home by an unrelated person. \$125 when the budget includes two or more persons and special care as explained above is necessary.

3. Other Grants. The grants of eligible patients in Carville as specified in E.B. 963, and GA 111 and Handicapped Children (Type 94 and 96 cases) will be increased as follows:

- Patients in Carville grants will be increased from \$30 to \$35.
- GA 111 and Handicapped Children—The amount paid shall be the family budgetary deficit subject to \$110 maximum without inclusion of the extra cost of the child's special diet and/or essential transportation (if any) plus the cost of this item or items subject to a maximum of \$278.
- GA recipient receiving skilled nursing care in a skilled nursing home or care in an intermediate care facility, the personal care needs amount shall be \$22. The maximum payment amount is \$22; therefore, all GA recipients in long term care (LTC) facilities will receive a \$5 increase and newly certified GA, LTC recipients will receive a maximum grant of \$22.

4. Indochinese One-person Households. Indochinese one person households shall receive payment in accordance with the payment level applicable to a one-person GA certification.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, has amended Sections 7.01 through 7.1712 of Chapter VII of the Louisiana State Sanitary Code. All other sections of Chapter VII of the Louisiana State Sanitary Code shall remain as previously promulgated and reprinted on January 1, 1974.

Chapter VII

Eating and Drinking Establishments

7.01 General Provisions.

7.0101 Interpretation. This shall be liberally interpreted and applied to promote its underlying purpose of protecting the public health.

7.0102 Definitions. For the purpose of this regulation:

A. "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

B. "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

C. "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

D. "Employee" means the permit holder, individuals having supervisory or management duties and any other person working in a food service establishment.

E. "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dish-washing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

F. "Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

G. "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

H. "Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

I. "Food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and seasonal operations. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores (unless food is prepared), the location of food vending machines, and supply vehicles.

J. "Hermetically sealed container" means a container designed and intended to be secure against microorganisms and to maintain the commercial sterility of its contents after processing.

K. "Kitchenware" means all multi-use utensils other than tableware.

L. "Law" includes federal, state, and local statutes, ordinances, and regulations.

M. "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

N. "Packaged" means bottled, canned, cartoned, or securely wrapped.

O. "Person" includes an individual, partnership, corporation, association, or other legal entity.

P. "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

Q. "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

R. "Pushcart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures.

S. "Reconstituted" means dehydrated food products recombined with water or other liquids.

T. "Regulatory authority" means the state and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

U. "Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected, directly or indirectly, to become a component of or otherwise affect the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, they are "safe" only if they are used in conformity with regulations established pursuant to section 409 or section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, and are used in conformity with all applicable regulations of the Food and Drug Administration.

V. "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

W. "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

X. "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded.

Y. "Tableware" means multi-use eating and drinking utensils.

Z. "Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than fourteen consecutive days in conjunction with a single event or celebration.

AA. "Utensil" means any implement used in the storage, preparation, transportation, or service of food.

7.0103 Separability. If any provision or application of any provision of this regulation is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

7.0200 Food Supplies.

7.0201 General. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human

consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

7.0202 Special Requirements.

A. Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.

B. Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

C. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

Food Protection

7.0203 General. At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, animals, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be 45°F or below or 140°F or above at all times, except as otherwise provided.

7.0204 Emergency Occurrences. In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

Food Storage

7.0205 General.

A. Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

B. Containers of food shall be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

1. Metal pressurized beverage containers, and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture.

2. Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.

C. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for

automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.

D. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

E. Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

F. Unless its identity is unmistakable, bulk food, such as cooking oil, syrup, salt, sugar, or flour, not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name.

7.0206 Refrigerated Storage.

A. Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers.

B. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45°F or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed four hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45°F or below.

C. Frozen food shall be kept frozen and should be stored at a temperature of 0°F or below.

D. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

7.0207 Hot Storage.

A. Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bains-marie, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

B. The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140°F or above unless maintained in accordance with paragraph B of section 7.0206.

Food Preparation

7.0208 General. Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed, and sanitized to prevent cross-contamination.

7.0209 Raw Fruits and Raw Vegetables. Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

7.0210 Cooking Potentially Hazardous Foods. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F, except that:

A. Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F with no interruption of the cooking process.

B. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F.

C. Rare roast beef shall be cooked to an internal temperature of at least 130°F, and rare beef steak shall be cooked to a temperature of 130°F unless otherwise ordered by the immediate consumer.

7.0211 Dry Milk and Dry Milk Products. Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

7.0212 Liquid, Frozen, Dry Eggs and Egg Products. Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

7.0213 Reheating. Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bains-marie, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

7.0214 Nondairy Products. Nondairy products must comply with all provisions of Chapter V of the Sanitary Code.

7.0215 Product Thermometers. Metal, stem-type, numerically scaled, indicating thermometers, accurate to plus or minus 2°F, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

7.0216 Thawing Potentially Hazardous Foods. Potentially hazardous foods shall be thawed:

A. In refrigerated units at a temperature not to exceed 45°F; or

B. Under potable running water of a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or

C. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

D. As part of the conventional cooking process.

Food Display and Service

7.0217 Potentially Hazardous Foods. Potentially hazardous food shall be kept at an internal temperature of 45°F or below or at an internal temperature of 140°F or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F.

7.0218 Milk and Cream Dispensing.

A. Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half-gallon capacity.

B. Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

7.0219 Nondairy Product Dispensing. Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

7.0220 Condiment Dispensing.

A. Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with section 7.0224 of this chapter.

B. Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use shall be provided in protected individual packages or in pour-type dispensers.

7.0221 Ice Dispensing. Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice-self-dispensing utensils or through automatic service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.

7.0222 Dispensing Utensils. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:

- A. Stored in the food with the dispensing utensil handle extended out of the food; or
- B. Stored clean and dry; or
- C. Stored in running water; or
- D. Stored either in a running water dipper well, or clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

7.0223 Reservice. Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.

7.0224 Display Equipment. Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases, or by other effective means. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

7.0225 Reuse of Tableware. Reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement.

Food Transportation

7.0226 General. During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of this chapter relating to food protection and food storage.

7.0300 Employee Health.

7.0301 General. No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

Personal Cleanliness

7.0302 General. Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.

Clothing

7.0303 General.

A. The outer clothing of all employees shall be clean.

B. Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces.

Employee Practices

7.0304 General.

A. Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.

B. Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing or for food preparation. Employees shall use tobacco only in designated areas. An employee tobacco-use area shall not be designated for that purpose if the use of tobacco there may result in contamination of food, equipment, utensils, or other items needing protection.

C. Employees shall handle soiled tableware in a way that minimizes contamination of their hands.

D. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.

7.0400 Equipment and Utensils.

7.0401 General. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

7.0402 Solder. If solder is used, it shall be composed of safe materials and be corrosion resistant.

7.0403 Wood. Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in section 7.0401 may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

7.0404 Plastics. Safe plastic or safe rubber or safe rubberlike materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in section 7.0401 are permitted for repeated use.

7.0405 Mollusk and Crustacea Shells. Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.

7.0406 Single Service. Reuse of single service articles is prohibited.

Equipment

7.0407 General. All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

A. Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.

B. Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

C. Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice: Provided, that such tubing is fabricated from safe materials, is grommited at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.

D. Sinks and drain boards shall be self-draining.

7.0408 Accessibility. Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

A. Without being disassembled; or

B. By disassembling without the use of tools; or

C. By easy disassembling with the use of only simple tools such as a mallet, a screwdriver, or an open-end wrench kept available near the equipment.

7.0409 In-Place Cleaning. Equipment intended for in-place cleaning shall be so designed and fabricated that:

A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen.

B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces.

C. The system is self-draining or capable of being completely evacuated.

7.0410 Pressure Spray Cleaning. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

7.0411 Thermometers. Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to plus or minus 2°F.

7.0412 Nonfood-Contact Surfaces. Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

7.0413 Ventilation Hoods. Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place and shall not become a nuisance to adjacent premises.

7.0414 Existing Equipment. Equipment that was installed in a food service establishment prior to the effective date of this regulation, and that does not fully meet all of the design and fabrication requirements of this section, shall be deemed acceptable in that

establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this regulation shall meet the requirements of this regulation.

Equipment Installation and Location

7.0415 General. Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines or water lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

7.0416 Table-Mounted Equipment.

A. Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four-inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

B. Equipment is portable within the meaning of section 7.0416 A.

7.0417 Floor-Mounted Equipment. Floor-mounted equipment, unless readily movable, shall be:

A. Sealed to the floor; or

B. Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or

C. Elevated on legs to provide at least a six-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four-inch clearance between the floor and equipment if no part of the floor under the mixer is more than six inches from cleaning access.

7.0418 Aisles and Working Spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

7.0500 Cleaning, Sanitization and Storage of Equipment and Utensils.

7.0501 Cleaning Frequency.

A. Tableware shall be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

7.0502 Wiping Cloths.

A. Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumers, shall be clean, dry and used for no other purpose.

B. Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in section 7.0503 and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

C. Moist cloths or sponges used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified in section 7.0502 and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

7.0503 Manual Cleaning and Sanitizing.

A. For manual washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.

B. Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

C. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence:

1. Sinks shall be cleaned prior to use.

2. Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

3. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.

4. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in section 7.0503.

E. The food-contact surfaces of all equipment and utensils shall be sanitized by:

1. Immersion for at least one-half minute in clean, hot water at a temperature of at least 170°F; or

2. Immersion for at least one minute in a clean solution containing at least fifty parts per million of available chlorine as a hypochlorite and at a temperature of at least 75°F; or

3. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F; or

4. Immersion in a clean solution containing any other approved chemical sanitizing agent that will provide the equivalent bactericidal effect of a solution containing at least fifty parts per million of available chlorine as a hypochlorite at a temperature of at least 75°F for one minute; or

5. Treatment with steam, free from deleterious materials or additives, in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

6. Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that

particular sanitizing solution under section 7.0503 in the case of equipment too large to sanitize by immersion.

F. When hot water is used for sanitizing, the following facilities shall be provided and used:

1. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F.

2. A numerically scaled indicating thermometer, accurate to plus or minus 3°F, convenient to the sink for frequent checks of water temperature.

3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under section 178.1010 of the 1976 Food Sanitation Manual (Department of Health, Education and Welfare (DHEW) Publication No. (FDA) 78-2081) and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

7.0504 Mechanical Cleaning and Sanitizing.

A. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.

B. The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than fifteen nor more than twenty-five pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A permanently installed pressure regulatory and pressure gauge accessible to operator of machine and health authority shall be provided.

C. Machine or water line mounted numerically scaled indicating thermometers, accurate to plus or minus 3°F, shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

D. Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines.

E. Drain boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

F. Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a pre-wash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

G. Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used, provided, that:

1. The temperature of the wash water shall not be less than 120°F.
2. The wash water shall be kept clean.
3. Chemicals added for sanitization purposes shall be automatically dispensed.
4. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time and concentration.
5. The chemical sanitizing rinse water temperature shall be not less than 75°F nor less than the temperature specified by the machine's manufacturer.
6. Approved chemical sanitizers shall be used.
7. A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

H. Machines using hot water for sanitizing may be used, provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated in section 7.0504, and when checked at the dish surface shall not be less than 160°F as indicated by paper "stick-on" thermometers or less than 170°F by maximum reading thermometers.

1. Single-tank, stationary-rack, dual-temperature machine: wash temperature—150°F, final rinse temperature—180°F.
2. Single-tank, stationary-rack, single-temperature machine: wash temperature—165°F, final rinse temperature—165°F.
3. Single-tank, conveyor machine: wash temperature—160°F, final rinse temperature—180°F.
4. Multitank, conveyor machine: wash temperature—150°F, pumped rinse temperature—160°F, final rinse temperature—180°F.
5. Single-tank, pot, pan, and utensil washer (either stationary or moving-rack): wash temperature—140°F, final rinse temperature—180°F.

I. All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

7.0505 Drying. After sanitization, all equipment and utensils shall be air dried.

Equipment and Utensil Storage

7.0506 Handling. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

7.0507 Storage.

A. Cleaned and sanitized utensils and equipment shall be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

B. Utensils shall be air dried before being stored or shall be stored in a self-draining position.

C. Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be

designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

7.0508 Single-Service Articles.

A. Single-service articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

B. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.

C. Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

7.0509 Prohibited Storage Area. The storage of food equipment, utensils or single-service articles in toilet rooms or vestibules is prohibited.

7.0600 Water Supply.

7.0601 General. Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law.

7.0602 Transportation. All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system. Both of these systems shall be constructed and operated according to law.

7.0603 Bottled Water. Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

7.0604 Water Under Pressure. Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

7.0605 Steam. Steam used in contact with food or food-contact surfaces shall be free from deleterious materials or additives.

Sewage

7.0606 General. All sewage, including liquid waste, shall be disposed of by a public sewage or by a sewage disposal system constructed and operated according to law. Nonwater-carried sewage disposal facilities are prohibited, except as permitted by sections 7.0901 through 7.0908 pertaining to temporary food service establishments or as permitted by the regulatory authority in remote areas or because of special situations.

Plumbing

7.0607 General. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other source of water of lesser chemical quality or less stringent safety and quality control nor any source of pollution through which the potable water supply might become contaminated.

7.0608 Nonpotable Water System. A nonpotable water system is permitted only for purposes such as airconditioning and fire protection and only if the system is installed according to law and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The pip-

ing of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

7.0609 Backflow. The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back-siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

7.0610 Grease Traps. If used, grease traps shall be located to be easily accessible for cleaning.

7.0611 Garbage Grinders. If used, garbage grinders shall be installed and maintained according to law.

7.0612 Drains. Except for properly trapped open sinks, there shall be no direct connection between the sewage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a dishwashing machine is located within five feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

Toilet Facilities

7.0613 Toilet Installation. Toilet facilities shall be installed according to law, shall be the number required by law, shall be conveniently located, and shall be accessible to employees at all times.

7.0614 Toilet Design. Toilets and urinals shall be designed to be easily cleanable.

7.0615 Toilet Rooms. Toilet rooms shall be completely enclosed, well-lighted and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance, except as provided by law. They shall also have positive ventilation.

7.0616 Toilet Fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

Lavatory Facilities

7.0617 Lavatory Installation.

A. Lavatories shall be at least the number required by law, shall be installed according to law, and shall be located to permit convenient use by all employees in food preparation areas and utensil-washing areas.

B. Lavatories shall be accessible to employees at all times;

C. Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for hand-washing.

7.0618 Lavatory Faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least fifteen seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

7.0619 Lavatory Supplies. A supply of hand-cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

7.0620 Lavatory Maintenance. Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

Garbage and Refuse

7.0621 Containers.

A. Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.

B. Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

C. Containers stored outside the establishment, and dumpsters, compactors and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

D. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

E. Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

7.0622 Storage.

A. Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

B. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect-proof and rodent-proof and shall be large enough to store the garbage and refuse containers that accumulate.

C. Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt that is kept clean and maintained in good repair.

7.0623 Disposal.

A. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

B. Where garbage or refuse is burned on the premises, it shall be done by approved controlled incineration that prevents the escape of smoke and particulate matter in accordance with law. Areas around incineration facilities shall be clean and orderly.

Insect and Rodent Control

7.0624 General. Safe effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

7.0625 Openings. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tightfitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of

breaks. Screening material shall not be less than sixteen mesh to the inch.

7.0700 Floors.

7.0701 Construction. Floors and floor coverings of all food preparation, food storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.

7.0702 Carpeting. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

7.0703 Prohibited Covering. The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.

7.0704 Drains. Properly installed, trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.

7.0705 Mats and Duckboards. Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design, and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.

7.0706 Junctures. In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile or similar flooring materials, and where water-flush cleaning methods are used, the junctures between walls and floors shall be covered and sealed.

7.0707 Utility Line Installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

Walls and Ceilings

7.0708 Maintenance. Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

7.0709 Construction. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules shall be light colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.

7.0710 Exposed Construction. Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms, and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

7.0711 Utility Line Installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms, and vestibules.

7.0712 Attachments. Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls

and ceilings shall be easily cleanable and shall be maintained in good repair.

7.0713 Covering Material Installation. Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

Cleaning Physical Facilities

7.0714 General. Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping compounds with brooms.

7.0715 Utility Facility. In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mopwater or similar liquid wastes. The use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.

Lighting

7.0716 General.

A. Permanently fixed artificial light sources shall be installed to provide at least twenty footcandles of light on all food preparation surfaces and at equipment or utensil-washing work levels.

B. Permanently fixed artificial light sources shall be installed to provide, at a distance of thirty inches from the floor:

1. At least twenty footcandles of light in utensil and equipment storage areas and in lavatory and toilet areas.

2. At least ten footcandles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.

7.0717 Protective Shielding.

A. Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

B. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

Ventilation

7.0718 General. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create an unsightly, harmful or unlawful discharge.

7.0719 Special Ventilation.

A. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

B. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside.

Dressing Rooms and Locker Areas

7.0720 Dressing Rooms and Areas. If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage or service, or for utensil washing or storage.

7.0721 Locker Areas. Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food

storage rooms or areas containing only completely packaged food or packaged single-service articles.

Poisonous or Toxic Material

7.0722 **Materials Permitted.** There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

7.0723 **Labeling of Toxic Materials.** Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

7.0724 **Storage of Materials.**

A. Poisonous or toxic materials consist of the following categories:

1. Insecticides and rodenticides.
2. Detergents, sanitizers, and related cleaning or drying agents.
3. Caustics, acids, polishes, and other chemicals.

B. Each of the three categories set forth in paragraph A of this section shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

7.0725 **Use of Toxic Materials.**

A. Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

B. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

7.0726 **Personal Medications.** Personal medications shall not be stored in food storage, preparation or service areas.

7.0727 **First-aid Supplies.** First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

Premises

7.0728 **General.**

A. Food service establishments and all parts of property used in connection with their operations shall be kept free of litter.

B. The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter.

C. Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.

D. The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.

7.0729 **Living Areas.** No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Any entrance from living or sleeping quarters shall be provided completely separate from the food service—preparation areas.

7.0730 **Laundry Facilities.**

A. Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

B. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

7.0731 **Linens and Clothes Storage.**

A. Clean clothes and linens shall be stored in a clean place and protected from contamination until used.

B. Soiled clothes and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

7.0732 **Cleaning Equipment Storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner for the cleaning of that storage location.

7.0733 **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons, shall be permitted in dining areas.

7.0800 **Mobile Food Units or Pushcarts.**

7.0801 **General.** Mobile food units or pushcarts shall comply with the requirements of this chapter, except as otherwise provided in this paragraph and in section 7.0802. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this chapter relating to physical facilities, except those requirements of sections 7.0804, 7.0805, 7.0806, 7.0807 and 7.0808.

7.0802 **Restricted Operation.** Mobile food units or pushcarts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this regulation, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this ordinance pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary.

7.0803 **Single-service Articles.** Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

7.0804 **Water System.** A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of this regulation. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this regulation. An approved gauge shall be provided to determine contents level.

7.0805 **Waste Retention.** If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least fifteen percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than

those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. An approved gauge shall be provided to determine contents level.

Commissary

7.0806 Base of Operations.

A. Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

B. The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of this chapter.

Servicing Area and Operations

7.0807 Servicing Area.

A. A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.

B. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

C. The construction of the walls and ceilings of the servicing area is exempted from the provisions of sections 7.0708 through 7.0713.

7.0808 Servicing Operations.

A. Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.

B. The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with section 7.0606.

7.0900 Temporary Food Service.

7.0901 General. A temporary food service establishment shall comply with the requirements of this regulation except as otherwise provided in this chapter. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this regulation.

7.0902 Restricted Operations.

A. These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of section 7.0901 to operate without complying with all the requirements of this chapter.

B. Only those potentially hazardous foods requiring limited preparation. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this chapter, is obtained in individual servings, is stored at a temperature of 45°F or below or at a temperature of 140°F or above in facilities meeting the requirements of this regulation, and is served directly in the unopened container in which it was packaged.

7.0903 Ice. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this regulation. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled

and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

7.0904 Equipment.

A. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

B. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

7.0905 Single-service Articles. All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

7.0906 Water. Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

7.0907 Wet Storage. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

7.0908 Waste. All sewage, including liquid waste, shall be disposed of according to law.

7.0909 Handwashing. A convenient handwashing facility shall be available for employee handwashing.

7.0910 Floors. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings or other suitable materials effectively treated to control dust.

7.0911 Walls and Ceilings of Food Preparation Areas.

A. Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least sixteen mesh to the inch.

B. Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

7.1000 Permits.

7.1001 General. No person shall operate a food service establishment who does not have a valid permit issued to him by the regulatory authority. Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every food service establishment.

7.1002 Issuance of Permit.

A. Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant.

B. Prior to approval of an application for a permit, the regulatory authority shall inspect the proposed food service establishment to determine compliance with the requirements of this regulation.

C. The regulatory authority shall issue a permit to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this chapter.

7.1003 Suspension of Permit.

A. The regulatory authority may, without prior warning, notice, or hearing suspend any permit to operate a food service establishment if the holder of the permit does not comply with the requirements of this chapter, or if the operation of the establishment does not comply with the requirements of this chapter, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by section 7.1003 B of this chapter. When a permit is suspended, food service operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for hearing within twenty days of receipt of a request for hearing.

B. Whenever the permit is suspended, the holder of the charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the regulatory authority by the holder of the permit within ten days. If no written request for hearing is filed within ten days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

7.1004 Revocation of Permit.

A. The regulatory authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this regulation or for interference with the regulatory authority in the performance of duty.

B. Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

7.1005 Service of Notices. A notice provided for in this chapter is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

7.1006 Hearing. The hearings provided for in this chapter shall be conducted by the regulatory authority at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The regulatory authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind and notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

7.1007 Application after Revocation. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit, and must demonstrate full compliance with all code requirements.

Inspections

7.1008 Frequency. An inspection of a food service establishment shall be performed at least once every two months. Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of this chapter.

7.1009 Access. Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this chapter. The

representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

7.1010 Report of Inspections. Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on an inspection report form provided for this purpose. The inspection report form shall summarize the requirements of this chapter and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

7.1011 Correction of Violations.

A. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

1. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment's permit shall be suspended immediately. Operations shall not be resumed until authorized by the regulatory authority.

2. All violations of four- or five-point weighted items shall be corrected as soon as possible, but in any event, within ten days following inspection. Within fifteen days after the inspection, the holder of the permit shall submit a written report to the regulatory authority stating that the four- or five-point weighted violations have been corrected. A followup inspection shall be conducted to confirm correction.

3. All one- or two-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

4. When the rating score of the establishment is less than sixty, the establishment shall initiate corrective action on all identified violations within forty-eight hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.

5. In the case of temporary food service establishments, all violations shall be corrected within twenty-four hours. If violations are not corrected within twenty-four hours, the establishment's permit shall be suspended immediately until authorized to resume by the regulatory authority.

B. The inspection report shall state that failure to comply with any time limits for corrections may result in suspension of the permit. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the regulatory authority within ten days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty days of receipt of the request.

C. Whenever a food service establishment is required under the provisions of section 7.1011 to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

Examination and Condemnation of Food

7.1012 General. Food may be examined or sampled by the regulatory authority as often as necessary for enforcement of this chapter. The regulatory authority may, upon written notice to the

owner or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of sections 7.0201, 7.0202, or and other section. The regulatory authority shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The regulatory authority shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this chapter.

Review of Plans

7.1013 Submission of Plans. Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications if they meet the requirements of this chapter. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority.

7.1014 Preoperational Inspection. Whenever plans and specifications are required by section 7.1013 to be submitted to the regulatory authority, the regulatory authority shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this chapter.

Procedure when Infection Is Suspected

7.1015 General. When the regulatory authority has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:

A. The immediate exclusion of the employee from employment in food service establishments.

B. The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists.

C. Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

7.1016 Penalties. Any person (or responsible officer of that person) who violates a provision of this regulation and any person (or responsible officer of that person) who is the holder of a permit or who otherwise operates a food service establishment that does not comply with the requirements of this regulation, shall be subject to penalties as defined in R.S. 40:6.

7.1017 Injunctions. The regulatory authority may seek to enjoin those who violate any part of this regulation pursuant to the authority granted by R.S. 40:6.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Health and Human Resources Office of Health Services and Environmental Quality

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, has amended Sections 25A1, 25A4, 2, 4, 9, 11, 12, 14, 14.1, 16, 17, 18, 19, 22, 24, 25, 29 and 31 of Chapter XXV of the Louisiana State Sanitary Code, as follows.

Amendments to Chapter XXV of the State Sanitary Code

The following sections of Chapter XXV, Frozen Desserts Regulations and Definitions, have been deleted in their entirety and have been substituted as follows:

25.A.1 General Requirements. The processing, handling, and distribution of milk and milk products in the manufacture of frozen desserts shall conform to the minimum requirements for Grade A milk as prescribed in Chapter V of the Louisiana State Sanitary Code. All milk and milk products shall be of quality approved by the State Health Officer. Counter freezer operations which freeze mixes and sell only at retail on the premises shall comply with: (a) only mixes that have been processed and packaged in an approved plant shall be allowed; (b) mixes which require reconstitution are not allowed; (c) counter freezers used for freezing mixes which contain milk solids, milk fat, or vegetable fat shall be located only in premises which meet the minimum requirements for eating and drinking establishments as prescribed in Chapter VII of the Louisiana State Sanitary Code; (d) no self-serve soft serve frozen desserts operation shall be allowed; (e) the frozen dessert operator shall be a food handler other than the cashier of a grocery or convenience store.

* * * *

25.A.4 Bacterial Count. The average bacterial plate count of pasteurized mix or frozen desserts shall at no time exceed fifty thousand per gram and the coliform count shall not be more than ten per gram, except that the coliform count of those frozen desserts which contain fruits, nuts, chocolate or other bulky flavors shall not exceed twenty per gram.

* * * *

Section 2. Sweetening Ingredients Permitted.

(a) The following optional nutritive sweetening ingredients may be used in the manufacture of frozen desserts: (1) sugar (sucrose); (2) dextrose; (3) invert sugar syrup; (4) corn syrup, dried corn syrup; (5) maple syrup, maple sugar; (6) honey; (7) caramel; (8) brown sugar; (9) cane syrup and edible cane molasses; (10) maltose or malt sugar, malt syrup.

(b) The use of saccharin or other nonnutritive sweetening ingredients is prohibited except in special dietetic foods.

* * * *

Section 4. Milk and Milk Products Permitted. The following optional milk or milk products may be used: (1) milk, (2) cream, (3) fluid skim milk, (4) sweetened and unsweetened evaporated skimmed milk, (5) sweetened and unsweetened evaporated milk, (6) sweetened and unsweetened condensed milk, (7) sweetened and unsweetened condensed skim milk, (8) dry powdered whole milk, (9) dry powdered skim milk, (10) or any of these products

from which lactose has been wholly or partially removed, (11) butter, (12) plastic or extra heavy cream, (13) malted milk, (14) dried cream, (15) butter oil, (16) sweet cream buttermilk, (17) condensed sweet cream buttermilk, (18) dried sweet cream buttermilk, (19) concentrated cheese whey and dried cheese whey. Any concentrated cheese whey and dried cheese whey used shall not contribute more than twenty-five per cent by weight of the total nonfat milk solids content of the finished food. The use of milk products enriched with vitamins or other enrichment ingredients may be allowed at the discretion of the State Health Officer. The terms "milk" and "cream," as used herein, mean cows' milk and cream. No sour or otherwise decomposed dairy products shall be used. The term "sour dairy product" means any dairy ingredient having an abnormally high acidity in excess of 0.25 percent (calculated as lactic acid).

* * * *

Section 9. Ice Cream. Ice cream is a frozen dessert prepared with one or more of the optional milk or milk products as prescribed in Section 4, sweetened with one or more optional sweetening agents prescribed in Section 2, with or without eggs or egg products, fruit or fruit juices, confection or other flavoring ingredients prescribed in Section 5, with or without harmless coloring. It shall contain not less than ten percent milk fat, ten percent nonfat milk solids, except that the nonfat milk solids level may be reduced as the milk fat level is increased. (See chart below.)

Percent Milk Fat	Minimum Percent Nonfat Solids
10	10
11	9
12	8
13	7
14	6

It shall contain not less than twenty percent, by weight, of total milk solids, and not more than one-half percent by weight of harmless stabilizer or binder, except that when the ingredients include eggs, fruit or fruit juices, specially prepared cereal flavoring, cocoa or chocolate, or nuts used for the purpose of flavoring, the ice cream may not test less than eight percent milk fat and sixteen percent total milk solids. The finished ice cream shall contain not less than 1.6 pounds of total food solids to the gallon and shall weigh not less than 4.5 pounds per gallon. Caseinates may be used once the twenty percent total milk solids requirement is met.

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Section 11. Nut Ice Cream. Nut ice cream is a frozen dessert which complies with the definition and standard of identity for ice cream as prescribed in Section 9 and which also contains properly prepared nut meats in such quantity that the finished product shall contain not less than three percent, by weight, of nuts. The butter fat and total milk solids content shall be the same as for ice cream (Section 9) with the exception that a reduction in these ingredients due solely to dilution of the ice cream mix with the nut ingredient is allowed. In no case shall it contain less than eight percent milk fat, nor less than sixteen percent of total milk solids, nor more than one-half percent of stabilizer or binder. The finished product shall in no case contain less than 1.6 pounds of total food solids per gallon and shall weigh not less than 4.5 pounds per gallon.

Section 12. Frozen Custard, French Ice Cream, French Custard Ice Cream. Frozen custard is French ice cream or French custard ice cream which is a frozen dessert made from a cooked combination of the ingredients prescribed for ice cream in Section 9. It shall comply with the requirements prescribed for ice cream in Section 9, except that frozen custard or French ice cream shall contain not less than two and one-half dozen egg yolks, or three-fourths pounds of dry egg yolks, or one and one-half pounds of frozen egg

yolks, or the equivalent of egg yolks in any other form for each ninety pounds of frozen custard or French ice cream.

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Section 14. Ice Milk. Ice milk is a frozen dessert prepared with one or more of the optional milk or milk products prescribed in Section 4, sweetened with one or more of the optional sweetening agents prescribed in Section 2 with or without eggs or egg products, fruit or fruit juices, confection or other optional flavoring ingredients prescribed in Section 5, with or without harmless coloring. It shall contain not less than three percent, by weight, of milk fat and not less than eleven percent, by weight, of total milk solids, not more than one-half percent by weight of harmless stabilizer or binder except that when the ingredients include eggs, fruit or fruit juices, confection, specially prepared cereal flavoring, cocoa or chocolate, or nuts used for the purpose of flavoring, such reduction of the percentage of milk fat and nonfat solids as may be due to the addition of such ingredient shall be allowed, but not to exceed twenty percent. The finished ice milk shall contain not less than 1.3 pounds of total food solids to the gallon and shall weigh not less than 4½ pounds per gallon. Caseinates may be added once the eleven percent total milk solids requirement is met.

Section 14.1 Frozen Yogurt. Frozen yogurt is a frozen dessert prepared with one or more of the optional milk or milk products prescribed in Section 5 of this Chapter, sweetened with one or more of the optional sweetening agents prescribed in Section 2, with or without eggs or egg products, fruit or fruit juices, confection or other optional flavoring ingredients prescribed in Section 5, with or without harmless coloring, which is cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. The standard plate count requirements for the product shall apply only to the mix prior to culturing. The finished yogurt shall weigh not less than five pounds per gallon. For the purpose of this regulation, the strains of bacteria may be collectively referred to as yogurt culture. It shall contain not less than three and one-fourth percent, by weight, of milk fat.

Section 14.2 Frozen Lowfat Yogurt. Frozen lowfat yogurt is a frozen dessert prepared with one or more of the optional milk or milk products prescribed in Section 4 of this Chapter, sweetened with one or more of the optional sweetening agents prescribed in Section 2, with or without eggs or egg products, fruit or fruit juices, confection or other optional flavoring ingredients prescribed in Section 5, with or without harmless coloring, which is cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. The standard plate count requirement for the product shall apply only to the mix prior to culturing. The finished product shall weigh not less than five pounds per gallon. For the purpose of this regulation, the strains of bacteria may be collectively referred to as yogurt culture. It shall contain not less than one-half percent and not more than two percent, by weight, of milk fat.

Section 14.3 Frozen Nonfat Yogurt. Frozen nonfat yogurt is a frozen dessert prepared with one or more of the optional milk or milk products prescribed in Section 4 of this Chapter, sweetened with one or more of the optional sweetening agents prescribed in Section 2, with or without eggs or egg products, fruit or fruit juices, confection, or other optional flavoring ingredients prescribed in Section 5, with or without harmless coloring, which is cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. The standard plate count requirement for the product shall apply only to the mix prior to culturing. The finished product shall weigh not less than five pounds per gallon. For the purpose of this regulation, the strains of

bacteria may be collectively referred to as yogurt culture. It shall contain less than one-half percent, by weight, of milk fat.

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Section 16. Fruit Sherbet. Fruit Sherbet is a frozen dessert made from one or more optional milk or milk products prescribed in Section 4, water and one or more sweetening ingredients prescribed in Section 2 with not more than one-half percent of stabilizer or binder with fruit or fruit juice ingredients in such an amount that the finished product shall contain not less than twenty percent, by weight, of such fruit ingredient, with or without addition of organic food acid. The finished product shall contain not less than 0.35 percent of organic acid calculated as lactic acid. The quantity of optional milk or milk products used shall be such that the finished product shall contain not less than one percent of milk fat and not more than ten percent of total milk solids. The finished product shall weigh not less than six pounds per gallon.

Section 17. Fruit Sherine. Fruit Sherine is a frozen dessert composed of food fats as prescribed in Section 6, and milk solids, not fat, as prescribed in Section 4, water and one or more sweetening ingredients as prescribed in Section 2 with not more than one percent of stabilizer or binder with fruit or fruit juice ingredients in such an amount that the finished product shall contain not less than twenty percent by weight of such frozen ingredients with or without addition of organic food acid. The finished product shall contain not less than 0.35 percent of organic acid calculated as lactic acid. The finished product shall contain not less than one percent of vegetable or animal fat and not more than ten percent of food fats and milk solids not fat. Not more than one percent of stabilizer or binder may be used. The finished product shall weigh not less than six pounds per gallon.

Section 18. Sherbet. Sherbet is a frozen dessert which complies with the definition and standard of identity of fruit sherbet as prescribed in Section 16, with the exceptions that artificial flavoring may be substituted in whole or in part for the true fruit ingredient, and the butter fat content shall not be less than one percent.

Section 19. Sherine. Sherine is a frozen dessert which complies with the definitions and standards of identity of fruit sherine as prescribed in Section 17, with the exceptions that artificial flavoring in whole or in part may be substituted for the true fruit ingredient and the fat content shall not be less than one percent. Artificial color may be used.

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The following section will be deleted in its entirety.

Section 22. Frozen Malt Ice Cream or Frosted Malt Ice Cream.

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Section 24. Malted Milk Shake or Malted Milk Drink. Malted milk shake or malted milk drink is a product served on the premises where prepared, and consisting of ice cream, or ice milk, fluid milk and malt, with or without the addition of flavoring. The finished product shall contain not less than two percent milk fat.

Section 25. Milk Shake. Milk shake is a product served on the premises where prepared, and consisting of ice cream, or ice milk, fluid milk, with or without the addition of flavoring. The finished product shall contain not less than two percent milk fat.

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Section 29. Method of Analysis. Methods of analysis to be used in determination of compliance of frozen deserts with these regulations shall be those recommended by the Association of Official Analytical Chemists or the American Public Health Association. In the absence of such methods any scientifically sound method may be employed.

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Section 31. Labeling of Frozen Desserts. All packages and containers enclosing frozen desserts defined in these regulations shall

be plainly labeled or marked in accordance with the requirements of the Fair Packaging and Labeling Act.

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All other sections of Chapter XXV of the Louisiana State Sanitary Code shall remain as previously promulgated and reprinted on January 1, 1977.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Health and Human Resources Office of Health Services and Environmental Quality

State Sanitary Code - Chapter 15 School and Public Buildings

Delete Paragraph 15.2 and substitute the following:

15.2 Approval of Plans. No person, partnership or corporation shall erect new school facilities or make major additions or alterations to existing schools, until plans and specifications therefor have been submitted to and approved in writing by the State Health Officer or his duly authorized representative and by the State Department of Education. Reviews shall be made to determine compliance with this Code and for determination of adequate provisions for the promotion and protection of the health and safety of school students, teachers, and employees.

Delete Paragraph 15.3, including sub-paragraphs 15.3.1-7, and substitute the following:

15.3 General Building Requirements.

15.3.1 A minimum of twenty square feet of floor space shall be provided for each student in each classroom.

15.3.2 All classrooms shall be well ventilated. Where air conditioning (cooling and heating) is provided in windowless type construction (window areas which can be readily opened for ventilation is less than 10 percent floor area), a minimum outside air make up of five cubic feet per minute per student shall be provided. Such systems shall be capable of delivering 100 percent total outside air to the classrooms and be provided with appropriate air relief arrangements.

15.3.3 Artificial lighting shall be provided in all classrooms with a minimum level of illumination of fifty foot candles on the desks throughout the room. The light sources shall be so arranged as to distribute light uniformly and to avoid glare. The artificial lighting luminaires shall provide a "visual comfort probability" (VCP) of not less than seventy in the room. (The VCP is defined as a rating system developed through the efforts of the Illuminating Engineering Society of North America and European Counterparts to predict the degree of freedom from discomfort glare in a lighting installation). The ratio of maximum-to-average luminance of the lighting fixtures shall not exceed five to one in the zone forty-five degrees to eighty-five degrees from nadir crosswise and lengthwise. (Note: These requirements assume walls and ceilings to be provided with matte finishes of white or light colors with walls having reflectances of at least 40 percent and ceilings at least 75 percent.)

15.3.4 The following amount of illumination (artificial light) shall be considered as minimum requirements:

Location	Amount of Light (foot candles)
Classrooms—on desks and blackboards; study halls, lecture rooms, libraries—on desks and tables	50

Location	Amount of Light (foot candles)
Offices—on desks	50
Sewing rooms, drafting rooms, art rooms and other rooms where fine detail work is to be done—on the work	70
Shops, laboratories—on the work	50
Gymnasiums—main exercising floor, wrestling, playrooms, swimming pools, basketball, handball, boxing	30
Kitchen, not used for classrooms	30
Auditoriums, assembly rooms, cafeterias and other similar rooms not used for study	10
Locker rooms, corridors, stairs, passageways, toilet and all other indoor areas traversed by students	10

15.3.5 All gas fired heaters or heating systems, including gas steam radiators, shall be properly vented to the atmosphere.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

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

The Department of Health and Human Resources, Office of Human Development, has revised the eligibility criteria for day care which will allow more children who are Title XX eligible to receive the service. Specifically, the criteria in regard to provision of day care has been revised and expanded to provide that the service may be utilized when the Title XX income status parent or caretaker-relative is a full-time participant in an agency approved training plan or is attending high school on a regular basis. In these situations, it is the intention of the Office of Human Development to provide day care to the family in order that the parent or caretaker-relative may receive training or education which will result in gainful employment.

In addition, effective October 1, 1979, the Office of Human Development will increase the monthly rate of payment to licensed day care centers and family day care homes. The maximum rate of monthly payment to family day care homes will be \$73.92 for each eligible child. The Office of Human Development has increased the maximum rate of monthly payment to licensed day care centers to \$112.42 for each eligible child. However, the payment rate for eligible children in licensed day care centers shall not exceed the amount the center charges for private paying children up to the maximum of \$112.42.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Licensing and Regulation
Division of Licensing and Certification**

The Department of Health and Human Resources, Office of Licensing and Regulation, Division of Licensing and Certification, has adopted the following proposed minimum standards for licensure of juvenile detention centers.

**Minimum Standards for
Licensure of Juvenile Detention Centers**

I. Introduction: The matter of providing appropriate detention care for Louisiana's troubled youths has been a continuing concern of many citizens, including members of the legislative, executive, and judicial branches of government. As a result of this concern, the 1978 Regular Session of the Louisiana Legislature enacted House Concurrent Resolution 28 authorizing and directing the Department of Health and Human Resources, in conjunction with the Louisiana Commission on Law Enforcement, to develop minimum levels of care, licensing, and monitoring procedures for juvenile detention centers. The Department of Health and Human Resources, in accordance with R.S. 46:51, is authorized to make rules and regulations for the licensure and supervision of public child welfare activities involving parish, municipal and private agencies, institutions, and individuals caring for children.

The minimum standards for detention care contained herein were established by a committee of individuals from the Department of Health and Human Resources, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the Department of Public Safety, the Louisiana Juvenile Detention Association, the Louisiana Association of Criminal Justice Social Workers, and juvenile detention and shelter care practitioners. These standards are designed to provide secure custody of juveniles, humane treatment, and appropriate health and welfare practices for the well-being of detained youths.

II. Definitions: For the purposes of these "Standards":

A. "Juvenile"/"Child" means a person less than seventeen years of age. In delinquency proceedings "juvenile"/"child" also means a person under twenty-one years of age, who committed a delinquent act before attaining the age of seventeen years.

B. "Detention" is the provision of temporary care to children under physically restricting circumstances pending a court hearing, disposition or the execution of a court order.

C. "Juvenile detention center" is a specially designed facility providing care to children under circumstances which are physically restricting.

D. "Parents" means either parent if they are married and living together. If one parent is dead, or if the parents are divorced, legally separated, separated in fact, or unmarried, it means a parent or person having legal custody of the child. If no parent has legal or actual custody, it means the person, institution, agency, or association of persons having legal or actual custody.

E. "Intake" is the process by which a juvenile is admitted to detention pursuant to Chapter V of these standards.

F. "Admitting officer" is a peace officer, probation officer, and/or person designated and authorized by the court to detain children in a detention facility.

G. "Shall" or "must" means that the rule, regulation or standard is mandatory.

H. "May" or "should" means that the rule, regulation or standard is permissive.

I. "Jail" is a secure facility designed for the care, custody and control of adult offenders.

III. General Provisions:

A. These licensing standards apply to all juvenile detention centers.

B. The detention administrator shall issue written policies, procedures, and directives to implement and supplement all aspects of these standards. The detention administrator shall insure that:

1. Detention staff are knowledgeable of applicable provisions of these detention standards.

2. All rules for children detained are posted where accessible and/or otherwise made known to each child in an understandable manner.

3. Relevant detention facility rules and information are made available to parents of children detained.

C. There shall be a written statement that describes the philosophy, goals or purposes of the facility, which is reviewed at least annually and updated if necessary.

D. There shall be a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel, who are required to familiarize themselves with it.

E. Written policy and procedure shall provide that juveniles are not subject to discrimination based on race, national origin, color, creed, sex, or physical handicap.

F. The facility administration shall have a grievance procedure for employees which has been approved by the governing authority.

G. There shall be a written resident grievance procedure, which is made available to all detained juveniles.

H. The agency operating a detention facility shall be a legal entity or a part of a legal entity. If the agency is a nonprofit organization, it shall be incorporated in the governmental jurisdiction where located and in accordance with the legal requirements of that jurisdiction. If the agency is from the public sector, it shall have the authority to establish and operate a detention center.

I. Written policy and procedure shall provide for regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency, and detention facility staff to develop and maintain sound interagency policies and procedures.

J. Policy and procedure shall provide that the facility administrator cooperate with the interstate compact administrator in the return of juveniles charged with juvenile offenses to the requesting state, pursuant to the provisions of the Interstate Compact on Juveniles.

K. Insurance coverage shall be provided for the facility, which includes coverage for the physical plant, equipment, and personal and property injury to employees, volunteers, residents, and third parties.

L. The legal entity administering a facility shall have a policy to protect all employees whose duties include the care, treatment or supervision of juveniles from financial loss arising out of any claim or judgment occurring as a result of alleged negligence which results in personal injury to a juvenile, provided that, the acts complained of were within the scope of employment and did not result from the willful and wanton act or gross negligence of the employees.

M. The facility administration shall not have a policy which categorically excludes employment of ex-offenders.

N. The facility administrator shall be appointed by the chief executive officer or governing board of the parent agency.

O. The qualifications, authority, tenure, and responsibilities of the facility administrator shall be specified by the parent agency.

P. The term of the facility administrator shall be continuous and may be terminated only by the appointing authority for good cause and subsequent to a formal and open hearing on specific charges, if requested.

Q. In the case of death of any detained child, the facility administrator or his designated representative shall immediately notify the coroner.

R. It shall be the duty of the Department of Health and Human Resources, through its duly authorized agents, to visit and inspect, without previous notice, each center at least annually.

1. Licensing personnel may enter any facility at any time both for licensure and to investigate complaints. They shall be immediately admitted to such place upon request for such admittance and may confer with any child or employee privately and without interference.

2. Follow-up visits and inspections will be made as needed. The purpose of these visits is to determine if all rules and regulations of the Department are strictly observed and followed by all persons connected with the facility.

S. No child or employee shall be punished or threatened with punishment for talking to licensing personnel.

T. After each licensing inspection an exit interview will be held by the licensing personnel with the administrator and/or other appropriate facility personnel. A written report listing deficiencies, if any shall be mailed to the facility as soon as possible, specifying a reasonable time-frame in which the facility shall correct any deficiencies.

U. Subsequently, if the license is refused, suspended or revoked because a facility is not suitable, is not properly managed, or does not meet minimum requirements for licensure, the procedure is as follows:

1. The Secretary, Department of Health and Human Resources, or his designee, by registered or certified letter, shall advise the facility administrator of the reasons for refusal, suspension, or revocation, and its rights of appeal. The facility administrator shall, in turn, immediately notify his immediate supervisor(s).

2. Within thirty days after receipt of such notice, the facility administrator may request in writing a hearing in order to appeal the decision.

3. The Secretary or his designee shall set a hearing to be held within thirty days after receipt of such request. The hearing shall be held in the immediate vicinity of the center requesting appeal.

4. The Secretary or his representative shall conduct the hearing. Within ten days after the hearing, he shall advise the appellant, by registered or certified letter, of his decision, either confirming or reversing the original decision. If the license is refused, suspended or revoked, the facility shall be given thirty days to meet those standards delineated by the licensing agency.

5. If the facility is unable to meet the standards within this time-frame, funding received from the Department of Health and Human Resources shall be discontinued. A copy of this refusal, suspension, or revocation shall be made available to the district attorney.

6. Notwithstanding any other sections of this appeal procedure, if the Secretary finds that public health, safety, or welfare requires emergency action, summary suspension of licensure and funding may be ordered pending proceedings for revocation, suspension, refusal of license, or other action. Such findings shall be in writing, shall be delivered to the facility administrator by registered mail, and may be incorporated in the original notice specified in Section 1 or in any subsequent notices or decisions rendered pursuant to this appeal procedure.

V. Nothing contained in the standards and requirements hereby fixed shall be construed to prohibit city, parish, or city and parish agency operating a local detention facility from adopting standards and requirements governing its own employees and facilities, provided such standards and requirements exceed and do not conflict with these standards and requirements. Nor shall these regulations be construed as authority to violate any state or local fire safety standards, building standards, health and safety codes, or other applicable codes.

IV. Admission Criteria:

A. Only peace officers, probation officers, and/or persons designated by the court, who are specialized in juvenile training and the Code of Juvenile Procedure, should be authorized to detain children in a detention center. There should be a policy by which the facility administrator or a person designated by said administrator would refuse an admission if the admission does not meet the criteria for admission pursuant to these standards and the Code of Juvenile Procedure. An intake or admission form for each child presented for admission shall be completed and signed by the admitting officer, stating the following information:

1. Date.
2. Full name, address, telephone number.
3. Birthdate, age.
4. Race, sex.
5. Father's name, address, and telephone number.
6. Mother's name, address, and telephone number.
7. Name, address, and telephone number of person with whom the child is living.
8. Person(s) notified of detention and by whom.
9. A plain and concise statement of the facts and circumstances of the officer's taking the child into custody, and a plain and concise statement of facts and circumstances showing a basis for juvenile jurisdiction.
10. Court of jurisdiction.
11. Signature of admitting officer and agency.
12. Signature of detention employee receiving child.

B. When signatures of both admitting officer and detention employee receiving the child have been affixed to the admission form, the detention center shall assume custody of the child.

C. Only children who are alleged to be delinquent or held in contempt of court in accordance with the Code of Juvenile Procedure, Article 34, Paragraph C and Article 83, Paragraph C, shall be detained in a detention center. Detention care should be used only when there is reason to believe that:

1. The child will commit injury to the persons or property of others or cause injury to himself or be subject to injury by others; or,
2. The child will run away or be taken away as to be unavailable for proceedings of the court or its officers; or,
3. The child has no parent, guardians, custodian, or other person able to provide adequate supervision or care or take him/her to further appointments with the court or law enforcement agencies.

D. No child shall be admitted if intoxicated, visibly under the influence of drugs, or shows evidence of being ill, injured, or psychotic, until examined by a physician. A written statement from the physician stating that the child can be detained without endangering himself or others shall accompany the child to the detention facility after said examination.

V. Intake Procedures:

A. Pursuant to Article 35, Code of Juvenile Procedure, juvenile detention centers shall maintain a permanent record of certain information as to each child admitted. The record shall include:

1. The child's name and address.
2. The reason for the child's being taken into custody.
3. The date and time of child's entry into the center.
4. The name of the officer bringing the child to the center and the department of the officer.

The record in which such information is kept shall not be open for public inspection. Peace officers, probation officers, counsel representing the child, the district attorney, authorized officers of the court, and the Department of Health and Human Resources licensing personnel shall have access to the records. The records

shall be kept in chronological order. Entries shall be made upon admission of each child.

B. At the time of admission, all money and personal property other than that which the child is allowed to keep pursuant to local policies shall be listed in writing in the presence of the child and the list shall be signed by the child and the detention facility admitting employee. The list shall be retained after signing and the monies and belongings shall be placed in a safe and secure place. At the time of release the belongings shall be returned and the list shall be signed as having been returned to the child by both the child and the releasing employee in the presence of the person receiving the child. All weapons and other illegal articles shall be turned over to the admitting officer and receipt of same shall be signed by him, the child, and the detention employee receiving the child.

C. Upon admission, each child shall be given a shower and inspected by staff for bruises, lice, venereal disease, etc. A physician shall be consulted immediately if there is cause to believe the child is ill or injured. If extenuating circumstances arise and a child cannot be showered immediately, he/she shall be kept separate from the other children until such time as a shower can be administered.

D. Upon admission, each child shall be issued clean clothing. If the policy of the facility is not to provide clothing, the child's clothing shall be washed immediately and be given back to him to wear.

E. Necessary clean linen shall be issued upon admission and clean linens shall be issued at least once weekly. If the child is a bedwetter, then clean linens shall be issued at least daily.

F. Upon admission, each child shall be given a copy of the rules and regulations of the facility and appropriate staff shall discuss and answer any questions the child might have.

G. At the time of admission to the facility, juveniles shall be informed in writing of the procedures for gaining access to medical services.

H. After admission, a record shall be maintained for each child. Records shall include, but not be limited to:

1. Intake form.
2. Court order, if applicable.
3. Height, weight.
4. Color of eyes and hair.
5. Religion.
6. Family physician, if any.
7. Prescribed medication and proper use.
8. Physical defects, handicaps, or allergic reactions.
9. Name of school and grade level.
10. Admitting employee's observation of physical conditions of each child at admission.

I. Whether the child is on probation and the name of probation officer, if applicable.

J. Upon admission, the detention personnel shall notify the parents of the detention if they have not already been notified.

K. Upon admission, each child shall be afforded the opportunity to make a telephone call to his parents/guardian or attorney, which may be local or, at his own expense, a long distance or collect call.

VI. Records

A. Each juvenile center shall maintain permanent records of all children detained pursuant to Article 35, Code of Juvenile Procedure. The record shall include:

1. The child's name and address.
2. The reason for the child's being taken into custody.
3. The date and time of the child's entry into the juvenile detention center.
4. The name of the officer bringing the child to the detention center.

B. The record shall also include:

1. The date and time of the child's release.
2. The name of the person to whom released.

C. Other written records shall be maintained regarding instances of an action taken regarding death, illness, accident, injury, discipline and control, and other records as specified in these standards.

D. The operating authority responsible for and providing the services of a detention facility may require such other records and reports as necessary.

E. Records of a detention facility shall not be open for public inspection. The records shall be available to the Department of Health and Human Resources licensing personnel.

F. All case records maintained in the facility shall be marked "Confidential" and kept in locked files which are also marked "Confidential".

VII. Child Supervision and Care.

A. Daily Routine.

1. Activities for each day shall be scheduled in advance. Each day should be a structured one with specified times for work, school, recreation, meals, and other activities.

2. The daily schedule shall include a time for sleep which shall be no less than eight hours. Sleep schedules shall not be planned for the convenience of staff but shall meet the needs of the children.

B. Personal Hygiene.

1. Every child shall be required to maintain him/herself in a clean manner and the staff of the facility shall see that all necessary and desirable supplies are available to accomplish this.

2. Children shall be required to bathe or shower daily except for medical reasons, in which case they are to "sponge" bathe. Towels, washcloths, soap, and warm water shall be provided.

3. Shampoo, deodorant, toothbrushes, toothpaste, combs, or brushes, and other personal hygiene products shall be available at all times and children shall be allowed access to these on a reasonable basis.

4. Clean underwear shall be made available daily. Clean and presentable outerwear shall be made available as needed, but no less than every other day; every day is preferable.

5. Children shall be allowed to shave, under close supervision on an as needed basis.

6. Hair shall not be cut against a child's wishes.

C. Medical and Other Services.

1. A written plan to provide immediate medical and/or dental attention in case of illness or injury shall be developed and each staff member responsible for care of children shall be thoroughly familiar with it. The written plan shall include:

a. Arrangements for the emergency evacuation of the residents from the facility.

b. Arrangements for the use of an emergency medical vehicle.

c. Arrangements for the use of one or more designated hospital emergency rooms or other appropriate health facilities.

d. Arrangements for emergency on-call physician and dental services when the emergency health facility is not located in a nearby community.

e. Arrangements for a report surrounding the circumstances of the emergency to be made by the staff member who was present and forwarded to the administrator who shall keep same as part of the child's record.

2. A physician licensed in the state shall be responsible for the facility's medical services pursuant to written agreement

between the facility and a physician or qualified medical authority.

3. The physician shall have no restrictions imposed upon him or her by the facility administration regarding the practice of medicine.

4. Data concerning health history and vital signs shall be collected by medically trained or qualified medical personnel. Collection of all other health appraisal data shall be performed only by qualified medical personnel. Review of the results of the medical examination, tests, and identification of problems, shall be done by a physician or designated qualified medical personnel. All health appraisal data shall be recorded on the health data forms approved by the responsible physician.

5. Juveniles' medical complaints shall be monitored and responded to daily by medically trained personnel. Appropriate triage by qualified medical personnel shall follow.

6. Where sick call is not conducted by a physician, a physician shall be available at least weekly to respond to juveniles' complaints regarding service which they did or did not receive from other health personnel.

7. A medical examination by a physician or a medical assessment by a Registered Nurse should be provided for any child who remains in custody for longer than seventy-two hours.

8. In any case where there is reason to believe a detained female is pregnant, a physician shall be consulted as soon as possible and his directions followed.

9. All child care staff members shall be trained in first aid and life-saving techniques to use in case of respiratory arrest, choking, epileptic seizures, injury or similar medical emergency. At least one such trained staff member shall be on duty at all times. Standard first aid supplies shall be kept available.

10. Staff members shall have training from the responsible physician and the official responsible for the facility and shall be accountable for administering prescribed medications on time and according to the physician's instructions. A record of the administration of medications issued shall be maintained in a manner and on a form approved by the responsible physician.

11. Children with contagious diseases should not be kept in detention unless there is no other alternative and shall not be allowed contact with other children while in the contagious stage.

12. In any case of serious injury or illness requiring the services of a physician, all reasonable efforts shall be made to notify the parents/guardians and administrator.

13. Children experiencing difficulty because of emotional stress shall be given the same consideration for appropriate help as those suffering from physical problems and shall be afforded access to mental health counseling and crisis intervention in accordance with their needs.

14. Transportation shall be available for use in emergencies.

15. Written policy and procedure shall govern the transportation of juveniles outside the facility and from one jurisdiction to another.

D. Food/Nutrition.

1. A child shall receive no fewer than three nutritionally balanced meals in a twenty-four hour period; these three meals shall meet the minimum standard requirements as set by the United States Department of Agriculture. A consulting nutritionist should be available.

2. Regular meals shall not be withheld for any reason.

3. Children requiring special diets for health and religious reasons shall be accommodated.

4. Children shall not be forced to eat any given food item.
5. There shall be a single menu for staff and juveniles.
6. Written policy and procedures shall require that accurate records are maintained of all meals served for a period of at least three months.

E. Education.

1. A program of academic instruction shall be provided by teachers certified by the Louisiana Department of Education. They should be certified in special education. Children shall be required to attend except for medical or disciplinary reasons.

2. Teachers should be employed by the local board of education but should be considered as part of the detention staff and shall be included in staff meetings and staff development programs.

3. The school day and curriculum shall be compatible with the local school system and with the child's present level of achievement.

4. The regular academic program shall be operated concurrently with the regular academic year of the local school system. Operation of the academic program on a twelve-month basis is preferred.

5. A wide variety of books, learning materials, visual aids, and other educational resources of an appropriate interest and learning level shall be provided.

6. The child's own school should be notified immediately of the child's detention and shall be requested to send a summary of the child's achievement and special problems. Also, the detention teacher should report back to the school regarding the child's educational progress and related problems.

F. Recreation.

1. A child shall be provided at least a daily recreation hour outside unless prohibited by inclement weather or there is sufficient reason to believe the child is an escape risk. Recreation shall be provided indoors in the absence of outdoor recreation.

2. Children with physical disabilities, injuries, or ailments shall not be required to participate in recreational activities that would lead to aggravation of the particular condition.

3. Athletic equipment, games, books, arts and crafts materials, and other recreational resources appropriate to the age and interest group detained shall be provided in sufficient quantity.

4. In addition to structured daily provisions of recreation and exercise, periodic periods of rest and relaxation shall be incorporated into the day's schedule.

G. Religion.

1. No child shall be deprived of the opportunity of religious counseling by a representative of his faith.

2. No child shall be required to attend religious services; no disciplinary action shall be taken toward a child who refuses to attend such services.

H. Work.

1. Children may be required to participate in cleaning duties in areas used by them.

2. Children shall not be allowed to clean areas not used by them, to perform personal services to staff, nor be used to replace employed staff.

3. Children shall not be allowed to work in the area of food preparation.

4. Under no circumstances shall a child be removed from detention in order to perform work in any other area.

I. Discipline.

1. Written rules of conduct prohibited within the facility and a schedule of appropriate disciplinary action to be taken for infractions shall be developed for each detention facility.

They shall be made available for the detained children to read and for inspection by appropriate persons who have responsibility for monitoring the facility. All staff members with authority to discipline the detained children shall be required to strictly adhere to these regulations.

2. Written policy and procedure shall insure that prior to privilege suspension the juvenile has the reasons for the restriction explained to him/her, and is afforded an opportunity to explain the behavior leading to suspension.

3. Each disciplinary action which results in a loss of privileges for a juvenile shall be recorded preferably in a log, and in the affected child's record. Such record shall be monitored by the administrator.

4. Corporal punishment, defined as slapping, kicking, hitting, arm twisting, hair pulling, or any other act intended to cause physical pain to the child, shall not be used. Only the minimum force needed to subdue a child who is out of control shall be used.

5. Isolation, defined as removal from peer contact by sight and sound, shall be used only when other alternatives have failed, when he/she is a threat to him/herself or others, when the child continually refuses to obey reasonable rules, or upon return from escape.

a. Room confinement by staff members should be for the minimum amount of time to effect control or a change of attitude and in no case shall be for more than twenty-four hours including sleeping time, in a forty-eight hour period, and only then when severe discipline appears to be warranted. The detention home administrator may extend the isolation period in extreme circumstances.

b. If the child is in an emotional state, he/she shall be observed at least each half hour. In other instances when isolation is used, a child shall be observed at least every hour. A record of the staff member's observation and reason for continued isolation after each observation shall be kept.

c. Any room used for isolation shall be lighted, safe, and comfortable with a means for outside communication in case of need.

6. Under no condition shall a child be deprived of any necessities, such as meals, sleep, bedding, medical attention, bathroom accessibility, or clothes for purposes of discipline.

7. Under no condition shall a staff member be allowed to use violent, profane, threatening, or abusive language toward a detained child.

8. No child shall have any authority over other children.

J. Visitation.

1. Under no condition shall the child's attorney, probation officer, social worker, or other involved professional be denied the right to visit the child except as prohibited by court order.

2. Each detention facility shall develop written visitation policies which allow for reasonable visiting times for parents/guardians and clergy. These shall be made available to the child and parents/guardians as soon as possible after admission.

3. Attorneys, probation officers, social workers, or other involved professionals shall not be confined to these hours, though they may be requested to visit at such times that will not interfere with meals or sleep.

K. Correspondence.

1. Under no condition shall a child be denied mail from his/her parents or guardians, attorney, social worker, or other professional. Such incoming mail shall not be opened by any employee except in the presence of the child receiving the mail to determine the presence of contraband; nor shall the

employee read such mail unless requested to do so by the child.

2. Children shall be provided writing materials and postage for purposes of correspondence to parents or guardians, attorney, probation officer, social worker, or other involved professionals, member of clergy, public officials, and jurisdictional judges. Such outgoing mail shall not be read or censored by an employee. Mail may be examined for contraband.

3. An opportunity to write letters as provided in paragraph 2, above, shall be provided on a reasonable basis.

4. Children should be allowed to send and receive personal correspondence from friends and relatives on a reasonable basis. This correspondence may be read by the detention administrator or his designee, but may not be withheld except for security reasons. The child shall be notified if outgoing mail is withheld and the reason. In any case, written policy and procedure shall require that incoming and outgoing mail shall not be held for more than twenty-four hours. Postage for personal correspondence may be provided by the detention center.

5. All cash sent to juveniles shall be retained for the juveniles and held for them in accordance with the procedures of the facility.

L. Safety.

1. Children shall not have access to any sharp or dangerous instrument such as razors, knives, scissors, tools, and other instruments except as they may be used for a specific purpose. When not in use they shall be kept under lock in an area inaccessible to children.

2. Drugs and medication shall be kept under double lock and key.

3. Cleaning supplies, poisons, and any other substance that could be inhaled or ingested to the detriment of the child shall be kept in an area inaccessible to the child.

4. Every precaution shall be used to eliminate any potential hazard which may place any child or staff member in danger of injury.

5. A plan of evacuation in case of fire, flood, or other disaster shall be developed and posted. This should be done in cooperation with local agencies such as fire department and civil defense agencies. Staff members shall periodically practice evacuation drills at least quarterly.

6. As required in the *Life Safety Code*, Articles 10-3141 and 10-3142:

a. Reliable means shall be provided to permit the prompt release of juveniles confined in locked sections, spaces, or rooms in the event of fire or other emergency.

b. Prompt release from secure areas shall be guaranteed on a twenty-four hour basis by sufficient personnel with ready access to the keys.

7. Alternative plans in case of loss of electricity shall be developed and staff members shall be made aware of these.

8. Emergency equipment shall be tested at least quarterly for effectiveness and be repaired or replaced if necessary.

9. The population using housing or living units shall not exceed the designed or rated capacity of the facility.

10. All detention facilities shall comply with appropriate health, sanitation, fire, safety and any other such codes, rules or regulations as set by state or local governments.

VIII. Personnel:

A. Staff Composition.

1. There shall be a competent staff of administrative, supervisory, and maintenance personnel sufficient in number to provide for safety and constant supervision of all children under care.

2. All personnel in direct contact with juveniles, regardless of the nature of their jobs, should be carefully selected with regard to their emotional maturity, personal qualifications suitable for working with disturbed children and youth, and special training and skills required for the position.

3. As defined in local statutes, a criminal record check shall be conducted on all new employees to ascertain whether there are criminal acts which have a specific relationship to job performance.

4. All personnel shall be required to pass a complete physical examination conducted by a licensed physician prior to employment.

a. All applicants must be found to be physically fit to perform detention duties by a licensed physician and no person shall be hired who has a communicable disease until he is free from disease.

b. Any employee found to be suffering from a communicable disease shall be temporarily relieved from duty until he provides certification from a licensed physician that he is free from the disease.

5. Staff: child ratio.

a. During waking hours there shall be a minimum ration of one staff person per each eight children.

b. During sleeping hours there shall be a minimum ration of one staff person per each sixteen children.

c. The staff included in these ratios may include paid child-care and program staff, but shall not include maintenance, janitorial, clerical, food service, laundry workers, and other similar support classifications.

6. Whenever children are detained there shall be a sufficient number of employees present, awake and on duty, for the purpose of supervising the activities of children and to insure their presence and safety.

7. A female staff member shall always be on duty when and where girls are detained and shall always accompany male staff entering girls' quarters; a male staff member shall always be on duty when and where males are detained and shall always accompany female staff entering boys' quarters.

8. Each facility shall establish a regular work week for all employees.

9. No child-care or support staff shall "live in" the detention facility.

10. There shall be on duty at all times an adult, who, by definition of job or delegated authority, is responsible for the administration of the facility.

B. Qualifications of Staff. None of the personnel provisions in this standard shall be interpreted to disqualify any person now employed on a regular basis in any juvenile detention center upon the effective date of ratification of these standards.

1. Detention Director (any person whose full-time employment is that of administrative responsibility for daily operation of the facility):

a. This position shall be filled by a person having a minimum of a baccalaureate degree in one of the social, behavioral, or administrative sciences or a related field from an accredited college or university, and when possible, by a person with graduate training.

b. The Detention Director shall also have not less than three years of experience, including experience working with juveniles and/or staff supervision and administration of a detention program.

2. Assistant Director: This position shall be filled by a person having a minimum of a baccalaureate degree in one of the social, behavioral, or administrative sciences or a related field from an accredited college or university. This person shall have a minimum of two years experience working with

juveniles and/or staff supervision and administration of a detention program. This position is optional.

3. Program Supervisors (all personnel whose full-time employment consists of developing, implementing, and supervising detention programs). This position shall be filled by persons with a minimum of:

a. A high school education supplemented by a combination of three years of college and experience working with children or teenage groups; or,

b. Completion of a two-year certificate or associate degree in a behavioral science from an accredited community college, or other college.

This position is optional.

4. Child-Care Staff (all personnel whose full-time employment consists of providing daily programs to children): This position shall be filled by persons having a minimum of high school education and an expressed interest and ability to interact with children and youths in a positive manner.

5. All other staff should have training, experience, and competency in job role being performed plus a demonstrated interest and ability to interact with children and youths in a positive manner.

6. Job descriptions shall be provided in written form stating distinguishing features of the work, examples of the work, knowledge and skills, education and experience required.

7. Written policy shall outline experience and education substitutes for position qualifications.

C. Regulations.

1. The duties, responsibilities, and authority of established positions in a detention facility shall be clearly defined in writing.

2. The facility shall comply with all governmental regulatory requirements relating to employment and personnel practices.

D. Training.

1. The agency shall provide at least forty hours of orientation for all new direct child-care staff prior to job assignment. This orientation shall provide training which relates to the specific job function for which the employee was hired as well as relating to the needs of children.

2. A minimum of fifteen hours of continuing training shall be offered to and required of all staff each year. This training shall be job-related.

E. Volunteers.

1. Written policy and procedure shall specify the lines of authority, responsibility, and accountability for the volunteer service program, if applicable.

2. There shall be a staff member who is responsible for administering the volunteer services program.

3. Volunteers who serve in a detention center shall be carefully screened by the agency.

4. The agency administration or the parent agency shall provide against liability or tort claims in the form of insurance, signed waivers, or other legal provisions, valid in the jurisdiction in which the program is located.

IX. Physical Plant:

A. Site Selection for New Construction of Juvenile Detention Centers.

1. The site selected for a juvenile detention center shall meet all requirements and/or have the approval of the Department of Health and Human Resources, local zoning boards, parish and municipal governing bodies or commissions, and other responsible local bodies.

2. The site selected shall serve a geographic region combining the maximum detainable population (juvenile delinquents) with the minimal amount of travel time for courts,

attorneys, law enforcement officials, and families of the detained juveniles.

3. The site shall permit ready accessibility to the juvenile courts, law enforcement, and legal services.

4. The site shall be reasonably accessible to parents and family members by available public transportation.

5. The site location shall be reasonably accessible to emergency medical, fire, and law enforcement services.

6. The site locale shall be reasonably accessible to support services such as trash pick-up, laundry services, and food delivery.

7. A site shall be selected that is serviced by an existing road or highway from the existing transportation network.

8. A site shall be selected that will be, or is already provided, power, water, telephone, and other utility services by the appropriate utility companies.

9. The site should be located so that there is a maximum travel time of sixty minutes to the detention center from a majority of the home communities of the juveniles detained.

10. The site selected should avoid a depressed area, industrial tract, or general shopping section.

11. The site shall avoid proximity to a jail or adult correctional facility or contiguity to any building except the juvenile court.

12. The site shall be large enough to provide an outdoor recreation area for the maximum capacity of children.

13. The site shall be located so as to prevent juveniles from seeing or being seen by passers-by except at a remote distance.

14. The site shall permit adequate space for staff and visitor parking.

15. The site located shall take into consideration future development options. Specifically, it shall:

a. Assure privacy against future encroachment by new construction on adjacent properties.

b. Permit possible future expansion of detention or erection of juvenile court facilities.

16. Community involvement in site-selection should be encouraged.

B. Design.

1. Design should be single-story buildings, not institutional or jail-like in appearance, and providing necessary security. All areas used by children, such as sleeping, eating and other activity areas, shall be restricted to the ground level.

2. The facility should be designed to include features of visibility and control, flexibility in use of rooms, ease of maintenance, ease of communication with children, and a bright and cheerful setting.

3. The design shall include separate specific areas for administering education, intake, storage, inside recreation, interviewing or counseling, health care, dining, cooking, visiting, showering, and sleeping.

4. The sleeping area shall not be designed as cells or dormitories.

a. A single occupancy room shall be at least seventy square feet, finished dimensions.

b. A double occupancy room without wash basin and toilet shall be at least seventy square feet, finished dimensions.

c. A double occupancy room with wash basin and toilet shall be at least eighty square feet, finished dimensions.

d. A single occupancy room with wash basin and toilet within the room is preferred.

5. The design shall include a secure outside recreation area with appropriate recreational equipment, good visual supervision, and a minimum of one thousand square feet per rated bed capacity.

a. There should be adequate paved area for basketball, volleyball and similar games, and a large grass area for softball, football, etc.

b. Facilities constructed prior to the adoption of these standards shall provide a minimum of thirty-six thousand square feet of secure, outdoor recreation area.

6. The facility shall be so constructed as to prevent passing contraband through or over a fence or wall.

7. Facility construction shall provide for the removal of architectural barriers to physically handicapped persons.

8. Both the building and grounds shall be designed to form an attractive addition to the community.

C. Construction.

1. All materials used in construction of detention centers shall meet the requirements of the State Building Code, Life Safety Code and other applicable codes.

2. All construction materials used shall be fire-resistive.

3. The exterior walls and roof shall be reinforced concrete, masonry, or other similar hard-surface materials.

4. The interior walls in areas used by children shall be of reinforced concrete, cement masonry or brick or other hard-surface material. Wall surfaces should have a hard, washable surface.

5. The floors shall consist of concrete, finished or smooth, and/or terrazzo and/or quarry tile and/or (in areas other than sleeping quarter) a durable, easily cleaned floor tile.

6. The ceilings shall consist of reinforced concrete, either finished or smooth, and/or steel or other similar hard-surface materials.

7. Glass used in construction shall be heavy safety or high tempered glass, Plexiglass, or Lexan and shall be properly installed.

a. All windows in sleeping room shall be institutional security/type sash with mesh detention screens of the best obtainable quality, mounted flush with the inside wall. Such screens should withstand a pressure of at least eight hundred pounds per square inch.

b. All windows which open should be operated by a removable crank.

8. Exterior doors shall be security-type doors and shall be keyed to both sides. The number of exits, width and location of exit doors, and swing of exit doors shall be in accordance with the state building code.

9. Sleeping rooms shall have solid hardwood doors, solid wood doors securely covered with metal and attractively finished, or flush-type 14-gauge hollow metal doors filled with sound-deadening insulation.

a. All sleeping room doors shall be equipped with one-quarter-inch tempered or very heavy safety glass panels at least ten inches square.

b. Doors shall be hinged to a metal frame set securely in the wall with sound-insulating strips on the jamb.

c. Hinge pins of doors shall be tamperproof and non-removable.

d. Doors to sleeping rooms should be arranged alternately so that they are not across the corridor from each other.

10. Each sleeping room should be equipped with a wash basin, a toilet, and provisions for drinking water.

a. Sturdy fixtures, of a noninstitutional design, and securely fastened to floor and/or wall shall be used.

b. Tamperproof, push-button type faucets with limited flow should be used.

11. There should be no exposed plumbing, and traps and shut-off valves should be accessible behind locked doors outside the sleeping room.

12. The facility should be constructed with floor drains in all living and activity areas, and should be equipped with emergency water shut-off valves.

a. Drains should be so constructed as to reduce the problem of stoppage and permit stoppage to be pushed through without clogging.

b. All flow drains should be provided with tamperproof grills.

13. Sufficient light shall be provided by institutional-type fixtures with indestructible lenses or protective lens covers. Fixtures, switches, and conduits should be tamperproof.

a. Lighting in an individual room should be sufficient to permit easy reading by a person with normal vision.

b. All light switches for sleeping rooms should be located in the corridor next to the door of each room. Switches may be provided for central as well as individual control outside each room.

c. Night lighting shall be incorporated into the primary illuminating fixture or provided in separate installation. Sleeping rooms should be equipped with night lights that are sufficient for night supervision but are not so bright as to interfere with children sleeping.

14. Separate and adequate showers shall be provided for both sexes, with not less than one shower for each five children.

a. The interior should be so constructed and arranged to give maximum visual control.

b. All hot water, for showers and basins alike, shall be thermostatically controlled.

c. At least one wash basin shall be provided for each five children.

d. At least one bathtub shall be provided.

15. A minimum of one toilet for each five children shall be provided in each living unit.

16. A minimum of one toilet shall be provided in the day area that allows reasonable accessibility to youths. Separate facilities should be provided for each sex.

17. There shall be a drinking fountain accessible to residents and staff.

18. An adequate laundry facility shall be available.

19. An adequate facility for food preparation and serving shall be available.

20. An adequate system of heating, ventilation, and air conditioning shall be provided. Component parts shall be inaccessible to children, and exposed vents shall be tamperproof. The system shall be installed with consideration for the safety and security of children and staff.

21. Educational, Dining, and Activity Areas.

a. A combination activity area shall be provided to include not less than one hundred square feet of inside area per rated capacity.

b. At least thirty square feet of clear space per rated capacity shall be provided in the day room on each living unit.

c. Open and unprotected glass expanses should not be included in the construction of these areas.

d. A room shall be provided for educational purposes.

22. Administrative/Professional Services Areas.

a. There shall be at least one control center for admissions, discharges, day and night security, visitor control, and principal administration of the facility. The control center shall provide for visual supervision over an interview room and visiting area and shall be located within the security perimeter but completely separate from juvenile living quarters.

b. Separate, secure areas shall be available for health care programs, interviewing, counseling, and visiting, although one single room may be equipped as a multipurpose room to provide two or more of the above needs.

c. The interview and visiting rooms should allow privacy, yet permit visual supervision by the staff.

23. Service and Maintenance Areas.

a. Separate areas for mechanical equipment shall be provided in a location inaccessible to the children.

b. Adequate and properly located storage shall be provided for janitorial supplies, food/kitchen supplies and equipment, arts and crafts materials, office supplies, and other supplies required for the maintenance of the facility.

c. Storage space for personal clothing shall be provided.

d. A separate locked cabinet/safe for money and other valuables shall be provided.

e. A minimum allowance of one hundred cubic feet of space per child shall be provided for storage.

f. All service and maintenance areas shall be provided with locking devices and shall be inaccessible to the children.

D. Security.

1. All areas in which detained children will be present shall be secure. The entire facility, including space not generally used by children, should be secure.

2. There shall be a system to physically count detained juveniles.

3. There shall be a procedure for notifying appropriate staff of increases and decreases in the population, on a shift by shift basis.

4. Written policy and procedure shall provide for daily inspection and maintenance of all security devices.

5. Audio monitoring devices shall be installed and operative in sleeping, isolation, and all individual rooms. The intercom station shall be located in the control central area(s) where the principal telephone(s) is located.

6. All locks shall be tamperproof.

a. Each child's room should have an extra heavy commercial or specially designed lock without any opening on the inside of the door. Control of door latch and keyed dead bolt shall be from the outside only.

b. All individual room doors should have identical keys. Other areas should be keyed alike under a master key system.

7. Doors for individual rooms shall have a view panel that allows maximum visual supervision of all parts of the room and shall be constructed in accordance with the provisions of Section IX, Part C of these standards.

8. Windows shall be secure and constructed in accordance with the provisions of Section IX, Part C of these standards.

9. All exposed screwheads throughout shall be tamperproof and not be operable with a conventional screwdriver.

10. All furniture and furnishings to which children have access shall be durable and without ledges for hiding contraband. Bedroom furnishings shall be securely fastened to both floor and/or wall. Stainless steel or chrome finished mirrors, securely fastened to sleeping room walls, should be used. Individual rooms shall not contain closets or lockers.

11. All fixtures and furnishings throughout the facility should be of institutional type with institutional hardware resistive to damage or destruction.

12. There shall be adequate outdoor lighting to expose all the grounds in the immediate vicinity of the building and the parking lots. This lighting shall be kept in working order at all times.

13. The outdoor area shall be enclosed by a secure fence without electronic or injurious devices, and of sufficient height to discourage ingress and/or egress.

E. Maintenance

1. The detention facility shall be maintained in a clean and sanitary manner, in good repair, and kept free of hazards such as those created by any damaged or defective parts of the building.

2. The grounds shall be maintained in a clean and attractive manner, and shall be kept free of debris, rubbish, and hazards.

F. Equipment and Space Guide. Function and durability should be major considerations in all aspects of detention facility planning, including equipment and assignment of space.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES *by Reg. # 9*
J. 5, *pp. 305-307*

**Department of Health and Human Resources
Office of Mental Health and Substance Abuse**

**Policy, Rules, and Fee Scale for Outpatient
Programs Operated by the
Office of Mental Health and Substance Abuse**

The Department of Health and Human Resources (DHHR), Office of Mental Health and Substance Abuse (OMHSA), has adopted uniform policies, rules, and fee scale for outpatient centers and clinics of the Office of Mental Health and Substance Abuse. Fees will be based on cost and adjusted according to the ability of the recipient to pay.

1. Fee Policy: All persons seen for services at an OMHSA center or clinic shall be assessed a fee for each chargeable service. Chargeable services are those defined as chargeable under Medicaid, regardless of the source of payment. These services are listed in Table I. The unadjusted fee for each service shall be equivalent to the cost of service computed for reimbursement under Medicaid.

Table I

**Chargeable Services as Defined
for Medicaid Reimbursement**

Code	Service
00071	Psychosocial evaluation
00072	Psychiatric evaluation
00073	Psychological evaluation
00074	Physical evaluation
00075	Other evaluation assessment service
00076	Individual counseling/therapy
00077	Group counseling therapy
00078	Family/group counseling/therapy
00079	Medication management
00080	Medication injection
00081	Occupational therapy
00082	Recreational therapy
00083	Music therapy
00084	Art therapy

All patients whose gross family income is above the minimum indicated on the fee adjustment schedule shall pay a fee for each service provided. Fees and adjustments to fees are to be established by the fee clerk at the time the patient is first admitted to the facility. It is the responsibility of the patient and/or his legally responsible family to justify any adjustment to the full fee authorized

under this policy. The patient or family will be asked to present reasonable proof of income before any adjustment to the full fee will be made by the fee clerk. Appropriate center or clinic staff will assist the patient and family in verifying eligibility for a fee adjustment. There shall be adequate documentation of the information used in adjusting any fee. Such documentation shall be signed by the fee clerk who verifies the information and sets the adjusted fee. The full fee, and/or the adjusted fee, shall be posted on the patient's ledger card and noted in the patient's permanent record.

Patients shall be charged a fee for each service, regardless of which service is provided, in the same manner in which Medicaid is charged. No fee shall be charged for failed or cancelled appointments.

All patients shall be asked to pay their fees at the time of service delivery. However, when patients do not pay at the time of the visit, they shall be billed on a regular basis, preferably monthly, but no less frequently than quarterly.

2. **Fee Adjustment Schedule:** The fee adjustment schedule is designed to provide for proportional payment for each service based on the family's ability to pay. Three variable figures are utilized in calculating the schedule: (1) state median income as promulgated annually by the Secretary of the United States Department of Health, Education and Welfare; (2) family size; (3) cost of service provided (for purposes of this scale the cost of service provided will be that figure currently agreed upon between OMHSA and the Office of Family Security (OFS) as the cost to be reimbursed under the Medicaid program).

The fee adjustment schedule will be recalculated by OMHSA based on current state median income each time OMHSA and OFS adjust the figure for cost reimbursement under the Medicaid program.

Persons whose gross family income is less than one-half the current state median income adjusted for family size will not be responsible for payment of services. Persons whose gross family income is more than one hundred fifty percent of the current State median income adjusted for family size will be charged the full cost of services provided. Between these two levels, fees will be adjusted in accordance with the following formula:

Gross Family Income as a Percent of Median Income Adjusted for Family Size	Fee as a Percent of Cost
50-55%	4% of cost
55-60%	8%
60-65%	12%
65	16%
70	20%
75	25%
80	30%
85	35%
90	40%
95	45%
100	50%
105	55%
115	60%
120	65%
125	70%
130	75%
135	80%
140	85%
145	90%
150	100%

Adjustment of median income for family size shall be computed in accordance with the following formula:

Family Size	% of Median Income for a Family of Four
1	52%
2	68%
3	84%
4	100%
5	116%
6	132%
7 or more	148%

In computing each modification of the scale, the OMHSA will round actual fees to the nearest quarter dollar. Fee adjustment schedules will be computed annually by the Central Office based on current cost and distributed to the facilities.

3. **Changes in Fees:** The patient is to be informed that the fee clerk should be notified of any change which may later occur in income, employment, or family composition which might result in a change in the adjusted fee. The fee clerk shall also conduct a periodic check (no less frequently than annually) with each patient to determine any change in factors including cost changes, which would cause change in the fee and adjusted fee. The staff member assigned to the case is also responsible for notifying the fee clerk of such changes as they occur. The fee clerk is authorized to adjust the fee appropriately in accordance with the fee adjustment schedule. The facility administrator is ultimately responsible for assuring that adjusted fees are current and correct.

No fee may be waived or reduced beyond the fee adjustment scale without the express approval of the facility administrator who must document the reason for change in the patient chart. When waiver or reduction is made, the administrator must sign and date such authorization in the case record and in addition must note and initial the adjusted fee on the ledger card.

Examples of acceptable justifications for waiving or reducing a fee include: (1) excessive expense due to other medical costs, (2) family hardship resulting in unusual and unexpected expenses, or (3) more than twenty chargeable services are required by the family unit during any month.

4. **Medication—**All Medicaid patients are to be provided their medication. Any patient whose adjusted fee is fifteen percent or less of the full cost may also be considered eligible to receive medication from the center or clinic. The facility administrator may authorize provision of medication for other patients on presentation of evidence that cost of medication ordered by center physicians will present a serious hardship and exceed three percent of family's gross income. Documentation of such exceptions and their justification shall be made in the patient's chart and signed by the administrator. This should be reviewed in ninety days or whenever the amount of medication prescribed is reduced appreciably. It will be the responsibility of the physician and nurse reviewing medication orders to so notify the administrator.

5. **Failure to Pay Fees:** No person shall be denied service because of ability or inability to pay. However, when a patient becomes delinquent in his account, the delinquency shall be handled in accordance with DHHR Policy on Collections. Whenever possible, center or clinic staff shall make an effort to negotiate a plan of payment prior to referring the account to the Bureau of Central Collections. Any negotiated plan of payment shall be approved by the Center or Clinic Administrator and OMHSA Fiscal Office.

6. **Definitions:**

A. **Gross Income:** The monthly sum of income received from sources identified by the U.S. Census Bureau in computing the median income and defined in the Code of Federal Regulations, Volume 45, Section 228.66.

B. **Dependent:** As used herein, means all persons dependent on the household income as accepted by the Internal Revenue Service (IRS) for federal income tax purposes. In the case of a minor not claimed as a dependent for income tax purposes,

the parents are still responsible for a contribution based on the fee schedule but may increase the dependent deductions by the client(s) in question.

C. Family: For purposes of establishing fees under these procedures, the basic family unit is defined as consisting of one or more adults and children, if any, related by blood, marriage, or adoption, and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each will be considered a separate family, unless they are included as part of the family unit for federal income tax reporting purposes. Children living with nonlegally responsible relatives, emancipated minors, and children living under the care of unrelated persons will be considered a member of the family. Minors seen without the consent and knowledge of parents or legal guardians will be considered as separate family units and will be charged according to the minor's own income whether the source is allowance or earnings.

D. Responsible Persons: As used herein, the client's parents or guardians if the client is under the age of eighteen, unless someone else claims the client as a dependent for federal income tax purposes, in which case it is that person. If the client is over eighteen, he is responsible for his contribution based on his gross family income and allowed deductions, unless he is claimed as a dependent for income tax purposes, in which case the claimant becomes responsible for the fee toward the cost of care based on the claimant's family income.

7. General Regulations:

A. Documentation of Income—This shall include federal and state income tax reports, Medicaid eligibility records, W-2 forms and employers statements.

B. Failure to Provide Information—A person responsible for the payment of charges for services rendered who refuses to supply the information necessary for an accurate determination of the required rate of charges for services rendered shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly. Any person who is potentially eligible for medical assistance benefits from any federal or state program who refuses to apply for and follow through with application for said benefits shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly.

C. Insurance—An insurance company that the responsible party alleges has issued a policy or contract covering the charges for treatment and services rendered shall be billed the full cost of services rendered. Billings shall be made directly to the insurer by the treating facility after securing execution of the forms necessary, including an assignment of benefits to the treatment facility, by the responsible person. The responsible party shall be billed in accordance with the applicable fee schedule up to the amount of charges not covered and paid by insurance. If the responsible person refuses to execute the forms necessary to assign the benefits under the policy alleged by him to cover the charges for treatment and services rendered and the forms necessary to file an insurance claim in accordance with that policy, that responsible party shall be presumed to be able to pay at the full cost of services rendered and shall be billed accordingly.

D. Collection Procedure—If the payment agreement is not kept, fifteen days after the due date, a notice is to be mailed reminding the responsible party that payment was not received when due. If results have not been received within fifteen days after the first notice was mailed, a second notice is to be sent. If results have not been received within fifteen days after the second notice was mailed, a third notice is to be mailed advising the patient that his account will be referred to Central Collections for collection if payment is not received within fifteen days. If payment has not been received fifteen days after the third notice was

mailed, the account is to be referred to "Central Collections" for collection. At the time account is referred to "Central Collections," the following documents and information should be sent: (1) all demographic information accumulated (intake interview sheet); (2) copy of signed agreement; (3) copy of itemized bill; (4) copy of patient's ledger. Only accounts in excess of twenty-five dollars will be referred to "Central Collections" for handling. The admitting facility will make every effort to collect the twenty-five dollars or less accounts. Only the Director of a facility or his designee may charge off an account in the amount of twenty-five dollars or less. If the account is in excess of twenty-five dollars, the request for charge off must be submitted through the Central Collections Section for approval by the Office of Management and Finance. Any request for adjustments in fees which deviate from the uniform fee schedule must be submitted to the Undersecretary or his designee for review and decision. All collections received by agency, or institution after assignment of account to Central Collections will be deposited directly to the State Treasurer's Office through the regional bank and a list of all payments, giving patient name and amount paid, will be mailed to Central Collections on a weekly basis. Accounts will be referred to Central Collections when an insurance company refuses to pay a bill for any reason which is not clearly valid. Upon receipt of an account, Central Collections will send a series of collection letters and make telephone contacts with individuals regarding payments. If account is not brought current within sixty days or a satisfactory payment schedule arranged, the account will be assigned to an attorney for collection or charged off as a bad debt if total outstanding balance is less than one hundred dollars.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Revenue and Taxation
Sales Tax Section**

The Department of Revenue and Taxation, Sales Tax Section, has adopted the following sales tax tables by virtue of its authority under Section 304 of Title 47 of the Louisiana Revised Statutes of 1950.

Tax Collection Amount		Rate	Rate
Rate		2.7%	5.7%
.01- .18	.00	.01- .10	
.19- .55	.01	.11- .26	
.56- .92	.02	.27- .43	
.93-1.29	.03	.44- .61	
1.30-1.66	.04	.62- .78	
1.67-2.03	.05	.79- .96	
2.04-2.40	.06	.97-1.14	
2.41-2.77	.07	1.15-1.31	
2.78-3.14	.08	1.32-1.49	
3.15-3.51	.09	1.50-1.66	
3.52-3.88	.10	1.67-1.84	
3.89-4.25	.11	1.85-2.01	
4.26-4.62	.12	2.02-2.19	
4.63-4.99	.13	2.20-2.36	
5.00-5.37	.14	2.37-2.54	
5.38-5.74	.15	2.55-2.71	
5.75-6.11	.16	2.72-2.89	
6.12-6.48	.17	2.90-3.07	
6.49-6.85	.18	3.08-3.24	

Tax Collection Amount—Continued

Rate		Rate
2.7%		5.7%
6.86-7.22	.19	3.25-3.42
7.23-7.59	.20	3.43-3.59
7.60-7.96	.21	3.60-3.77
7.97-8.33	.22	3.78-3.94
8.34-8.70	.23	3.95-4.12
8.71-9.07	.24	4.13-4.29
9.08-9.44	.25	4.30-4.47
9.45-9.81	.26	4.48-4.64
9.82-10.18	.27	4.65-4.82
	.28	4.83-4.99
For each	.29	5.00-5.17
additional	.30	5.18-5.35
\$10.00 add	.31	5.36-5.52
27 cents	.32	5.53-5.70
	.33	5.71-5.87
	.34	5.88-6.05
	.35	6.06-6.22
	.36	6.23-6.40
	.37	6.41-6.57
	.38	6.58-6.75
	.39	6.76-6.92
	.40	6.93-7.10
	.41	7.11-7.28
	.42	7.29-7.45
	.43	7.46-7.63
	.44	7.64-7.80
	.45	7.81-7.98
	.46	7.99-8.15
	.47	8.16-8.33
	.48	8.34-8.50
	.49	8.51-8.68
	.50	8.69-8.85
	.51	8.86-9.03
	.52	9.04-9.21
	.53	9.22-9.38
	.54	9.39-9.56
	.55	9.57-9.73
	.56	9.74-9.91
	.57	9.92-10.08

For each
additional
\$10.00 add
57 cents

R. Charles Bradley, Manager
Sales Tax Section

RULES

**Department of Revenue and Taxation
Sales Tax Section**

The Department of Revenue and Taxation, Sales Tax Section, has adopted the following rules by virtue of its authority under Section 305.22 of the Louisiana Revised Statutes of 1950.

Article 47:305.22. Exclusions and exemptions; certain self-propelled vehicles removed from inventory

In the determination of whether or not a sales or use tax is due upon items of equipment described in R.S. 47:305.22, the following criteria shall be used:

First Test: Any company which derives from rentals more than twenty-five percent of its gross income in any calendar (or fiscal) year would be deemed, for that calendar (or fiscal) year, to be in the true "leasing business," and not leasing for the purpose of promoting sales. The result would be that such a company would have to pay a use tax on all of the leased equipment owned by that company, regardless of the length (or the shortness) of the leases. Income produced from rentals of equipment where the lessee has the option to purchase shall be included in the "sales" factor for the purpose of this computation. In the event the option is not exercised the income so produced shall revert to the "lease" factor.

Note that a company which meets this "First Test" would have to pay a "use" tax on all leased equipment, regardless of the term of the leases (however short), and regardless of the number of successive leases of any particular item of equipment.

Of course, where such a company made an outright sale, where there was no preceding lease, there would be no "use" tax on the equipment thus sold.

Second Test: Even if a company does not meet the "First Test," it still must pay the use tax on any item of equipment that is held in inventory and leased out (and not actually sold) for a period of thirty months or more. And such an item would be subject to the use tax regardless of the "intent" of the lessor, and regardless of the number of lessees.

Third Test: An Exception. As an exception to all of the foregoing, in each case where a lease of an item of equipment exists, and where the lessee has (from the beginning of this contract) an option to purchase, and where the lessee (in fact) has exercised such option, the transaction would be regarded as a sale from the beginning, so that there would be only one three percent tax due on the entire purchase price, under R.S. 47:302. Any rental tax moneys paid during the lease would be credited against the single three percent tax on the transaction.

Riley F. Boudreaux, Jr., General Counsel
Department of Revenue and Taxation

RULES

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

The Department of Wildlife and Fisheries, via resolution of the Wildlife and Fisheries Commission, has adopted the following rules:

Waterfowl Seasons

Whereas, the waterfowl hunting regulations for the 1979-80 season have been announced by the United States Fish and Wildlife Service, and

Whereas, the Louisiana Wildlife and Fisheries Commission is authorized to establish the dates during which ducks, geese, and coots may be hunted within the federal frameworks, now

Therefore, be it resolved, that the Louisiana Wildlife and Fisheries Commission does hereby establish the following dates for the hunting of ducks, geese, and coots:

West Zone

Ducks and Coots: November 3 - November 27, twenty-five days; December 15 - January 13, thirty days (fifty-five days total).

Geese: November 3 - November 27, twenty-five days; December 15 - January 28, forty-five days (seventy days total).

East Zone

Ducks and Coots: November 17 - December 6, twenty days; December 22 - January 20, thirty days (fifty days total).

Geese: November 17 - January 25, seventy days.

Special Scaup Season

January 21 - January 31 (eleven days). Restricted to certain coastal areas in Southeast Louisiana.

Therefore be it further resolved, that the Louisiana Wildlife and Fisheries Commission does hereby adopt all other federal regulations controlling the hunting of waterfowl including shooting hours, baiting, firearm usage, etc., except that the noon and 2:00 p.m. shooting hours on a number of wildlife management areas as previously established by the Commission, and announced, shall remain in effect.

* * * *

Calcasieu Lake Oyster Season

Whereas, the Department's biologists and the Chief of the Seafood Division have recommended the fishing of the oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou, and;

Whereas, the State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met.

Now, therefore, be it resolved by the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake Oyster Season for 1979-1980 be set in accordance with the following rules and regulations:

1. That the oyster season in Calcasieu Lake be fixed to extend from one half hour before sunrise on Thursday, November 1, 1979, through one half hour after sunset on Monday, March 31, 1980, with the right being reserved to extend said season or close it sooner if biologically justifiable.

2. That oyster fishing be limited only to the use of tongs and to daylight hours.

3. The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.

4. The three-inch culling law shall be observed by all fishermen fishing the area and the culls shall be returned to the fishing area reefs to provide for future harvesting.

5. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in R.S. 56:115.

6. The taking of oysters for commercial purposes shall be limited to fifteen sacks per boat per day.

7. The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day).

8. All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel.

Be it further resolved, that the Secretary be and is hereby authorized and empowered to extend or close said season, and increase or decrease limit, when biologically justified.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Seed Commission

In accordance with the provisions of Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation is proposed to regulate certification of seed rice in bulk. This regulation is supplemental to and does not super-

sede or cancel any of the provisions covering sampling, bagging, tagging, or other standards for certification of seed rice not sold in bulk.

The purpose of this regulation is to give the seedsman a means of selling his certified seed rice in bulk while maintaining the quality and integrity of the seed.

Regulation Governing Certification of Seed Rice in Bulk

I. Application. Initial application for approval of certification of bulk seed rice shall be on a form furnished by the Seed Commission and shall be submitted thirty days prior to seed entering bins to be certified. Application shall designate an individual who shall be responsible for all records and procedures required to complete certification of bulk seed rice. At any time the person designated is replaced for any reason, the Commission shall immediately be furnished the name of his successor.

II. Storage Facilities. Primary storage facilities must be so constructed as to allow for bulk sampling according to provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979) and allow for sealing all seed ingress to the facility. All storage facilities and conveyors must be so constructed to allow for complete clean out and all other procedures to assure maintenance of purity. Primary storage must be labeled to show lots contained within and all lot numbers from a given bin must contain a prefix peculiar to that bin. The operation of secondary facilities must include procedures to identify by lot number the seed contained within at all times.

III. Sampling Procedures. Sampling certified rice for sale in bulk will comply with provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979). Each official certified sample transcript will include the number of lots contained in the bin.

IV. Tagging. Each container of bulk certified rice seed other than primary and secondary storage, will have attached a tag which complies with certified and seed law regulations. The tag will be attached in such a manner as to assure its remaining on the container until it reaches the consumer. Each container of certified bulk seed rice will be sealed in such a manner as to prevent contamination.

V. Sale of Bulk Certified Seed Rice. (Certified Seed Regulation Number 28 as amended May 20, 1979).

A. Sale of bulk certified seed rice will be restricted to the blue tagged certified class only and will not be eligible for recertification.

B. Sale of bulk certified seed rice will be limited to sale by the processor to the final user except when in containers which can be sealed and lend themselves to normal storage. Bulk certified seed rice shall not be bagged for resale as certified seed, unless retested and retagged according to the certification regulation.

VI. Penalties. Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by Revised Statutes of 1950, Title 3, Parts I, II, and III, Chapter 11.

VII. Revisions. The above regulation may be revised or amended at any time that conditions warrant.

VIII. Effective Date. The above regulation shall be effective on and after October 20, 1979.

Written comments and inquiries will be accepted through October 4, 1979, and may be addressed to Richard Carlton, Secretary, Louisiana Seed Commission, Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, Secretary
Seed Commission

NOTICE OF INTENT

Department of Corrections Board of Pardons

Notice is hereby given that the Louisiana Board of Pardons intends to meet at 1:30 p.m., October 8, 1979, in the Board's office, Suite 1402, One American Place, Baton Rouge, Louisiana, to adopt rules governing the processing of applications for pardon, commutation of sentence, or restoration of citizenship.

Interested persons may submit written comments through October 4, 1979, to Mr. John D. Hunter, Chairman, Louisiana Board of Pardons, Box 44142, Baton Rouge, Louisiana 70804.

Proposed Rules

Rule 1. Filing Procedure. To constitute a complete application for pardon, commutation of sentence, or restoration of citizenship, an applicant must comply with two basic requirements:

A. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of a request for pardon or restoration of citizenship, all previous convictions for which applicant was not pardoned must be listed.

B. Have published in a newspaper whose distribution includes the parish in which the offense is alleged to have been committed, one advertisement that indicates applicant's intent to apply to the Board for clemency. For the purpose of compliance with this rule, the Board will accept an application received within one year of the date of appearance of the advertisement. The applicant shall provide the Board with proof of publication as evidenced by a certificate furnished by said newspaper.

Rule 2. Hearing Dates. The Board's regular meeting days are Mondays, Tuesdays, and Wednesdays. It shall also meet at such other times as the Chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems necessary.

Rule 3. Notice of Hearings. Before considering the application for clemency of any person, the Board shall give thirty days written notice to the district attorney and sheriff of the parish in which the applicant was convicted, to the applicant and/or his attorney (if any), and to any other interested person, of the date, time, and place at which the application will be heard and considered.

Rule 4. Discretionary Powers of the Board. An application may be considered by the Board any time after it is received, but no application will be considered by the Board until it deems the application to be complete.

In determining which cases are ready to be heard, the Board may, in its discretion, refuse to grant a hearing if an applicant has not served one-fifth of his sentence. In cases of life sentences and sentences of forty-five years or longer, the applications may be heard at the discretion of the Board. Additionally, the Board may refuse a hearing to an applicant because of his past criminal record or his poor conduct while incarcerated. However, if good cause is shown, nothing in this article shall prevent the Board from hearing the types of cases mentioned hereinabove.

In any matters not specifically covered by these rules, the Board shall have discretionary powers to act.

Rule 5. Employment and Residence Agreements. To demonstrate good faith, an applicant should provide the Board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but

both are encouraged. The agreements shall inform the Board of the applicant's plans for the present and/or future.

Rule 6. Denials. The Board, upon denying an application, shall, within twenty-one working days, inform the applicant of the denial. No new application will be accepted until one year has elapsed from the date of denial.

John D. Hunter, Chairman
Board of Pardons

NOTICE OF INTENT

Governor's Special Commission on Education Services Loan/Grant Division

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to amend Rule 8 of its policies and procedures for inclusion of the new special allowance formula as prescribed by Public Law 96-49, effective July 1, 1979.

A copy of the proposed change will be available for inspection at the office of the Commission, 721 Government Street, Baton Rouge, Louisiana, until October 5, 1979. Persons who desire to do so may submit comments or suggestions in writing through October 5, 1979, to Mr. Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, Louisiana 70804.

Richard W. Petrie, Director, Loan/Grant Division
Governor's Special Commission on Education Services

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt as policy the following at its October meeting:

1. 1980 State Plan for Nutrition Education and Training Program.

2. Adapted physical education certification requirements.

3. Clarification to page 114, Bulletin 741, *Handbook for School Administrators*, relative to establishment of public special education schools.

4. Amendment to Bulletin 741, *Handbook for School Administrators*, deleting policy mandating eighth grade literacy testing in reading and adding provisions of the Competency-Based Education Program (including the Comprehensive Louisiana Literacy Assessment Program.)

5. Revise Rule 1.00.71 relative to procedure for Board meetings and committee meetings.

6. Amendment to Bulletin 741, *Handbook for School Administrators*, page 37, Section 2b(1) to read as follows: A student, unless married, must be seventeen years of age in order to be authorized to be administered the Test of General Education Development.

7. Revise Rule 3.07.11, relative to graduation requirements for adults.

8. Deletion of Rule 3.07.10b, 3.07.12, 3.07.20, and 3.07.21 due to obsolescence.

9. Bulletin 1508, *Pupil Appraisal Handbook*, Addenda, Approved Evaluation Instruments and Procedures, Gifted and Talented; Guidelines for Criteria for Eligibility for Talented; Guidelines for Criteria for Eligibility for Gifted and Talented.

10. Amendment to Rule 3.01.70d deleting three reasons for recommending certification waivers, i.e., (1) hardship, (2) emergency, or (3) professional excellence.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., October 10,

1979, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. Mr. James V. Soileau is the person responsible for responding to inquiries concerning the proposed rules.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

NOTICE OF INTENT

Board of Regents

Notice is hereby given that the Louisiana Board of Regents intends to adopt the *State Appropriation Formula, Revised: 1980*, at its regular meeting of October 25, 1979. The proposed revised *Formula* is available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day, at the Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions up to fifteen days following publication of this notice of intent at the following address: Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825, telephone (504) 342-4253. Ms. Joan Rawls is the person within the agency who is responsible for responding to inquiries about the proposed rules.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Department of Health and Human Resources Air Control Commission

The Air Control Commission proposes to adopt rules and regulations, and to amend the State Implementation Plan (SIP), to provide for the control of total reduced sulfur (TRS) emissions from existing kraft wood pulp mills.

The Commission also proposes to amend Regulation 22.6 to change the designation of regulated organic compound water separators, in general, from those receiving effluent water containing two hundred gallons or more per day of any organic compound to those which, if not controlled, would emit over one hundred tons per year of any organic compound.

Additionally, the Commission proposes to amend Regulation 22.6 to provide separate requirements for the control of emissions from volatile and nonvolatile organic compound water separators.

The Commission also proposes to amend Regulation 22.10 by dropping the word "volatile" from the designation of those organic compounds which may be considered for exemption from any Section 22 regulation, thereby allowing for the possibility of exemption for nonvolatile organic compounds, as well as for volatile organic compounds.

These rules are being enacted under the authority granted to the Commission by R.S. 40:2204 (A)(2), and with reference to the final guideline document announced in the *Federal Register* of May 22, 1979, page 29828.

The Commission will hold a public hearing, beginning at 10:00 a.m., October 23, 1979, in the New Orleans City Council Chambers, 1300 Perdido Street, to discuss and consider the adoption of the proposed Regulation revisions and State Implementation Plan revisions, and tentatively plans to adopt final regulations at a public hearing at the same location, beginning at 10:00 a.m., November 27, 1979.

The person within the agency responsible for responding to inquiries about the proposed rule modifications is James F.

Coerver, Technical Secretary, Louisiana Air Control Commission, Box 60630, New Orleans, Louisiana 70160; telephone (504) 568-5121. Written comments may be submitted to the above address until 4:30 p.m. of the day before the date of the hearing.

Data concerning these proposed changes will be available for review at the following locations at least thirty days prior to the public hearings:

1. State Office Building, 325 Loyola Avenue, Room 409, New Orleans.
2. East Baton Rouge Parish Health Unit, 353 North Twelfth Street, Room 83, Baton Rouge.
3. State Office Building, 1525 Fairfield Avenue, Fifth Floor, Shreveport.
4. Office of Health Services Building, 1505 North Nineteenth Street, Monroe.
5. Calcasieu Parish Health Unit, 721 Prien Lake Road, Lake Charles.

Proposed Regulation Revisions

Add the following definitions to Section 4 of the Regulations:

4.95 "New Design" Furnace. An existing straight kraft recovery furnace with both welded-wall or membrane wall construction and emission-control-designed air systems, for which design specifications, purchase contract or manufacturer's warranty specifies a capability for continuous total reduced sulfur (TRS) emissions equivalent to the New Source Performance Standards (*Federal Register*, February 23, 1978, Part V).

4.96 Cross-recovery. The practice of combining the spent liquors from a soda-based semi-chemical pulping process, such as NSSC, with kraft mill black liquor prior to burning in a recovery furnace. Less than seven percent semi-chemical liquor, based on equivalent air-dry pulp production, will not be classified as cross-recovery.

4.97 "Bubble Concept." An alternative emission plan whereby a facility with multiple sources of a given pollutant may achieve a required total emission by a different mix of controls from that mandated by regulation. Some sources may be assigned more restrictive limits, while others would meet less restrictive ones, provided the resulting total emissions are equivalent. Such a concept may permit a less costly compliance plan.

* * * *

Add to Table 4, "Emissions—Methods of Contaminant Measurement:"

Total Reduced Sulfur (TRS) -

1) Title 40, Code of Federal Regulations, Part 60, Appendix A - Method 16.

2) Coulometric titration by method specified in NCASI Atmospheric Quality Improvement Technical Bulletin Number 91. (January 1978.)

* * * *

Revise the first part of 22.6 to read as follows:

22.6 Organic Compounds Water Separation.

22.6.1 Water Separators-Volatile Organic Compounds. Single or multiple compartment volatile organic compound water separators which receive effluent water from any equipment processing, refining, treating, storing or handling volatile organic compounds and emit greater than one hundred tons per year of regulated hydrocarbons (uncontrolled) shall be equipped with one of the following vapor loss control devices properly installed in good working order and in operation....

* * * *

Add Section 22.6.2 as follows:

22.6.2 Water Separators - Non Volatile Organic Compounds. Single or multiple compartment water separators which receive effluent water from any equipment processing, refining, treating, storing or handling organic compounds with a vapor pressure less than 1.5 psia (at actual conditions in separator) and

emit greater than one hundred tons per year of regulated hydrocarbons (uncontrolled) shall be equipped with one of the following vapor loss control devices properly installed in good working order and in operation on the forebays:

(a) A cover having all openings sealed and totally enclosing the liquid contents: All gauging and sampling devices will be gas tight except when gauging or sampling is taking place.

(b) A floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover which rests on the surface of the contents and is equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.

(c) Vapor disposal system capable of processing such organic vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) Other equivalent equipment or means as may be approved by the Technical Secretary. This Subsection does not apply to oil field separators.

* * * *

In Section 22.10 revise the second sentence to read as follows:
...Sources emitting other organic compounds may be considered for exemption by the Commission if their control causes hardship....

* * * *

Add the following Subsection 23.4.3 to read:

23.4.3 Total Reduced Sulfur Emissions. Emission of Total Reduced Sulfur compounds (TRS) from existing sources specified below shall not exceed the following limits:

(1) Kraft recovery furnaces

a. New design straight kraft recovery furnaces, five parts per million (ppm).

b. Old design straight kraft recovery furnaces, twenty ppm.

c. Cross-recovery furnaces, twenty-five ppm.

d. Recovery furnaces constructed prior to 1960: The department may establish emission limitations different from those specified above for the remaining useful life of the unit. The emission limit established for each effected furnace will reflect the lowest levels of TRS emissions consistently achievable utilizing best practicable technology.

(2) Digester systems, five ppm.

(3) Multiple-effect evaporator systems, five ppm.

(4) Lime kilns, twenty ppm.

(5) Condensate stripper systems, five ppm.

(6) Smelt dissolving tanks, 0.0084 grams per kilogram black liquor solids fired. Compliance with the particulate emission limits of Section 23.4.1 (2) by a scrubbing device employing fresh water as the scrubbing medium make-up will be accepted as evidence of adequate TRS control on smelt dissolving tanks.

Emission limits are given in terms of twelve-hour averages. For recovery furnaces, one percent, and for lime kilns, two percent of all twelve-hour TRS averages per quarter year above the specified level, under conditions of proper operation and maintenance, in the absence of start-ups, shut downs and malfunctions, are not considered to be violations of the emission limitation.

23.4.3.1 In any plant subject to this Section, alternative TRS emission limits from individual sources shall be established upon request, using the "Bubble Concept," provided that the total emissions from all the regulated sources do not exceed those permitted above.

The Department may establish alternative limits consistent with the purposes of this Section.

23.4.3.2 Compliance: Effected sources shall achieve final compliance with the provisions of Section 23.4.3 as expeditiously

as practicable but not more than six years from the effective date of this section of the regulations.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt effective November 1, 1979, a policy to allow Title XIX reimbursement for removable partial dentures, when required to fulfill the requirement for balancing occlusion. The patient must be Title XIX eligible and have less than the required four posterior teeth in the arch opposing a full denture or less than a combination of eight anterior and posterior teeth in the arch opposing a full denture. The patient's potential abutment teeth must be caries free, and within reason, periodontally sound. Patients qualifying under the above criteria will have all missing teeth in the arch replaced by a partial denture.

Interested persons may submit written comments on the proposed policy changes through October 4, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt effective November 1, 1979, a policy to ensure that the Medicaid Program makes no payment for transportation services which exceeds the maximum payment which Medicare would make for the same service. The Medicaid Program will pay the usual and customary charge by the provider or will pay the amount Medicare would pay, whichever is lower.

Interested persons may submit written comments on the proposed policy changes through October 4, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources (DHHR), Office of Family Security, proposes to adopt effective November 1, 1979, a policy to revise the standards for participation in the Emergency Transportation Program. The revised standards are listed below:

A. Definitions.

1. "Ambulance" means any privately or publicly owned land, air, or water vehicle that is designed, constructed, or recon-

structed, maintained, equipped or operated, or issued for, or intended to be used for air, land, or water medical transportation of persons in emergency situations.

2. "Emergency situation" means an unforeseen combination of circumstances which apparently demand immediate attention at a medical facility to prevent permanent injury or loss of life; when a mental patient is unmanageable or needs restraint; when a patient has a medical condition such as possible heart attack, coma, hemorrhage, loss of consciousness, debilitating condition; transfer of a patient requiring the administration of intravenous (IV) fluids, for which the patient would be susceptible to injury using other methods of transport.

3. "Emergency medical technician" means any person who possesses a valid emergency medical technician's (EMT) certificate; who has completed a Department of Transportation approved eighty-one-hour EMT course of instruction, and is approved by the State Board of Medical Examiners or the Bureau of Emergency Medical Services (BEMS).

4. "First aid certificate" refers to a certificate in the Advanced First Aid and Emergency Care Course issued by the Bureau of Mines or American Red Cross wherein it is stated that the person to whom it is issued has successfully completed the required training and met the established standards of such organizations.

5. "Certified provider" means any authorized emergency transportation service designated by the Department of Health and Human Resources as meeting the standards approved for participation under the Medical Assistance Program.

B. Provider Certification Requirements.

1. Service Requirements.

a. Certified providers must offer twenty-four-hour a day personnel availability and service during the certification period.

b. No ambulance shall operate in this program unless the following insurance coverages are in effect at the time of application and during the period of certification.

2. Insurance Requirements.

a. For injury to, or death of, individuals resulting from any cause to which the owner of the ambulance would be liable regardless of whether the vehicle was being driven by the owner or his agent, and for damages to the property of another in the amounts specified in these rules and regulations.

b. The applicant shall provide insurance for not less than the following limits of liability: for each accident causing bodily injury (including death at any time resulting therefrom) one hundred thousand dollars for each person, three hundred thousand dollars for each accident, and fifty thousand dollars property damage sustained in any one accident.

c. No insurance coverage shall be satisfactory unless issued by an insurance company authorized to write such coverage in this state.

3. Personnel Requirements.

a. Every ambulance when transporting a Medicaid, or Part B eligible patient shall be occupied by at least two persons, one of whom is either a licensed physician, registered nurse, licensed practical nurse, or emergency medical technician, who must be present in the patient compartment of the vehicle and a vehicle driver who is, as a minimum, the holder of a valid advanced first aid certificate.

b. Any person desiring certification as an emergency medical technician shall make application to the BEMS. The BEMS shall determine whether the applicant meets the prescribed qualifications as set forth in the regulations promulgated by the Secretary of DHHR. The applicant shall be issued a certificate if found to be fully qualified.

4. Vehicle Requirements.

a. Each vehicle certified must have on board the essential equipment for ambulances as recommended by the Committee on Trauma, American College of Surgeons:

(1.) Portable suction apparatus with wide-bore tubing and rigid pharyngeal suction tip.

(2.) Hand operated bag-mask ventilation unit with adult, child, and infant-size masks.

(3.) Oropharyngeal airways in adult, child, and infant sizes.

(4.) Mouth to mouth artificial ventilation airways for adults and children.

(5.) Portable oxygen equipment with adequate tubing and semiopen, valveless, transparent masks in adult, child, and infant sizes.

(6.) Mouth gags, either commercial or made of three tongue blades taped together and padded.

(7.) Universal dressings, approximately ten inches by thirty-six inches, compactly folded and packaged in convenient sizes.

(8.) Sterile gauze pads, four inches by four inches.

(9.) Soft roller self-adhering type bandages, six inches by five yards.

(10.) Roll of aluminum foil, eighteen inches by twenty-five feet, sterilized and wrapped.

(11.) Two rolls of plain adhesive tape, three inches wide.

(12.) Two sterile burn sheets.

(13.) Hinged half-ring lower extremity traction splint (ring nine inches in diameter, overall length of splint forty-three inches) with commercial limb-support slings, padded ankle hitch and traction strap.

(14.) Uncomplicated inflatable splints.

(15.) Short and long spine boards with accessories.

(16.) Triangular bandages.

(17.) Large-size safety pins.

(18.) Shears for bandages.

(19.) Sterile obstetrical kit.

(20.) Poison kit.

(21.) Blood pressure menometer, cuff, and stethoscope.

(22.) Compartmentalized pneumatic trousers with inflation equipment.

(23.) Two-way radio allowing direct communication between EMT and the emergency department of the hospital.

C. Application for Participation. A provider wishing to apply for participation in the Medical Assistance Program must apply to the Department of Health and Human Resources, Office of Family Security (Provider Enrollment Unit). If the provider is not certified, application to the Department of Health and Human Resources, Bureau of Emergency Medical Services, must be made simultaneously. To be certified, the following conditions must be met:

1. No person either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to engage in providing ambulance services for the Medical Assistance Program, Emergency Ambulance Transportation Services, unless that person holds a currently valid provider permit to do so.

2. The application to the Department of Health and Human Resources for certification shall be made annually and include:

a. The name and business address of the operator and owner of the medical transportation vehicle service or proposed ambulance service.

b. The name under which the applicant will operate.

c. A list of the names and address of all officers and directors, and all authorized agents in Louisiana if incorporated; or

if the organization is an unincorporated association, a list of the names and addresses of all officers and directors.

d. A description of each ambulance to be used, including the make, model, year of the vehicle, mileage, motor and chassis numbers, passenger capacity, size and gross weight of each vehicle, state or federal aviation or marine registration number where applicable, and the color scheme, insignia, name, monogram and other distinguishing characteristics to be used to designate the applicant's vehicles.

e. The location and description of the place or places from which the ambulance service will operate.

f. A statement reasonably describing the geographic area or areas and the population to be served by the applicant.

g. Evidence of adequate insurance coverage for claims arising out of injury or death to persons and damage to the property of others resulting from any cause for which the owner of said business or service would be liable in the limits established herein.

h. A list of currently certified EMT's and their registry numbers.

i. A completed, verifiable list of equipment as required by the regulations.

j. Such other information as the Office of Family Security deems reasonable and necessary.

D. Inspection.

1. The Department of Health and Human Resources shall make all investigations and inspections necessary for the enforcement of these rules and regulations.

2. These inspections are mandatory for providers of Emergency Ambulance Transportation Services, that participate in the Medical Assistance Program, and may include all their personnel, vehicles, and associated equipment including required life support equipment. Inspections may be made on a regular or special basis and at such times and places as the Department of Health and Human Resources deems necessary.

E. Certificate, Permit, License; Transfer or Assignment Prohibited. No certificate, provisional certificate, permit, or license issued under the provisions of these rules and regulations shall be assignable or transferrable by the person to whom issued.

F. Suspension or Revocation of License or Permit; Procedures; Appeals. The Secretary, or his designated representative, is authorized to suspend or revoke any license, permit, or provider agreement issued in any case where he determines that there has been a substantial failure by a holder of a license, permit, or provider agreement to comply with the requirements and rules of the Medical Assistance Program.

Interested persons may submit written comments on the proposed policy changes through October 4, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Board of Practical Nurse Examiners

The Louisiana State Board of Practical Nurse Examiners proposes to adopt at its October 5, 1979 meeting the following amendments to the *Administrative Rules and Minimum Require-*

ments Relating To Practical Nursing Education and Licensure to Practice in the State of Louisiana. The proposed rules read as follows:

Section I, General Board Policies

1. Organization. The Louisiana State Board of Practical Nurse Examiners consists of eleven members appointed by the Governor and is the regulatory agency created by statute to act with legal authority on matters related to practical nursing education and the practice of practical nursing in Louisiana as determined by the Louisiana Revised Statutes, Title 37, Section 961-979.

* * * *

Section IV, Program Projection

1. Faculty and Staff

1-2 Minimum Number of Faculty

a. Registered nurses - No less than two, one of whom should be designated coordinator/charge instructor. The instructor-student ratio shall be one instructor to each twelve students in the clinical area.

* * * *

Section VI, Program Approval and Accreditation

2. Types shall be:

2-4 Provisional approval shall be issued to programs that do not maintain minimum requirements. Programs placed on provisional approval shall be reviewed annually.

Interested persons may submit written comments through October 4, 1979, to Mrs. Helen W. Sheehan, R.N., Executive Director, Louisiana State Board of Practical Nurse Examiners, 1408 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana 70112.

Helen W. Sheehan, R.N., Executive Director
Board of Practical Nurse Examiners

NOTICE OF INTENT

Department of Natural Resources

Notice is hereby given that the Department of Natural Resources, pursuant to authority granted in R.S. 56:700.1—700.5 (Fishermen's Gear Compensation Fund), intends to levy a fee in the amount of three hundred dollars upon each lessee of a state lease and each grantee of a state right-of-way located within the Coastal Zone Area.

Interested persons may submit written comments up to fifteen days following publication hereof to Mr. Jerry Hill, Undersecretary, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804 or may attend a public meeting for the purpose of discussing the proposed levy on Monday, October 8, 1979, at 9:30 a.m., in the Mineral Board Hearing Room, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

William C. Huls, Secretary
Department of Natural Resources

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Pursuant to the provisions of R.S. 49:953, the Office of Conservation, Department of Natural Resources, gives notice that it proposes to amend and reenact Regulation Number 5 of the Commissioner of Conservation applicable to matters arising under the Natural Resources and Energy Act of 1973, as amended, at a hearing to be held in the Conservation Auditorium, First Floor,

State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, at 9:00 a.m. on October 18, 1979.

The purpose of the proposed amendment is to eliminate the exemption provided in R.S. 30:595 by decreasing the volume of natural gas which is exempt from Part V of the Natural Resources and Energy Act of 1973 from one billion cubic feet to zero.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing. Written comments prior to the hearing should be forwarded to R. T. Sutton, Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804, RE: Docket No. PL 79-91.

Proposed Regulation No. 5, Amended

A. This regulation shall apply to the price of intrastate natural gas sold by a natural gas company under contracts executed after December 8, 1973, under the provisions of Part V of the Natural Resources and Energy Act of 1973, being Sections 591 through 606 thereof. No contract shall be exempt under the provisions of Section 595.

B. Any and all hearings, investigations, and proceedings conducted or held under Part V of the Act shall be in accordance with the Rules of Procedure of the Commissioner of Conservation.

C. Each natural gas company who enters into a contract for the sale of intrastate natural gas shall file with the Commissioner, within thirty days after the execution of such contract, one complete copy of said contract and one complete copy of all classifications, practices, and regulations affecting such prices.

D. All notices of contracts, agreements, or understandings, or proposed contracts, agreements, or understandings, which may be submitted to the Commissioner pursuant to the provisions of Section 597 of the Act, shall be filed on forms approved by the Commissioner and shall contain the following information:

1. The exact legal name and status of the purchaser and seller and the name, title, and mailing address of the person(s) to whom communications concerning the notice are to be addressed.

2. Parties: seller, purchaser, owner, transporter.

3. Date of contract.

4. Term of contract.

5. Quantities of gas.

a. Maximum daily quantity seller is obligated to deliver. (MCF/day or MMBTU/day).

b. Minimum daily quantity purchaser is obligated to receive (MCF/day or MMBTU/day).

c. Measurement: pressure base.

d. Service: firm or interruptible. (Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.)

6. Type of sale: industrial, sale for resale, transportation or other.

7. Point(s) of delivery.

8. Delivery pressures: minimum, maximum.

9. Price.

E. Unless the Commissioner gives notice to the contrary to the parties within fifteen days from the date of filing hereunder, any contract, agreement or understanding, or proposed contract, agreement or understanding, filed pursuant to the provisions of Section 597 of the Act shall be deemed to have been accepted or approved by the Commissioner without objection and to be in compliance with the provisions of Part V of the Act. If however, the Commissioner deems it advisable to consider the proposal further, he shall notify the parties accordingly and the matter shall thereafter be processed by the Commissioner in accordance with his rules and regulations.

F. All reports to be filed under the provisions of Part V of the Act, exclusive of those permitted or required under Section 597

thereof, shall be filed upon such forms and in such manner as prescribed by the Commissioner and as directed by him.

G. The Commissioner, upon receipt of a petition from any party to a contract or sale complaining of anything done or omitted to be done by any natural gas company in contravention of the provisions of Part V of this Act, shall pursuant to the provisions of Section 602 of this Act, forward a statement of the complaint to the natural gas company which shall have twenty days from receipt to satisfy the complaint or to answer the same in writing. In the event additional time to answer the complaint is requested by the natural gas company, in writing, the Commissioner may, for good cause shown, grant same, but in no case shall the additional time granted exceed thirty days.

H. In connection with filings made with the Commissioner by a natural gas company under provisions of Part V of the Act, interested parties shall be the parties to each such contract so filed.

R. T. Sutton
Commissioner of Conservation

NOTICE OF INTENT

Department of Public Safety Office of State Fire Protection

The Department of Public Safety, Office of Fire Protection, proposes to adopt the following amended Standards for Mobile Homes. Interested persons may submit written comments through October 4, 1979, to Clinton R. Dobson, Administrator of the Mobile Home Division, 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809, or to Plauche F. Villere, Jr., Legal Counsel, Office of State Fire Protection, 500 Dufossat Street, New Orleans, Louisiana 70115.

Proposed Standards for Mobile Homes

Section 7.1 All mobile homes manufactured and/or sold in the state of Louisiana prior to June 15, 1976, shall meet the requirements set forth in the 1974 pamphlet 501B of the National Fire Protection Association or the American National Standards Institute A 119.1.

Section 7.2 On and after June 15, 1976, all mobile homes manufactured and/or sold in the state of Louisiana shall meet the requirements set forth in the National Mobile Home Construction and Safety Standards Act (42 U.S.C. 5401 et seq.) and all federal regulations promulgated pursuant thereto.

Section 7.3 The fees of the Fire Marshal for inspections in accordance with Act 281 of 1974 shall be as follows: manufacturer's license, \$50.00; dealer's license, \$25.00; inspection of a typical mobile home model plan, \$60.00.

Daniel L. Kelly
State Fire Marshal

NOTICE OF INTENT

Department of State Board of Election Supervisors

In compliance with R.S. 49:953, the State Board of Election Supervisors hereby gives notice of its intention to adopt rules of procedure for the filing of complaints, conduct of hearings, and other related matters necessary in the performance of its duties relative to the removal of registrars of voters, for cause, as enumerated in R.S. 18:53.

All inquiries about this intended action and all written data, views, or arguments should be submitted on or before October 7,

1979, to Melvin Bellar, Legal Unit, Department of State, Box 44125, Baton Rouge, Louisiana 70804, Telephone: (504) 342-5710.

An opportunity for oral presentation and arguments will be given to all interested persons on October 8, 1979, at 10:00 a.m., Room 2, 16th Floor, State Capitol Building.

Paul Hardy, Chairman
Board of Election Supervisors

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Community Services

The Department of Urban and Community Affairs, Office of Community Services, will hold a public hearing at 9:00 a.m., Tuesday, October 23, 1979. The purpose of the hearing will be to receive comments and consider adoption of the State Plan for the Community Services Administration's Energy Crisis Assistance Program, as required by federal regulations promulgated in the *Federal Register*, Volume 44, Number 172, pages 51780-51794, September 4, 1979.

Copies of the State Plan can be obtained from the Department of Urban and Community Affairs. Interested persons may submit written views and opinions to O. A. Bankston, Department of Urban and Community Affairs, Box 44455, Baton Rouge, Louisiana 70804, (504) 925-3728. Reasonable opportunity for oral comments will be permitted at the hearing. Written views and opinions will be accepted through October 8, 1979.

Harvey R. H. Britton, Sr., Secretary
Department of Urban and Community Affairs

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Community Services Bureau of Indian Affairs

Notice is hereby given that the Department of Urban and Community Affairs, Office of Community Services, Bureau of Indian Affairs, intends to consider the proposed policies, rules, and regulations listed below:

1. Adopt a Louisiana Indian Higher Education Assistance application form.
2. Adopt a statement of policies governing admission to the program.
3. Adopt a certification of Indian eligibility for the program.

Copies of the above mentioned documents are available for inspection and may be obtained from the offices of the Department of Urban and Community Affairs, Office of Community Services, 5790 Florida Boulevard, Baton Rouge, Louisiana, from 8:00 a.m. to 4:30 p.m., telephone (504) 925-3728.

Interested persons may submit written comments on the proposed policies, rules and regulations through October 11, 1979, to Andrew Armstrong, Assistant Secretary, Office of Community Services, Box 44455, Baton Rouge, Louisiana 70804.

Harvey R. H. Britton, Sr., Secretary
Department of Urban and Community Affairs

Potpourri

Department of Agriculture Dairy Stabilization Board

The regular meeting of the Dairy Stabilization Board scheduled to be held on Tuesday, September 25, 1979 has been cancelled.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

Department of Urban and Community Affairs Indian Housing Authority

Bylaws

Article I - The Authority

Section 1. Name of the Authority. The name of the Authority shall be the Louisiana Indian Housing Authority.

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority.

Section 3. Office of the Authority. The offices of the Authority shall be temporarily housed within the Louisiana Department of Urban and Community Affairs.

Article II - Officers

Section 1. Officers. The officers of the Authority shall be a Chairman, a Vice-Chairman, a Secretary, and a Treasurer.

Section 2. Chairman. The Chairman shall preside at all meetings of the Authority and shall be the Assistant Secretary, Office of Community Services, except as otherwise authorized by resolution of the Authority.

Section 3. Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

Section 4. Secretary. The Secretary shall keep complete and accurate records of all meetings and action taken by the Board. He shall keep in safe custody the seal of the authority and shall have the power to affix such seal to all contracts and instruments authorized to be executed by the Authority.

Section 5. Treasurer. The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Board.

Section 6. Housing Authority Project Manager. This staff person shall be selected through qualified applicants with preference given to Indian heritage. He shall be responsible for the general supervision over the administration of the business and affairs of the Authority, and subject to the direction of the Authority. He shall be charged with the management of the housing projects of the Authority.

Section 7. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the bylaws or rules and regulations of the Authority. The undersecretary of the Office of Management and Finance of the Department of Urban and Community Affairs shall exercise all accounting functions, budget control, procurement and contract management and grants management for the Authority.

Section 8. Election or Appointment. The Chairman shall be an ex-officio member of the Board without voting powers. The Director of Indian Affairs shall be an ex-officio member of the Board without voting powers. The Vice-Chairman, Secretary, and Treasurer shall be elected at the annual meeting of the Authority from among Commissioners of the Authority and shall hold office for one year or until their successors are elected and qualified. In case of the absence or incapacity of the Chairman and Vice-Chairman,

the other Commissioners of the Authority may elect an acting chairman to service during the period of absence or incapacity of the Chairman and Vice-Chairman.

Section 9. Vacancies. Should any office become vacant, i.e., that of Vice-Chairman, Secretary or Treasurer, the Authority shall elect a successor from its current membership at the next regular meeting, and the successor shall hold office for the unexpired term of said office.

Section 10. Removal. That any member of the Board may be removed by the Governor for serious inefficiency or neglect of duty or for misconduct in office according to procedures in R.S. 40:581.5D; that the Commission may make recommendation for removal only upon two-thirds vote of the full Commission upon a meeting duly noticed.

Section 11. Additional Personnel. The Authority may from time to time require the employment of such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by the Housing Authority Law of the State of Louisiana and all other laws of the State of Louisiana applicable thereto. The selection and compensation of such personnel shall be determined by the Commission and subject to the laws of the State of Louisiana, classified job openings will be filled by preference given to qualified Indian applicants in accordance with Louisiana Civil Service regulations all in accordance with the 1975 Self-Determination Act.

Article III - Meetings

Section 1. Annual Meeting. The annual meeting of the Authority shall be held on the third Wednesday of May at 10:00 a.m. at a meeting place designated by the Authority. In the event such date should fall on a legal holiday, the annual meeting shall be held on the next succeeding secular day.

Section 2. Regular Meeting. Regular meetings may be determined by the resolution of the Authority, which meetings may be held at any time and place within the State as designated by the Authority, and such meetings must conform to the State Public Meetings Law and be advertised in advance in the *Louisiana Register*.

Section 3. Special Meetings. The Chairman of the Authority may, when he deems it expedient, and shall, upon written requests of five members of the Authority, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the Authority or may be mailed to the business or home address of each member of the Authority at least twenty-four hours prior to the date of such special meeting; provided, that formal notice of the calling of a special meeting may be waived if all members of the Authority sign a waiver of notice and consent to meeting in which shall be set out the purposes for which the meeting is to be held. At such special meeting no business shall be considered other than as designated in the call waiver; but if all of the members of the Authority are present at a special meeting, any and all business may be transacted at such special meeting.

Section 4. Quorum. At all meetings of the Authority a majority of the members of the Authority shall constitute a quorum for the purpose of transacting business; provided that a smaller number may meet and adjourn to some other time or until a quorum is obtained.

Section 5. Order of Business. At the regular meetings of the Authority the following shall be the order of business:

1. Roll call.
2. Reading and approval of minutes of the previous meeting.
3. Bills and communications.
4. Report of the Secretary.
5. Report of the Treasurer.
6. Reports of committees.
7. Unfinished business.

8. New business.

9. Adjournment.

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Authority.

Section 6. Manner of Voting. The voting on all questions coming before the Authority shall be by roll call, and the "yeas" and "nays" shall be entered upon the minutes of such meeting. In the case of a tie, each commissioner's name shall be called for his or her vote.

Article IV - Amendments

Section 1. Amendments to Bylaws. The Bylaws of the Authority shall be amended only with the approval of at least five of the members of the Authority at a regular meeting or at a special meeting which has been duly called and held pursuant to Article III, Section 3 of the Bylaws, but no such amendments shall be adopted unless at least seven days prior notice thereof has been previously given to all of the members of the Authority.

Andrew Armstrong, Chairman
Indian Housing Authority

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