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Executive Orders

Louisiana, at the Capitol in the city of Baton Rouge on this 8th day of April, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-26

WHEREAS, the Office of Telecommunications Management, within the Division of Administration, is vested with the authority to control and coordinate all telecommunication procurement for the executive branch of state government with the exception of radio, under Section 140 of Title 39 of the Louisiana Revised Statutes of 1950; and

WHEREAS, by Executive Order EWE 86-10, the Office of Telecommunications Management was given the authority to coordinate and supervise the procurement of radio; and

WHEREAS, the sharing of transmission facilities media provides the greatest opportunity for resource sharing and effective cost control and savings for the executive branch of state government:

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

Section 1: The transmission facilities of the executive branch of state government shall be viewed in their entirety as state facilities under the control of a single managing entity: the Division of Administration, through the Office of Telecommunications Management.

Section 2: In carrying out the central role in coordinating, supervising, and managing the use of state-owned or operated transmission facilities, I hereby establish a Telecommunication Advisory Committee to provide input into the decision-making process on the present and future use and configuration of state transmission facilities. The Telecommunication Advisory Council shall be guided in its deliberation by the following criteria: maximization of resource sharing among agencies; minimization of cost; and satisfaction of functional needs.

Section 3: The Telecommunication Advisory Council shall consist of duly appointed representatives of the Division of Administration, the Department of Transportation and Development, the Department of Public Safety and Corrections, Office of State Police, and Louisiana Public Broadcasting. Appointments shall be made by the respective heads of each agency, and the Division of Administration's representative shall serve as chairperson.

Section 4: The Telecommunication Advisory Council shall provide input into the decision process with respect to the current use of transmission facilities resources, reconfiguration of transmission facilities, operation management policies, and long-range plans. It shall also assist in the formulation of policies to collect and maintain an inventory of transmission facilities, a profile of technical staff expertise, procedures to identify and track costs within agencies, and to allocate and reimburse costs among agencies.

Section 5: The commissioner of administration shall retain the right of final decision over network configuration, changes and long-range planning directions. The respective agencies may retain supervision over the day-to-day operations of their transmission facilities.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the state of

EXECUTIVE ORDER EWE 87-27

WHEREAS, the state of Louisiana is currently experiencing severe economic problems due to depressed energy prices in the world market; and

WHEREAS, the state owns million of acres of lands and waterbottoms, which traditionally have generated revenues only from oil and gas activities, but which have tremendous potential for producing revenues from other uses; and

WHEREAS, other states, recognizing the value of their public land resources, have developed public land management programs which insure multiple and compatible uses of public lands, increased revenue generation and enhanced public enjoyment, and have created central repositories for information on public lands to be used by the public and by governmental agencies; and

WHEREAS, it is essential that Louisiana accelerate current efforts to develop a public land management program whereby the full use and revenue generating potential of public properties can be realized; and

WHEREAS, the development of said management program will first require the establishment of a data base in the form of a central repository of state land and waterbottoms' title, location and use information; and

WHEREAS, the Louisiana Department of Natural Resources, as successor to the Register of State Lands, holds title to most state lands and waterbottoms; is the traditional custodian of the original township maps and surveys upon which public ownership of lands and waterbottoms is based; and is charged with the responsibility of locating and surveying those properties and maintaining a public listing of the same; and

WHEREAS, the Department of Natural Resources, through its boards and offices, is the traditional leasing agency of state lands and waterbottoms for mineral exploration, agricultural pursuits, campsites and hunting, and the secretary of that department is the custodian of records of all such leases and activities; and

WHEREAS, the Department of Natural Resources oversees the use and disposition of tax adjudicated lands and administers the State Waterbottom Management Act, and other provisions of Title 41 of the Revised Statutes, regulating virtually all uses of state waterbottoms, other than mineral exploration and certain activities regulated by the Department of Wildlife and Fisheries; and

WHEREAS, various legislative acts and resolutions have further defined the Department of Natural Resources' management responsibilities for state lands and waterbottoms, addressing various aspects of that management, and establishing the State Lands and Waterbottoms Management Fund for those purposes; and

WHEREAS, the Department of Natural Resources administers the Coastal Zone Management Program, thus regulating all significant uses of state lands and waterbottoms within the Coastal Zone, and further participates in coastal protection projects, particularly by making state lands and waterbottoms available for federal use in those projects;

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

Section 1: The secretary of the Department of Natural Resources shall consolidate the public records within his custody which reflect the ownership and use of, and disputes over, state lands and waterbottoms into a central location or repository. The secretary shall evaluate state lands and waterbottoms, the title to which is under the jurisdiction of the Department of Natural Resources, for their additional use and revenue generating potential, and incorporate that information into the repository.

Section 2: The secretary of the Department of Natural Resources shall consult with the commissioner of administration, the State Mineral Board, the Department of Wildlife and Fisheries, and other state agency boards and commission which own, administer, or lease state lands and waterbottoms, to obtain information from them on state lands and waterbottoms' use and revenue generating potentials for incorporation into the repository established hereinabove. All executive branch departments, agencies, boards, and commissions are directed to assist the secretary of the Department of Natural Resources in compiling information and evaluations concerning state lands and waterbottoms which they own, administer or lease, consistent with the intent of this executive order.

Section 3: The secretary of the Department of Natural Resources shall maintain and update the state lands and waterbottoms information repository established hereunder for use by the public, the governor, the legislature and state agencies, boards, and commissions in administering regulatory and leasing programs and developing a comprehensive management program. The secretary shall prepare such reports and recommendations as may be requested by the governor or the legislature from information contained in the repository, and shall reallocate such staff and resources within his department, as is necessary, to accomplish the purposes and intent of this Executive Order.

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 9th day of April, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-28

WHEREAS, under the authority granted me by Section 10 of Act 17 of the 1986 Regular Session of the Legislature of Louisiana, Louisiana R.S. 39:55, Article IV, Section 5 of the Louisiana Constitution of 1974, and Act 38 of the 1986 First Extraordinary Session of the Legislature of Louisiana, I did issue executive orders on the 13th day of October, 1986, and on the

15th day of January, 1987, reducing certain appropriations in force; and

WHEREAS, certain of these reductions would severely impact the orderly conduct of the current school year; reduce certain salary supplements to those personnel entrusted with the preservation of our lives and safety; and increase the financial burden currently facing police juries and other units of local government; and

WHEREAS, the state recently and successfully issued state of Louisiana General Obligation Refunding Bonds, Series 1987-A (\$1,150,660,000) in order to restructure the schedule of bonded indebtedness, which refunding provides an unanticipated source of savings to be generated by the state during the current fiscal year; and

WHEREAS, the Louisiana State Bond Commission, pursuant to Resolution No. 1 of March 10, 1987, has authorized the issuance and sale of state of Louisiana Revenue Anticipation Notes, Series 1987-A ("Notes") to the Louisiana Public Facilities Authority. Said Notes were authorized to utilize the savings to be realized by the refunding of the bonded indebtedness as soon as possible in order to lessen the impact on the school boards, policemen, firemen, deputy sheriffs and police juries; and

WHEREAS, The issuance of the Notes shall be issued in accordance with law and in such a manner as to ensure prompt repayment thereof;

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

Section 1: The treasurer of the state of Louisiana, pursuant to Act 28 of the 1986 Regular Session of the Legislature of Louisiana, has created within the General Fund of the Treasury a subaccount entitled "RAN Sinking Fund" into which shall be placed at the same times and in the same amounts monies equal to the savings generated by the refunding of the state's bonded indebtedness. Said subaccount, including interest, is to be held in trust by the trustee bank for the Note program and pledged for the exclusive benefit of the registered owners of the Notes, the state, and the letter of credit bank pursuant to the Reimbursement Agreement adopted in accordance with Resolution No. 1 of the Louisiana State Bond Commission. Monies may be removed from said subaccount by the Treasurer solely for the purpose of paying the principal and interest on the Notes and the Payment Obligations under the Reimbursement Agreement which are due on or before June 30, 1987. Said subaccount shall be a non-borrowable asset of the General Fund.

Section 2: From the proceeds of the Notes, I do hereby restore the following funds in the manner provided below for the following purposes:

A.	Minimum Foundation Program	\$ 46,604,638
B.	Teacher Retirement	4,259,654
C.	Supplemental Pay to Policemen, Firemen and Deputy Sheriffs	4,725,808
D.	Parish Road Fund	5,561,668

All funds withheld pursuant to the aforementioned executive orders shall be restored in the amounts withheld from the date the reductions took effect to the date of the receipt of the funds derived from the issuance of the Notes and thereafter shall be restored on a monthly basis, the specific allocations to be determined by the treasurer.

Section 3: The treasurer shall place the balance, if any, of the proceeds of the Notes into the General Fund.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this the 13th day of April, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 741 - Publications

The State Board of Elementary and Secondary Education, at its meeting of April 23, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved a new standard in Bulletin 741 to permit the offering of credit for the courses Publications I and II as indicated below and to clarify certification requirements for teachers:

Insert a new standard in Bulletin 741 to read:

PUBLICATIONS

Publications course offerings shall be as follows:

Course Title	Unit(s)	Refer to Bulletin
Publications I (yearbook)	1	#
Publications II (yearbook)	1	#
Publications I is a prerequisite to Publications II.		

Teachers certified in the areas of Journalism, English and/or Business Education are qualified to teach Publications I and II.

NOTE: Standard and Bulletin numbers will be assigned at a later date.

This emergency adoption is necessary in order that the course Publications I and II will be available to local school systems for the 1987-88 school year.

Dr. James Meza, Jr.
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the

Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Food Stamp Program.

These revisions are mandated by federal regulations as published in the *Federal Register*, Vol. 52, No. 47, Wednesday, March 11, 1987, pages 7554-7558. It is necessary to adopt this as an emergency rule as an April 1, 1987 implementation date is mandated.

RULE

Effective May 1, 1987 homeless food stamp recipients (including newly eligible residents of temporary shelters for the homeless) may use their food stamps to purchase prepared meals served by an authorized public or nonprofit establishment that feeds homeless people.

A "Homeless food stamp household" is an eligible food stamp household which has no fixed mailing address or does not reside in a permanent dwelling. The "Homeless meal provider" is a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter) approved by the Office of Family Security, that feeds homeless food stamp households. To be eligible to accept food stamps, a meal provider must also be authorized by Food and Nutrition Service (FNS) after the Office of Family Security approves them. This rule changes the definition of residents of institutions to exclude those residents of public or private nonprofit shelters for homeless persons.

The provider must serve meals that include food purchased by the establishment. A meal provider serving only meals which consist wholly of donated foods will not be eligible for authorization.

Only those food stamp households determined to be homeless shall be permitted to use food stamp benefits to purchase prepared meals served by authorized homeless meal providers. To ensure that the use of food stamps for prepared meals is restricted to homeless persons, homeless meal providers shall establish that person's right to use coupons to purchase meals.

Applicant meal providers must apply for approval at the Office of Family Security in their parish. An approval review at the provider's establishment will be conducted by the regional food stamp consultant. After approval has been granted by OFS, the provider must make application to an FNS field office to receive authorization to accept food coupons. The two FNS field offices are located at 2156 Wooddale Boulevard, Suite 400, Baton Rouge, LA 70806, Phone Number 504-389-0491 and at 211 North Third Street, Room 102, Monroe, LA 71201, Phone Number 318-387-3634.

The homeless meal providers may not redeem food stamps through financial institutions for cash. Meal providers will therefore be restricted to redeeming food stamps received from homeless persons through authorized wholesale food outlets and through authorized retail food stores for food only.

The use of food stamps to purchase meals from homeless meal providers is voluntary on the part of food stamp recipients. Food stamp recipients must continue to be given the option of using cash if payment for a meal is required. In addition, if others have the option of eating free or making a monetary donation, homeless food stamp recipients must be given the same option (eat free, or donate money or food stamps.) The amount requested from homeless food stamp recipients using food stamps to purchase meals may not exceed the average cost to the homeless meal provider of the food contained in a meal served to the patrons of the meal provider. If a homeless recipient voluntarily pays more than the average cost of food contained in a meal served, such payment may be accepted by the meal provider.

However, neither cash change nor credit slips shall be

returned for coupons used for the purchase of prepared meals from authorized homeless meal providers. Such meal providers may use uncanceled and unmarked \$1 coupons which were previously accepted for meals served to food stamp recipients when change is required for \$5 and \$10 coupons.

Homeless meal providers will not be permitted to serve as "Authorized Representatives" for homeless food stamp households.

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

DECLARATION OF EMERGENCY **Department of Natural Resources**

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953.B), the Department of Natural Resources has adopted the emergency rule detailed below, effective April 20, 1987. This emergency rule repeals and repromulgates rules, effective November 20, 1986, which adopted procedures for claiming a conditional severance tax exemption. Due to a perceived inconsistency between the provisions of the November 20, 1986 rules and R.S. 47.648.11, which inconsistency is causing problems with the reporting and collection of the state severance taxes due on oil, the secretary deemed it necessary to announce this declaration of emergency. The rule eliminates both the inconsistency and the accounting problems.

B. Jim Porter
Secretary

DECLARATION OF EMERGENCY

Board of River Port Pilot Commissioners

The Board of River Port Pilot Commissioners herewith gives notice pursuant to R.S. 49:953 (B)(1) that it finds the existence of an imminent peril to the public safety of the state of Louisiana and it seeks to implement rules and regulations concerning the investigation of incidents involving river port pilots. These investigations are needed to insure the safety of navigation and maintaining public confidence in the body of pilots and of each individual pilot. Due to that finding of imminent peril, the Board of Commissioners believes that the adoption of rules allowing for the Board of River Pilot Commissioners to conduct investigations of incidents involving river port pilots should be adopted on shorter notice than that provided in R.S. 49:953(a).

Rules and Regulations Of
The Board Of River Port Pilot Commissioners

SECTION 4 **RULE 1**

In any case where a vessel in the charge of a pilot shall go aground, or shall collide with any object, or shall meet with any casualty, or be injured or damaged in any way, the pilot shall, as soon as possible, report such incident to the board.

The board, with or without complaint made against said

pilot, may investigate the incident as it deems necessary.

The pilot shall make a complete report to the board within 10 days after the incident. This report may either be an oral or a written report as the board deems necessary.

RULE 2

These rules shall apply to any River Port pilot engaged in his calling within the operating territory as defined by R.S. 34:996, whether the vessel be subject to compulsory pilotage or elective pilotage.

RULE 3

The Board of River Port Pilot Commissioners shall meet at least once each quarter on the call of the president on 24 hours notice, in writing, or by telephone or telegraph to the other members of the board with the president having the prerogative to call additional meetings during any month on giving appropriate notice to the commissioners.

RULE 4

Pilots, when notified, shall report in person to the board at the time and place so designated.

RULE 5

Any River Port pilot summoned to testify before the board shall appear in accordance with such summons and shall make answer under oath to any question put to him, touching any matter connected with the pilot's service or of the pilot grounds over which he is commissioned to pilot.

RULE 6

The Board of River Port Pilot Commissioners shall maintain records and conduct its hearings in accordance with La. R.S. 49:950, et seq.

RULE 7

The Board of River Port Pilot Commissioners may examine into such cases of dereliction of duty of a River Port pilot as come to their attention, and on the basis of such examination make recommendations to the governor relative to the pilot's commission. The individual pilot may elect to consent to such corrective or remedial steps as may be suggested by the board under the circumstances, waiving executive review. This rule shall not abrogate R.S. 34:1001. All violations of regulations of the United States Coast Guard and of the Federal Communications Commission by a pilot shall come within the purview of this rule.

Captain Douglas J. Grubbs
President

DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 56:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497, the Louisiana Wildlife and Fisheries Commission does:

1. Hereby set the 1987 inshore spring shrimp season to open at 6 a.m. on Monday, May 25, 1987, statewide.

2. Authorize and empower the secretary of the Department of Wildlife and Fisheries to close the 1987 inshore shrimp season in any area where the season needs to be closed to protect forthcoming white shrimp crop as defined in R.S. 56:497.

3. Sets a special white shrimp season for Calcasieu Lake including that portion of the Calcasieu Ship Channel south of channel marker 91-92 to run from 6 a.m. Tuesday, May 5 through 6 a.m. Friday, May 8, 1987.

4. Provide that the secretary of the Department of Wildlife and Fisheries give a minimum of 72 hours notice prior to the closing of the 1987 spring shrimp season or the opening of any special season.

J. Burton Angelle
Secretary

Rules

RULE

Department of Commerce Office of Commerce and Industry

Finance Division
Enterprise Zone Program - R.S. 51:1781-1790

The Finance Division of the Office of Commerce and Industry, on behalf of the Board of Commerce and Industry, adopts the following rule regarding alternate designation of an enterprise zone. The rule will read as follows:

RULE 21. Alternative Designation of Enterprise Zones

The alternative designation of an Enterprise Zone will be on a one time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority will be limited to a maximum of 10 percent of the total number of originally qualified enumeration districts to be exchanged unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority requesting the alternative designation of an Enterprise Zone must provide valid reasons for requesting an exchange.

In order for an applicant to meet the requirements of Rule 4, those employees who live in an enumeration district/Enterprise Zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.

The effective date of an alternative designation approved by the Board of Commerce and Industry shall be the date of passage affixed to the resolution of the local governing authority requesting alternative designation.

Robert Paul Adams
Director

RULE

Department of Commerce Racing Commission

§102. Masculine; feminine; singular; plural (Adoption)

As used herein, the masculine shall include the feminine and the singular shall include the plural.

§6336. Elimination of Horses; Too Many Entries (Adoption)

Should two horses which are owned separately, but trained by the same trainer, be entered in any race, causing an excess of the number of horses which may, because of track limitation, be permitted to start, the horses to start shall be determined and selected by lot from all of the horses entered. Those entries which are eliminated shall receive a preference as provided in these rules.

§6329. Two Races on a Day (Amendment)

No horse may be entered for two races on a single day unless one is a stakes race. Preference of which race said horse is to run in, that day, must be declared at scratch time.

§1791. Testing for Dangerous Substance Abuse (Adoption)

A. No permittee or official shall use any controlled dangerous substance as defined in the "Louisiana Controlled Dangerous Substance Act," R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the official, jockey, trainer and groom to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed practitioner when requested.

B. Every official, jockey, trainer and groom for any race at any licensed racetrack may be subjected to a urine test, or other non-invasive fluid test at the discretion of the state steward in a manner prescribed by the Louisiana State Racing Commission. Any official, jockey, trainer or groom who fails to submit to a urine test when requested to do so by the state steward shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing.

C. Any official, jockey, trainer or groom who is requested to submit to a urine test shall provide the urine sample without undue delay, to a chemical inspector of the commission. The sample so taken shall be immediately sealed and tagged on the form provided by the commission and the evidence of such sealing shall be indicated by the signature of the tested official, jockey, trainer or groom. The portion of the form which is provided to the laboratory for analysis shall not identify the individual official, jockey, trainer or groom by name. It shall be the obligation of the official, jockey, trainer or groom to cooperate fully with the chemical inspector in obtaining any sample who may be required to witness the securing of such sample.

D. A "positive" controlled dangerous substance or prescription drug result shall be reported in writing to the executive director or his designee. On receiving written notice from the official chemist that a specimen has been found "positive" for a controlled dangerous substance or prescription legend drug, the executive director or his designee shall proceed as follows:

1. He shall, as quickly as possible, notify the official, jockey, trainer or groom involved in writing.

2. For an official, jockey, trainer or groom's first violation, he shall issue a written reprimand and warning and notify the official, jockey, trainer or groom that he will be subject to mandatory drug testing and that any further violation shall result in the sanctions described in paragraphs 3 and 4 below.

3. For an official, jockey, trainer, or groom's second violation, he shall require the official, jockey, trainer or groom to enroll in a Supervisory Treatment Program approved by the Louisiana State Racing Commission upon such reasonable terms

and conditions as he may require. The official, jockey, trainer or groom shall be permitted to participate unless his continued participation shall be deemed, by the executive director or his designee, to be detrimental to the best interests of racing. It shall be the official, jockey, trainer or groom's responsibility to provide the commission with written notice of his enrollment, weekly status reports and written notice that he has successfully completed the program and has been discharged. If an official, jockey, trainer or groom fails to comply with these requirements, he shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing.

4. For an official, jockey, trainer or groom's third or subsequent violation, he shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing and may only enroll into a Supervisory Treatment Program in lieu of said penalties, with the approval of the Louisiana State Racing Commission.

E. Any information received in the process of obtaining a urine sample, including but not limited to medical information, the results of any urine test, and any reports filed as a result of attending a Supervisory Treatment Program, shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a Supervisory Treatment Program shall be limited to the commissioners of the Louisiana State Racing Commission, the executive director and/or his designee, counsel to the Racing Commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the executive director or his designee.

F. Information received and reports prepared pursuant to this rule shall be stored in a locked secure area in the office of the executive director for a period of one year, after which time, they shall be destroyed. However, the commission may maintain the information received and reports on individuals who have violated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

§1793. Testing for Alcohol Abuse (Adoption)

Officials, jockeys, trainers and grooms shall, when directed by the state steward, submit to a breathalyzer test and, if the results thereof show a reading of more than .05 percent of alcohol in the blood, such person shall not be permitted to continue his duties. The stewards may fine or suspend any participant who records a blood alcohol reading of .05 percent or more. Any participant who records a reading above the prescribed level on more than one occasion shall be subject to license revocation and/or expulsion, or such penalty consistent with R.S. 4:141 et seq. and/or the rules of racing.

§5725. Horsemen's Bookkeeper (Amendment)

Each association conducting a race meeting shall provide a separate office to be used by the horsemen's bookkeeper who shall keep a separate bank account to be known as the "horsemen's bookkeeper account."

Except for the fee of a jockey (the deposit of which shall be made as provided for in LAC 46:XLI.725), prior to the first race of each race day in which races are run at a licensed race meeting conducted by an association, the horsemen's bookkeeper account shall contain at all times funds sufficient to cover all monies due horsemen relative to purses (offered by an association on its official program), stakes, rewards, claims and other

deposits. The association conducting the race meeting shall be required to make a deposit in the horsemen's bookkeeper account each day racing is conducted by it, and as required herein, in an amount equal to the purses to be distributed by it for the races to be run at its track on each race day. Withdrawals from said account shall be only for the purposes set forth herein and no other, except by written order of the stewards. The horsemen's bookkeeper account shall be subject to audit by the commission at all times.

Albert M. Stall
Chairman

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published February 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.gg

Change title and reword Standards 1.009.16, 1.009.17, and 1.009.18 to read:

1.009.16 Minimum Session/Instructional Day

Each school system shall adopt a calendar for a minimum session of 180 days, two semesters of 90 days each, of which at least 175 days shall be scheduled to provide the required instructional time.

Refer to 17:154.1

1.009.17 If a local educational governing authority does not meet at least 175 school days, the State Board of Elementary and Secondary Education (SBESE) shall require the school system to adjust its calendar to meet the minimum days of required instructional time by such means as Saturday classes, reduced holidays, expanded calendar length, etc., or require the local educational governing authority to reimburse to the state 1/180 of its Minimum Foundation funding for each day less than the required 175 days.

School systems shall notify the State Board of Elementary and Secondary Education (SBESE) immediately when the minimum number of days or required instructional time cannot be met in crises such as fire, natural disasters, desegregation, and so forth.

An alternate proposal to the original school calendar shall also be provided by the school system which meets the minimum number of 175 instructional days.

1.009.18 Each instance of a school system's not meeting the minimum number of 175 days of required instructional time shall be examined by the State Department of Education (SDE) and reported by the Department/System to the State Board of Elementary and Secondary Education (SBESE).

1.009.19 Delete Standard

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published February 20, 1987, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3. Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.00.73.d

The board adopted amendments to Bulletin 1213, Minimum Standards for School Buses as submitted by the Bureau of School Transportation, State Department of Education in compliance with new national safety standards. (See page 117 of February, 1987 issue of the *Louisiana Register* for complete text of amendments.)

Dr. James Meza, Jr.
Executive Director

RULE

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

**Title 4
Administration
Part IX. Telecommunications**

In accordance with the notice of intent published in the February 1987 *Louisiana Register*, the Office of Telecommunications Management announces the amendment of LAC 4:1X, Chapter 15, effective May 20, 1987.

**Chapter 15. Telecommunications Charges
§1507. Payment**

The agency must return one copy of the invoice summary with payment to the Office of Telecommunications Management to insure proper crediting of its account. No adjustments will be made to accounts improperly credited due to submission of incorrect information by the agency. The entire amount of each bill is due within 30 days of the receipt of the invoice. When an account becomes 60 days past due, a letter will be sent to the subscriber agency advising the agency of the past due balance; if the amount past due is over \$5,000, the agency will also be contacted by telephone. When an account becomes 90 days past due, the agency head will be notified in writing and requested to liquidate the past due amount. When an account becomes 120 days past due, the account will be forwarded to the commissioner of administration for review and collection. If the commissioner of administration approves collection, then the Appropriations Control Office will be notified in writing and the money will be transferred from the agency involved to the Office of Telecommunications Management. To avoid delay, a designated official in the office of the commissioner of administration will be responsible for sending the documentation to the Appropriations Control Office. Because of time restrictions at the end of the fiscal year, these procedures may be waived (state agencies must remit unexpended funds to the state treasurer 45 days after the end of the fiscal year). In accordance with LAC 4:IX.1505.E, the agency will not alter the amount paid to the Office of Telecommunications Management. If the agency finds

that there are billing discrepancies, it must send a letter along with the payment so that the Office of Telecommunications Management can resolve the problem. Nonpayment of charges within 90 days by non-state agencies which are allowed to share a centralized communications system constitutes sufficient reason for the Office of Telecommunications Management to notify applicable common carriers or suppliers to terminate service.

C. Wayne Hernandez
Director

RULE

**Department of Health and Human Resources
Board of Psychologists**

**Title 46
Professional and Occupational Standards
Part LXIII. Psychologists**

Chapter 5. Examinations

§503. Criterion for Passing the Examination for the Professional Practice in Psychology (EPPP) The Louisiana State Board of Examiners of Psychologists establishes the criterion for a passing score on the Examination for Professional Practice in Psychology (EPPP) to be 70 percent correct.

Norman J. Bregman, Ph.D.
Chair

RULE

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

The Medical Assistance Program is adopting the following rule which was published as a Notice of Intent in the *Louisiana Register* Vol. 13, No. 3, page 194, dated March 20, 1987.

Reimbursement for ambulance transportation claims shall only be allowed when accompanied by a doctor's statement certifying the need for ambulance services.

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

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

RULE

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

The Medical Assistance Program is adopting the following rule which was published as a Notice of Intent in the *Louisiana Register* Vol. 13, No. 3, page 195, dated March 20, 1987.

Reimbursement shall not be allowed for any ambulance

transportation claim which has been denied by Medicare based upon a determination that the ambulance transportation provided was not medically necessary.

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

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

RULE

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

The Medical Assistance Program is adopting the following rule which was published as a Notice of Intent in the *Louisiana Register* Vol. 13, No. 3, page 195, dated March 20, 1987.

An alien who would otherwise qualify for Medicaid as a categorically needy beneficiary and has an emergency medical condition shall be eligible for Title XIX benefits under the Medical Assistance Program. An emergency medical condition is defined as a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. The cost of delivering necessary services (hospital and other providers) covered under Louisiana's Title XIX State Plan to aliens with emergency medical conditions shall be allowable so long as the alien meets the applicable income, resource and categorical eligibility requirements under Title XIX of the Social Security Act.

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

RULE

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

Effective May 20, 1987, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, will change the basis of their income exemption for eligibility determination for the following pre-employment services: 1) Physical Restoration; 2) Maintenance; 3) Transportation; 4) Books and Supplies; 5) Occupational Tools and Equipment; 6) Other Goods and Services; 7) Telecommunication, Sensory, and other Technological Aids. Post-Employment Services must meet the same economic needs test as pre-employment services. Eligibility criteria for interpreter services provided through state funds under the Commission for the Deaf shall be established by the commission.

The Manual of Operations, Part I, Section 405.7 III. will incorporate the following policy:

INCOME EXEMPTION APPLIED TO GROSS INCOME -- MONTHLY AMOUNT

One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons
\$727	\$950	\$1,174	\$1,398	\$1,621	\$1,845
Seven Persons	Eight Persons	Nine Persons	Ten Persons	Eleven Persons	Twelve Persons
\$1,887	\$1,929	\$1,971	\$2,013	\$2,055	\$2,097
Thirteen Persons	Fourteen Persons				
\$2,138	\$2,180				

Development by the Bureau of Census from the March, 1984 Current Population Survey, 1980 Census of Population, and Per Capita Income Estimates from the Bureau of Economic Analysis.

(Revised May 20, 1987)

All clients 18 years or older who are recipients of SSI benefits shall be considered as a single family household and automatically meet the Economic Need Criteria as revised.

This rule should be read in conjunction with the Notice of Intent published in the April issue of the *Louisiana Register* regarding amending the State Plan to Exempt Interpreter Services for Long Term Training from the Economic Needs Test for Services of the Division of Rehabilitation Services.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services hereby amends Chapter XIII (Sewage and Refuse Disposal) of the Sanitary Code, state of Louisiana. This rule change amends the language of Chapter XIII and establishes licensing requirements for sewage haulers and installers of individual sewerage systems.

Amending the language of Chapter XIII is necessary in order to clarify the terminology used and in order that alternate codal specifications be provided in consideration of prevailing public health and related current circumstances. Language in the following sections of Chapter XIII are amended as follows:

Part I - Sewage Disposal
SubPart A - Definitions

13:001 *Individual Mechanical Plant* means an individual sewage system, providing primary and secondary treatment of sewage, which employs aerobic bacterial action which is maintained by mechanical action.

13:001 *Permit* means a written document issued by the state health officer which authorizes the installation and/or construction and/or operation of a new sewerage system, or a modification of an existing sewerage system which affects the performance of such sewerage system.

13:001 *Sewerage System* means any or all of the various components, including piping and plumbing and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sewage.

SubPart B - General Requirements

13:004-1 No person shall discharge, or allow to be dis-

charged, the contents or effluent from any water closet, sink, lavatory, bath tub, shower drain, kitchen fixture, laundry fixture, vault, privy, leaching pit, portable toilet, or septic tank, directly or indirectly, into any street, gutter, ditch, water course, body of water, or onto the surface of the ground.

13:004-2 No component part of a sewerage system shall be installed where contamination of a ground water supply may occur. In no case shall component parts of a sewerage system be located within 50 feet of any potable water well, spring, or other potable water supply source. Locations of sewerage facilities shall also conform with the requirements in Sections 12:008-3, 12:008-4 and 12:008-5 of Chapter XII of this Code.

SubPart C - Community Type Sewerage Systems

13:011-1 Connections To Community-Type Sewerage Systems: Where an established community-type sewerage system (either public or private) is available, and there is ample water supply, all toilet, bath, laundry, kitchen and other plumbing fixtures within and which functionally serve any structure shall be connected to such community-type sewerage system. Determination by the state health officer of the availability of a community-type system shall take into consideration, among other aspects, the separation (both horizontal and vertical) of the structure in question with respect to the sewer main or lateral, political or geographic or legally-created boundaries, and the available capacity of the sewerage system.

SubPart D - Individual Sewerage Systems

13:012-1 Permits: No person shall install, cause to be installed, materially alter subsequent to installation, or operate an individual sewerage system of any kind without first having obtained the necessary permits and/or licenses, as appropriate, from the state health officer. No person shall install, cause to be installed, or materially alter subsequent to installation an individual sewerage system of any kind except in accordance with the plans and specifications for the installation which have been approved as part of a permit for such specific activity (or purpose) issued by the state health officer. Such permits shall be issued in a "two-stage" process in accordance with Sections 13:012-2 and 13:012-3. Procurement of such license(s) shall be required, as appropriate, for each detailed activity as may be proposed.

13:012-2 Upon receipt of a request for such permit, and upon approval of plans and specifications for the proposed individual sewerage system (which shall accompany any such request for permit), a "temporary" permit, authorizing the installation of said individual sewerage system, may be issued. Any such "temporary" permit shall be in writing and shall not be issued until, with respect to the property and its surroundings, the state health officer has determined that connection to community-type sewerage systems is not feasible, and that the condition of the soil, the natural drainage, the lot size/dimensions, and other related factors are such that the construction and use of properly designed individual sewerage facilities are not likely to create a nuisance or public health hazard.

13:012-3 A "final" permit, which shall also be in writing may be issued only upon written assurance by the installer of an individual sewerage system that such system has been properly installed and that such system is exactly as was delineated in the plans and specifications which were approved in conjunction with the "temporary" permit issuance for the individual sewerage system, as may apply. In the case of individual mechanical plants, such assurance of proper installation shall be in the form of a completed "Certificate of Installation" form submitted to the state health officer by the licensed installer who performed or supervised the actual installation. In the case of all other types of

individual sewerage systems, the assurance of proper installation shall be determined by means of on-site inspection conducted by a representative of the state health officer. In any case, a final permit shall be issued only to the owner of the premises to be served by the individual sewerage system.

Current 13:012-2 will be renumbered to 13:012-4

13:013 Plans: The review and approval of plans and specifications for the proposed individual sewerage system shall be made in accordance with the "Regulations Controlling the Design and Construction of Individual Sewerage Systems" (See Appendix A).

13:014-1 Any person who wishes to engage in the business of installing individual sewerage systems shall obtain, in accordance with procedures set forth in Section 13:023 of this Chapter, a license for such activity prior to making any such installations. Such a license shall not be required, however, for an individual wishing to install an individual sewerage system, other than an individual mechanical plant, for his own private, personal use. Individual mechanical plants shall be installed by licensed individual sewerage system installers only.

Current 13:014 will be renumbered to 13:014-2

13:016 Septic Tank Systems: Where a community-type sewerage system is not available, a septic tank system may be used provided that the requirements of Sections 13:012, 13:013, 13:014 and 13:019 are met (complied with).

13:017-1 Individual Mechanical Plants: An individual mechanical plant may be used where a community-type system is not available, and where the state health officer determines that a conventional septic tank system (septic tank-absorption field) would not be expected to function properly, and where the requirements of Sections 13:012, 13:013, 13:014 and 13:019 are met (complied with).

13:017-2 Permits, per the requirements of Section 13:012, for the installation of individual mechanical plants, shall not be issued except and unless a "general" permit, issued in accordance with the requirements of Appendix A, Section VI, has been granted and is in force (in effect) for the individual mechanical plant as may be selected at the time of proposed installation of said individual mechanical plant.

Regulation of sewage haulers is necessary in order to insure that haulers dispose of sewage in accordance with the requirements of the State Sanitary Code. In order to protect the public from disposal of sewage in a manner that adversely affects the health and/or environmental quality of life of Louisiana's citizenry, the state health officer is now requiring the licensing of sewage haulers. Sections of Chapter XIII pertaining to sewage hauling (13:020-1, 13:020-2, 13:020-3, 13:020-4, 13:020-5, 13:020-6) are amended to reflect licensing requirements and procedures. The sections of Chapter XIII previously cited with respect to sewage hauling shall be amended as follows:

Sewage Hauling

13:020-1 No person shall engage in the business or practice of hauling the contents of septic tanks, cesspools, vaults, or similar facilities without first obtaining a license from the state health officer. Applications for a license to haul sewage may be obtained from the nearest parish health unit. Properly completed applications must be sent to the office of the Chief Sanitarian, Sanitarian Services Section, Box 60630, New Orleans, LA 70160. All licenses shall be issued by this office and shall be valid throughout the entire state.

13:020-2 All licenses expire on June 30 of each new year. Applications for renewal must be received at the office of the chief sanitarian no later than May 1 of each year in order to

insure timely renewal. Initial applications received between July 1 and March 30 will receive a license for that fiscal year (July 1 through June 30); those initial applications received after March 30 will receive a license for the remainder of that fiscal year in addition to next fiscal year.

13:020-3 Upon determination by the state health officer of substantial non-compliance with the requirements of this Code with respect to hauling and/or disposing of the contents of septic tanks, cesspools, vaults, or similar facilities, written notice, in compliance with R.S. 49:961, shall be given to the licensee having made said violations that he shall, within 15 working days, present to the notifying office any and all evidence to show compliance with the requirements for retention of the license. In the absence of such evidence, the licensee shall be further notified that his license has been temporarily "suspended" pending a hearing in the matter to consider whether sufficient grounds for revocation of the license exist. The licensee shall be notified, in writing, of the date of the hearing within seven working days from the date of the "Notice of Suspension." The date for such hearing shall be set within 45 working days of the date of the "Notice of Suspension."

13:020-4 Upon revocation of a license, a hauler shall not be eligible to reapply for the same license for a period of two years from the date of revocation.

13:020-5 Disposal of contents of septic tanks, cesspools, vaults, or similar facilities shall be made in accordance with the arrangements, approved in the license, for disposal at an approved sewage treatment facility. As a prerequisite to obtaining a license, evidence of such arrangements, including copies of any agreements with cooperating sewage treatment facilities, shall be submitted.

The disposal of the contents of septic tanks, cesspools, vaults, or similar facilities into ditches, canals, rivers, lakes, pits, or other surface water courses is prohibited.

13:020-6 No person shall convey or cause to be conveyed through the streets, roads, or public waterways any contents from a septic tank, vault, cesspool, or privy, except in tight enclosed containers, so as not to be offensive to smell nor injurious to health.

In accordance with Chapter XIII of the Sanitary Code of Louisiana, installation or operation of an individual sewerage system has been prohibited without first obtaining a permit and/or license, as appropriate from the state health officer (see 13:012-1). The plans for proposed individual sewerage system must be made in accordance with "Regulations Controlling the Design and Construction of Individual Sewerage Systems" (see Chapter XIII, Appendix A).

In order to protect the public from installations by installers who fail to abide by the specifications cited in Chapter XIII, Appendix A, the state health officer is now requiring that installers of individual sewerage systems be licensed.

Determinations by the state health officer of substantial non-compliance with the requirements of the Sanitary Code with respect to installation of individual sewerage systems may result in the suspension or revocation of the license.

The following sections captioned "Licensing Procedures for Installers of Individual Sewerage Systems" are hereby added to Chapter XIII of the Sanitary Code:

13:023 Licensing Procedures For Installers Of Individual Sewerage Systems

13:023-1 License Types: Two "types" of licenses are offered: 1) a "basic" license only for installation of individual sewerage systems other than individual mechanical plants, and 2) a

mechanical "endorsement" to the basic license to allow installation of individual mechanical plants as well as other individual sewerage systems. A mechanical plant "endorsement" may be obtained only in conjunction with a basic license, and is considered to be a separate license.

13:023-2 Application: Applications (including all required certifications and request for examination) for an "Individual Sewerage System Installer" license may be obtained from the nearest parish health unit. Properly completed applications must be submitted to the Office of the Chief Sanitarian, Sanitarian Services Section, Box 60630, New Orleans, LA 70160. All licenses shall be issued by this office, subject to approval of an appropriate application and upon successful completion of the required examination(s), and shall be valid throughout the entire state.

13:023-3 Qualifications: For a "basic" license, the applicant shall submit, along with a properly completed license application and request for examination, an affidavit certifying that he has obtained, read, and understands the provisions of Chapter XIII of the Sanitary Code, including Appendix A thereto, and will make installations in compliance therewith. Copies of a standard affidavit form and a request for examination form may be obtained from any parish health unit. For an individual mechanical plant "endorsement" the applicant shall submit, along with the properly completed license application and request for examination, a written, verifiable certification from the manufacturer of the brand of plant he wishes to install--such certification specifying that this specifically named installer (person) is certified by said manufacturer as being competent and capable of installing said plants properly, and in compliance with the requirements of the manufacturer and this Code. New applications will not be processed unless accompanied by the required certification information and request for examination.

13:023-4 Examination: Upon compliance with all qualification requirements, the applicant will be scheduled for the appropriate examination(s). Examinations will be administered, as necessary, by the regional sanitarian in each of the OPPHS Regional Offices. Upon the satisfactory completion of the examination (with a passing grade of 70 percent or greater), the regional sanitarian will notify the office of the chief sanitarian of the results.

13:023-5 Renewal: All licenses expire on January 31 of each new year. Applications for renewal should be received at the office of the chief sanitarian no later than December 1 of each preceding year in order to insure timely renewal.

13:023-6 Suspension Or Revocation Of License: Upon determination by the state health officer of substantial non-compliance with the requirements of this Code with respect to any installation made subsequent to the effective date of these regulations, written notice, in compliance with R.S. 49:961, shall be given to the licensee having made said non-compliant installation that he shall, within 15 working days, present to the notifying office any and all evidence to show compliance with the requirements for retention of the license. In the absence of such evidence, the licensee shall be further notified that his license has been temporarily "suspended" pending a hearing in the matter to consider whether sufficient grounds for revocation of the license exist. The licensee shall be notified in writing of the date of the hearing within seven working days from the date of the "Notice of Suspension." The date for such hearing shall be set within 45 working days of the date of the "Notice of Suspension."

13:023-7 Reinstatement Of License: Upon revocation of

a license, an installer shall not be eligible to reapply for the same type of license for a period of two years from the date of revocation.

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

RULE

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

In accordance with the laws of the state of Louisiana, R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer has determined that the following amendment to the listing entitled "Mechanical Waste-water Treatment Plants for Individual Homes--Acceptable Units" is adopted:

Amend the listing to include an additional plant/model/series, specified as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Mo-Dad-1, Inc.	Mo-Dad-1-500S	500GPD
P.O. Box 96	Mo-Dad-1-1000S	1000GPD
Denham Springs, LA 70726	Mo-Dad-1-1500S	1500GPD

The specified changes are in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services hereby amends Chapter XIV (Plumbing) of the Sanitary Code, State of Louisiana. This rule change will add two definitions to Section 14:003 (Definition of Terms), amend Table 14:098 (Minimum Facilities Required - "Places of Public Assembly...") by adding Churches, and add three new types of establishments and their specifications to Table 14:098. The "Notes" section following Table 14:098 will also be amended to include notes referring to the newly referenced establishments.

These amendments are necessary to define terms (Available for Public Use, Designated for Public Use) and add establishments (Churches, shopping malls, service stations, restaurants and lounges) and the specifications for these establishments to Table 14:098.

Addressing these terms and establishments not previously included in Chapter XIV will enhance the agency's ability to regulate plumbing as mandated by the Sanitary Code State of Louisiana.

Chapter XIV shall be amended as follows:
Add the following definitions to Section 14:003 under the term, PUBLIC OR PUBLIC USE:

Available for public use applies to plumbing fixtures installed in such a manner or location that the general public would be required to obtain permission and/or directions to utilize the toilet facilities.

Designated for public use applies to plumbing fixtures installed in such a manner or location and with appropriate signs, etc. that the general public would not be required to obtain permission and/or directions to utilize the toilet facilities.

Add the following to Table 14:098, last existing page, under the heading, "Places of Public Assembly...":

Add "Churches" to the listing of places.

Add the following establishments and their specifications to Table 14:098 after the section dealing with "Places of Public Assembly...":

TABLE 14:098 - Minimum Facilities Required (continued)

Type of Building or Occupancy	Water Closets		Urinals ⁸	Lavatories ³		Bath Tubs or Showers	Fountains ⁴
	No. of Pump Islands	No. of Fixtures Male Female		No. of Fixtures Male	No. of Fixtures Female		
Service Stations, Full-Service ¹ (On Federal and State highways, or in incorporated areas with 500 population, or when property is within 1000 yards of an Interstate Highway exit/entrance ramp)	1 - 2	1 1	0	1 1	1 1	None	1
	3	1 2	1	1 1	1 1	Required	1
	4 each additional pump island	2 3	1	1 1	2 2		2
Service Stations, Full-Service ² (Not meeting above criteria), Self-Serve Service Stations, Convenience Stores, Markets:		1 1	*13	1 1	1 1		1
Floor Space, Building (square feet) less than 50,000		1 1		1 1	1 1		
50,000 - 75,000							
greater than 75,000 (for each 50,000 or fraction thereof)							

TABLE 14:098 - Minimum Facilities Required (continued)

Type of Building or Occupancy	Water Closets	Urinals ⁸	Lavatories ³	Showers	Fountains ^{4, 16}	No. of Fixtures	
						Male	Female
Lounges and Restaurants (with 11, 14 joint public and employee restroom facilities):							
Number of Seats: ¹⁵							
1-50	1	1	0	1	1	1	1
51-100	1	2	1	1	2	2	1
101-200	2	2	1	2	2	2	2
201-500	2	3	2	2	2	2	3
each additional 100 seats	1	1	*13	1	1	1	1

Lounges and Restaurants (with 11, 14 separate public and employee restrooms):

Employees: Per requirements of Office or Public Buildings, Table 14:098

Public: Per above requirements for combined facilities

TABLE 14:098 - Minimum Facilities Required (continued)

Type of Building or Occupancy	Water Closets		Urinals ⁸	Lavatories ³		Bath Tubs or Showers	Fountains ⁴
	Male	Female		Male	Female		
Malls or Shopping Centers ¹¹ (each floor or level):							
Floor Space (including stores and common areas):							
Per 50,000 square feet (or fraction thereof):	1	1					
Per 75,000 square feet (or fraction thereof):			1/3				1

No public male and/or female restrooms shall be located in excess of 750 feet from the nearest public entrance to any store within the shopping center or mall (each floor or level).

Requirements for public restrooms for eating and drinking establishments other than restaurants may be waived provided that the entrance of the public male and female restrooms shall be within 300 feet of the public entrance to said establishment.

Add the following notes to the Section entitled "Notes" that follows Table 14:098:

11. Must be provided with designated rest room facilities.
12. Must be provided with rest room facilities available for use by the general public.
13. Urinals may be substituted for required water closets

provided that the number of urinals do not exceed 1/2 the total number of male fixtures required.

14. Rest rooms provided for both the public and employee use must be located convenient to the food preparation, cooking, and storage area; but located such that the public will not have access to or through these areas under any circum-

stances.

15. In establishments with counters provided for the consumption of food on the premises, every two linear feet of counter shall equal one seat.

16. Drinking fountain requirement may be waived if drinking water is dispensed in an approved, sanitary manner per the requirements of Chapter XXIII.

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, Gary W. Project Office, has amended the policy for reporting alleged abuse, neglect, mistreatment and/or deaths of Gary W. Classmembers.

In accordance with *Gary W. et al vs. State of Louisiana et al*, Civ. A. No. 74-2412, the department is implementing the following policy and procedures for assuring a uniform system of data collection and reporting specifically for Gary W. Classmembers.

I. PURPOSE, SCOPE AND APPLICABILITY

This document is a revision to the Gary W. Case, Management Manual, February 1986 Edition, Chapter III, Abuse/Neglect, Mistreatment and Death and DHHR Policy Number 6501-82. The primary purpose of this document, is to enhance the abuse/neglect service delivery system for Gary W. classmembers by making it more effective, efficient and responsive. Additional purposes include:

- to differentiate types of incidents;
- to differentiate allegations of abuse/neglect from reportable and immediate reportable incidents;
- to provide procedures for reporting incidents, abuse/neglect, allegations and the death of a classmember;
- to outline the responsibilities of significant parties;
- to explain corrective action and note the consequences for failure to implement corrective action.

It is not the intent of this policy to address *all* incidents involving Gary W. classmembers but to logically and systematically identify, analyze and review incidents that may:

- endanger/inhibit their care, safety and well-being;
- have endangered/inhibited their care, safety and well-being;
- may have the potential to endanger/inhibit their care, safety and well-being.

Consequently, once implemented, the revised policy and procedures should reduce system overload and the general state of confusion regarding reporting incidents and abuse/neglect allegations for Gary W. classmembers, therefore yielding and molding a more effective, efficient, and responsive abuse/neglect service delivery system.

II. DEFINITIONS

A. Incident Categories

For the purpose of the D.H.H.R. Policy on Reporting and Investigative Abuse/Neglect, the following categories and definitions of incidents shall be used in reporting incidents:

1. *Injury* - any suspected or confirmed wound or harm to a classmember, whether or not the cause can be determined, which results in a classmember requiring medical attention by a physician, dentist, nurse, or any health care provider.

2. *Elopement* - any absence of a classmember whose absence constitutes a danger to the well-being of that classmember. The level of functioning, medical condition and handicap(s) of the classmember will determine whether it is a reportable incident or an immediate reportable incident.

3. *Restraint* - the use of any device which prevents the free movement of either/or both arms or legs, totally immobilizes a classmember, or any medication ordered by a physician which renders the classmember unable to participate in therapeutic, programmatic or leisure activities.

4. *Medication Error* - the administration of medication: in an incorrect dosage, in an incorrect form, not as prescribed or ordered, to the wrong classmember, or the failure to administer a prescribed medication.

5. *Criminal Acts* - alleged actions by a classmember such as homicide, attempted homicide, rape, public lewdness, robbery, theft or any violations of the law.

6. *Sensitive Situations* - delicate situations, not included in the aforementioned, which may have the potential to affect adversely the care, safety and/or well-being of a classmember.

B. *Abuse* - is any act which would endanger the well-being of a classmember through the action of any individual whether or not the classmember is or appears to be injured or harmed. Abuse is categorized as follows:

1. *Physical Abuse* - physical contact including, but not limited to the hitting, slapping, pinching, kicking, hurling, strangling, shoving or otherwise mishandling of a classmember. Physical contact that endangers the safety of the classmember as well as handling of a classmember with more force than is reasonably necessary.

2. *Sexual Abuse* - Any sexual activity between the classmember and educators, day care providers, employees, consultants, contractors and classmembers. Additionally, sexual abuse is any sexual activity between classmembers and others, or among classmembers unless the classmember(s) involved is a consenting adult. Sexual abuse includes any touching or fondling of a classmember directly or through clothing for the arousal or gratification of sexual desires of the perpetrator. It also includes encouraging a classmember to touch, engage in any sexual activity with another person for the purpose of arousing or gratifying sexual desires.

3. *Psychological (Emotional) Abuse* - the use of verbal or non-verbal expressions in a tone of voice or in such a manner that subjects a classmember(s) to ridicule, humiliation, scorn, contempt that is dehumanizing or socially stigmatizing.

4. *Seclusion* - the placement of a classmember alone in a secured room or area from which he or she cannot leave at will. Seclusion is considered to be a form of abuse and is prohibited. "Time out" is not to be confused with seclusion. "Time out", when used in accordance with acceptable clinical/therapeutic procedures or deemed appropriate by a qualified professional is permissible.

5. *Unauthorized or Inappropriate Use of Restraint* - the use of a device to restrain a classmember without written authori-

zation of a qualified professional. The intentional use of a medication to control a classmember's behavior that has not been prescribed by a physician for that purpose.

C. *Neglect* - is the failure to intercede by an authorized provider for a classmember's care to provide or arrange for their: care and maintenance
proper or necessary support
education
medical/health care
safety and well-being

No classmember who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused, unless the method of healing seriously endangers the well-being of the classmember.

D. Reportable Incidents and Immediate Reportable Incidents

An incident must further be designated as a *Reportable Incident* or an *Immediate Reportable Incident*

1. Reportable Incidents:

a.) any incident that as a result of the occurrence may require first aid; such incidents do not require hospitalization, stitches or more than one health care provider visit;

b.) any incident that as a result of the occurrence may possess the potential to endanger the safety and well-being of a classmember (See Appendix - Page 18-19).

2. Immediate Reportable Incidents:

a.) any incident that as a result of the occurrence requires more than first aid; such incidents require hospitalization, stitches or more than one health care provider visit;

b.) any incident that as a result of its occurrence has endangered the safety and well being of a classmember (See Appendix 18-19). Incident categorized as Abuse/Neglect should be treated as immediate reportable incident.

Exhibit 1 summarizes the general criteria which is to serve as the basis for assigning incidents to the *Immediate Reportable* category of incidents or to the *Reportable* category of incidents. For example, if the event is defined as an "injury", the criteria in the left-hand column should be used to evaluate the incident and situation to determine if the incident warrants being assigned to the Immediate Reportable category. The "injury" and the situation may more closely fit the criteria in the right-hand column and in that case should be assigned to the Reportable Incident category.

As indicated in Exhibit 1, all allegations of abuse/neglect are automatically assigned to the Immediate Reportable category of incidents.

III. CORRECTIVE ACTION

Corrective Action is a specific plan of action to minimize the harmful impact or rectify incidents and to eliminate and control the potential for abuse/neglect. The plan outlines action to be taken by specific parties with target dates for completion.

IV. REPORTING/INVESTIGATIVE PROCEDURES

A. *Reportable Incidents*

The following section identifies the reporting procedures applicable to incidents categorized as *Reportable Incidents*. Exhibit 2 is a summary of the same information presented in a flow chart format.

Flow Chart	Reporting Procedures:
1.	Incident occurs; immediate remedies taken to rectify present situation and prevent future occurrences.

2. Staff complete incident report form.
3. Incident Report is forwarded to Facility Administrator and Human Rights Committee. The Human Rights Committee reviews all incident reports at least monthly; analyzes the reports and makes recommendations.
4. The Facility Administrator is responsible for monitoring and ensuring that all corrective actions have been implemented.
5. Subsequent to review and analysis by the Human Rights Committee (at least monthly) all recommendations and copies of Incident reports are forwarded to the Facility Administrator. The Facility Administrator within seven days of the receipt of the recommendations and reports forwards to the Gary W. Project Office the following: (1) summary report of the Human Rights Committee's Recommendations and a copy of each of the incident reports.
6. Gary W. Project Office receives from Facility Administrator a Summary Report of Recommendations completed by the Human Rights Committee and copies of all incident reports for that time period.
7. Gary W. Project Office analyzes, identifies trends and draws inferences from the incident reports.
8. Gary W. Project submits quarterly reports on trends, inferences and recommendations to D.H.H.R. Human Rights Committee. D.H.H.R. Human Rights Committee reviews information and makes recommendations to Gary W. Project Office.
9. On a quarterly basis, the Gary W. Project Office forwards copies, summaries, reports and recommended corrective action to the following office:
 - (a) Special Master's Office
 - (b) State Program Office
 - (c) Long Term Care Office
 - (d) Licensing and Certification
 - (e) D.H.H.R. Human Rights Committee
10. State Program Office forwards the quarterly Gary W. Project Office Report to the appropriate case-manager/s.

B. Immediate Reportable Incidents / Abuse/Neglect

The following section identifies the reporting and investigating procedures applicable to incidents categorized as *Immediate Reportable Incidents*. The procedures identified in this Section also apply to the reporting of all allegations of Abuse and Neglect. Exhibit 3 is a summary of the same information presented in a flow chart format.

Flow Chart	Reporting Procedures:
1.	Immediately Reportable or Abuse/Neglect incident occurs; Facility Administrator within 24 hours notifies by phone.
2.	Case Manager and Gary W. Project Office receive within 24 hours, notice of incident from Provider.
3.	Gary W. Project Office conducts analysis of report and available information, determines if reported incident warrants full investigation.
4.	Gary W. Project Office forwards written confirmation of incident report to Provider; notifies whether

the incident will/will not be investigated.

5. If the Gary W. Project Office determines that the incident warrants a full investigation, the notice to investigate is filed through either the State Office of Mental Retardation/Developmental Disabilities Investigative Units^o for incidents occurring in DHHR funded residential settings (including but not limited to: Title XIX group or community homes, non-XIX group or community homes, supervised apartments, Office of Mental Health funded facilities) and DHHR funded day programs; or through the Office of Human Development Investigative Unit for incidents occurring in foster care homes, substitute family care homes (both OMR/DD and OHD funded).
6. Investigative Unit conducts investigation of the incident; forwards a report within 30 days of the request to Gary W. Project Office.
7. Special Master's Office will be notified of the incident by Gary W. Project Office within 24 hours of their telephone call notice.

^oThe Office of Mental Retardation is responsible for maintaining standing Investigative Units in five Regions of the state. Request for investigations will be directed to the State Office of OMR/DD who will then arrange, coordinate and ensure that the incident is fully investigated. The finding of the Investigative Unit will be channeled back through OMR/DD to the Project Office.

8. Within seven calendar days of the incident, an internal investigation of the incident must be completed by the service provider. Subsequent to the investigation, the provider must complete three reports: (A) Internal Investigative Report, (B) Plan of Correction and (C) Incident Report Form. Within seven days of the incident, the service provider administrator must forward the reports to: the Human Rights Committee, the Case Manager and Gary W. Project Office.
9. Human Rights Committee, Case Manager and Gary W. Project Office receive, within seven days of incident, the following reports: (A) Internal Investigative Report, (B) Plan of Correction and (C) Incident Report Form.
10. Within 48 hours of receipt of Provider Reports A, B, and C, the Project Office forwards the report to the following offices:
 - (a) Special Master's Office
 - (b) State Program Office
 - (c) D.H.H.R. Human Rights Committee
11. Investigative Unit conducts exit interview with provider agency staff within 30 days of the report of the incident.
12. The investigative report will be forwarded to the District Attorney if findings indicate need for police investigation.
13. Gary W. Project Office receives Investigative Unit Report within 30 days of the report.
14. Gary W. Project Office, within 48 hours of receipt of the Investigative Unit's Report disseminates copies of the report to the following offices:
 - (a) Special Master's Office
 - (b) State Program Office

- (c) Case Manager
- (d) DHHR Human Rights Committee

15. D.H.H.R. Human Rights Committee reviews and responds to analysis and recommendations made by Gary W. Project Office.
16. Within seven days of the Provider's exit interview with the Investigative Unit, the Provider must develop a plan of correction. The plan of correction must be submitted to the Gary W. Project Office within the seven day time period.
17. Gary W. Project Office completes analysis of Investigative Units Report, other reports and approves or disapproves the providers plan of correction.
18. State Program Office completes analysis of Investigative Units Report, other reports and approves or disapproves the plan of correction.
19. The Gary W. Project Office and the State Program Office may find it beneficial to consult between offices concerning reports and plans of correction.
20. The case manager will be notified to verify implementation of the Correction Action Plan.
21. The State Program Office upon notice of the status of the Correction Action Plan from the case manager, will notify the Gary W. Project Office of the same.
22. The Gary W. Project Office will notify the following offices when the Plan of Correction has been verified as implemented:
 - (a) Special Master's Office
 - (b) Provider
 - (c) Licensing and Certification
 - (d) Long Term Care
 - (e) D.H.H.R. Human Rights Committee

C. Procedures for Reporting Abuse/Neglect Involving Gary W. Community Classmembers

The following section outlines procedures to be followed for reporting and investigating alleged abuse/neglect of Gary W. classmembers living independently in the community. Exhibit 4 summarizes the same information in a flow chart format.

Flow Chart	Reporting Procedures:
1.	An allegation report of abuse/neglect may be made by the case manager for the community classmember. In this instance, the case manager notifies their Program Office of the allegation. The Program Office will notify the Gary W. Project Office of the allegation.
2.	Any person, caretaker, relative, friend, neighbor or provider can report an allegation of abuse/neglect. The report can be made to any agency in D.H.H.R., that agency will refer the report to the Gary W. Project Office.
3.	Upon receipt of the report of alleged abuse/neglect, the Gary W. Project Office will evaluate the report and any additional information and determine if a full investigation is warranted. If it is determined that an investigation is warranted, the OHD Investigative Unit is notified to organize and conduct an investigation.
4.	The Gary W. Project Office will give written notice

to the State Program Office of the receipt of the allegation and if the reported incident will be investigated.

5. Upon notification from the Gary W. Project Office, the Investigative Unit conducts an investigation of the reported incident of abuse/neglect. The Unit will within 30 days, conduct the investigation and submit a report of its findings to the Gary W. Project Office.
6. The investigative report will be forwarded to the District Attorney if findings indicate need for policy investigation.
7. The Gary W. Project upon receipt of the Investigative Unit Report will analyze the information, and formulate corrective plan recommendations.
8. The Investigative Unit Report, a summary of the analysis and the corrective plan recommendations will be forwarded to the D.H.H.R. Human Rights Committee.
9. The D.H.H.R. Human Rights Committee review and responds to analysis and recommendations made by Gary W. Project Office.
10. The Investigative Unit Report, a summary of the analysis and the corrective plan recommendations will be forwarded by the Gary W. Project Office to the State Program Office and the Case Manager.
11. The State Program Office with the Regional Program staff and the case manager will develop the corrective plan.
12. The case manager will have the responsibility of implementing or ensuring the implementation of the corrective plan.
13. The case manager will verify to the State Program Office the implementation of the corrective plan.
14. The State Program Office will notify the Gary W. Project Office of the verification of corrective plan implementation.
15. The Gary W. Project Office will have the responsibility of forwarding notice of verification of correction to the Special Master's Office and to D.H.H.R. Human Rights Committee.

D. Procedures for Reporting Death of a Classmember

1. In case of the death of a classmember, the casemanager will submit as soon as available to the Gary W. Project Office a summary inclusive of the following:

- the incident report
- a copy of the death certificate
- the date and time of day parents/guardians were notified and how they were notified
- an autopsy report (if performed)
- a copy of a social summary inclusive of classmember's: legal status
- placement history
- physical examination (copy of most recent)

2. Within seven days of receiving the classmember's death summary, the Gary W. Project Office will forward copies to the Special Master's Office and the DHHR Standing Oversight Committee.

V. OVERSIGHT COMMITTEES

A. The Service Provider Human Rights Committee shall

include:

1. the service provider administrator/or designee
 2. a direct care staff member
 3. at least one of the following:
 - a. a relative
 - b. a consumer
 - c. advocacy group representative
 - d. consultant (nurse, social worker, etc.)
 - e. casemanager
- B. DHHR Human Rights Committee shall consist of a representative from:
1. State Program Office
 - a. Office of Family Security
 - b. Office of Human Development
 - c. Office of Mental Retardation/Developmental Disabilities
 - d. Office of Mental Health
 2. Division of Licensing and Certification
 3. Gary W. Project Office (Administrative Support and Chairperson)
 4. Additional representatives from:
 - a. service providers
 - b. advocacy groups
 - c. Developmental Disabilities
 - d. consumers/Gary W. classmember's relatives
 - e. DHHR Executive Management

VI. RESPONSIBILITIES

A. SERVICE PROVIDER

The primary responsibility of a service provider/provider is to provide for the care, safety, well-being and treatment of a classmember. Additional responsibilities include:

- accurately documenting incidents as indicated by DHHR/ service provider policy and procedures as deemed necessary and appropriate by the aforementioned;
- establishing and chairing a local oversight committee;
- implementing a corrective plan of action outlining steps to accomplish the corrective action, parties involved and target dates for completion;
- adhering to all guidelines for reporting incidents and abuse/neglect allegations;
- providing copies of pertinent information or data to the Gary W. Project Office.

B. CASEMANAGER

The primary responsibility of a casemanager is to monitor and/or provide or arrange for the provision of the care and treatment of classmembers. Additional responsibilities relative to abuse/neglect include:

- verifying that corrective action plans have been completed;
- servicing as a liaison between State Program Offices and the Gary W. Project Office;
- receiving reports of incidents and abuse/neglect allegations and providing technical assistance and consultation to service provider administrators and providers;
- initiating and reporting of incidents and abuse/neglect allegations when appropriate.

C. INVESTIGATIVE UNIT

The primary responsibility of the Investigative Unit is to investigate all abuse/neglect allegations. Additional responsibilities include:

- completing an investigation of alleged abuse/neglect as soon as possible to protect the safety, care and well being of a classmember or within 30 days of an allegation of abuse/ne-

glect;

forwarding copies of an investigation to the Gary W. Project Office;

determining the validity of an allegation; the investigation shall be labeled: valid, invalid, or invalid with concerns (listing the concerns);

conducting an exit interview with the service provider administrator or designated/appropriate staff to outline findings and to cite recommendations;

adhering to all guidelines for reporting incidents and abuse/neglect allegations.

D. STATE PROGRAM OFFICE

The primary responsibility of a State Program Office (Office of Human Development, Office of Mental Health, Office of Mental Retardation and the Office of Family Security) relative to abuse/neglect is to provide direction, consultation and information to Gary W. casemanagers. Additional responsibilities include:

providing direction, information and technical assistance to providers and service provider administrators as needed and directed;

serving as a consultant to service providers on specific issues pertinent to enhancing services and eliminating and/or controlling problems, as directed.

E. GARY W. PROJECT OFFICE

The primary responsibility of the Gary W. Project Office is to serve as the initial contact to service providers on incidents and abuse/neglect allegations. Additional responsibilities relative to abuse/neglect include:

collecting data generated by incident and abuse/neglect allegation reporting;

drawing inferences from this data to make recommendations to enhance the delivery of services and to eliminate and/or control incidents and abuse/neglect allegations;

identifying trends in incidents and/or allegations of abuse/neglect and to recommend action if needed;

serving as the chairperson on the DHHR Standing Oversight Committee; screening and referring incident reports and abuse/neglect allegations to appropriate offices;

documenting calls, reporting immediate reportable incidents and neglect/abuse allegations;

arranging the initial training on incident and abuse/neglect policy and procedures as needed and as directed;

providing the providers with updated information pertinent to abuse/neglect;

forwarding pertinent information to casemanagers, the State Program Offices, the Special Master, the Investigative Unit, facilities, DHHR's Executive Management, DHHR's Standing Oversight Committee and significant others deemed appropriate;

assuring corrective action plans are implemented; serving as liaison to the Special Master's Office.

F. DHHR HUMAN RIGHTS COMMITTEE

The primary responsibility of the DHHR Human Rights Committee is to analyze, review and evaluate the service delivery system pertinent to abuse/neglect issues of Gary W. classmembers to make recommendations to DHHR's Executive Management if necessary to enhance the service delivery system.

Additional responsibilities include:

reviewing analyses of incidents, incident trends and summations, immediate reportable incidents, abuse/neglect allegations, service provider and investigative reports received from the

Gary W. Project to assure all DHHR policy and procedures have been appropriately followed and implemented;

requesting information from the Gary W. Project Office to clarify incidents and abuse/neglect allegations to make recommendations if necessary;

reviewing corrective action plans to assure action taken or to be taken will eliminate and/or control problems and potential problems as well as enhance the delivery of services;

meeting monthly or as determined by committee chairperson to address the aforementioned.

G. SERVICE PROVIDER HUMAN RIGHTS COMMITTEE

The primary responsibility of the Human Rights Committee is to monitor the implementation of DHHR/Service Provider policy and procedures. Additional responsibilities include:

reviewing and monitoring all incidents and abuse/neglect allegations;

monitoring, analyzing and reviewing investigations; recommending and monitoring the implementation of corrective action;

sending summaries and incident reports to service provider administrators.

VII. SANCTIONS

The provider will be subject to sanctions, penalties or closure for failure to implement a corrective plan. The severity of such action will depend on:

the nature of the violation (degree to which a classmember's safety, well-being and care have been jeopardized);

the frequency of the violation;

the persistent failure to follow DHHR/service provider policy and procedures.

Penalties and/or sanctions include:

loss of funding

closure

moratorium on placements

cancellation of contract

criminal charges

fines up to \$1,000 a day

The Gary W. Project Office and Long Term Care Office will recommend sanctions to the secretary of DHHR as appropriate.

VIII. TRAINING

Coordination of training for this policy shall be the responsibility of DHHR.

IX. CONFIDENTIALITY

In accordance with Revised Statutes 46:56 and 14:403, the identity of a reporter of an abuse/neglect allegation cannot be revealed. All state and federal laws, as well as DHHR's policy on confidentiality, apply to this policy.

1. INCIDENT

a. Was this an immediate reportable incident _____
Date of Incident _____
_____ Yes _____ No

2. ABUSE/NEGLECT

Date of Allegation _____

CORRECTIVE ACTION PLAN FOR INCIDENTS AND ABUSE/NEGLECT ALLEGATIONS INVOLVING

GARY W. CLASSMEMBER(S)

I. Classmember's Name:

- II. Date of accident/allegation:
- III. Date investigation was completed (attach a copy):
- IV. Significant parties involved/alleged perpetrator (service provider staff, parent, guardian, significant other):
- V. Description of Corrective Action (Specific action steps and target dates inclusive of: initial date of implementation, parties involved, steps to be taken by each party, target date for completion of each action, action (if appli-

cable) to prevent future incidents, and/or allegations of abuse).

(If necessary attach additional paper)

I hereby affirm the above corrective action plan has been implemented.

Date _____ Signature _____

Service Provider Administrator
Contractor
Provider

1. Group Home/Facility/Provider/Guardian/Other	ABUSE/NEGLECT	
2. Program Type		
3. Address		4. Phone ()
5. Was an incident form previously filled out on the allegation? 1. <input type="checkbox"/> yes 2. <input type="checkbox"/> no If so attach a copy		

TO BE COMPLETED BY STAFF (OTHER THAN WITNESS) AS DESIGNATED BY FACILITY POLICY AND PROCEDURE

6. Classmember's Name (Last, First)		7. Age	8. Sex 1. <input type="checkbox"/> M 2. <input type="checkbox"/> F	
9. Adaptive Behavior Deficits (X All Which Apply) Moderate Severe		Developmental Disability		10. Medication Regimen of Classmember (X One Only)
1. <input type="checkbox"/> Communication 2. <input type="checkbox"/> Independent Living 3. <input type="checkbox"/> Learning 4. <input type="checkbox"/> Mobility 5. <input type="checkbox"/> Self Direction		1. <input type="checkbox"/> MR <input type="checkbox"/> Mild <input type="checkbox"/> Moderate <input type="checkbox"/> Severe <input type="checkbox"/> Profound 2. <input type="checkbox"/> C.P. 3. <input type="checkbox"/> Epilepsy 4. <input type="checkbox"/> Autism 5. <input type="checkbox"/> Neurological Impairment		1. <input type="checkbox"/> None 2. <input type="checkbox"/> Antibiotic Only 3. <input type="checkbox"/> Psychotropic Only 4. <input type="checkbox"/> Antiepileptic Only 5. <input type="checkbox"/> Antibiotic-Psychotropic 6. <input type="checkbox"/> Antibiotic Antiepileptic 7. <input type="checkbox"/> Psychotropic-Antiepileptic 8. <input type="checkbox"/> Psychotropic-Antiepileptic-Antibiotic 9. <input type="checkbox"/> Other 10. <input type="checkbox"/> Missing
11. Date & Time of alleged abuse/neglect		Mo.	Day	Year
		Hour	Min.	12. 1. <input type="checkbox"/> Observed 2. <input type="checkbox"/> Discovered
13. Allegation Made by		14. The subject of the investigation is		
1. <input type="checkbox"/> Classmember 2. <input type="checkbox"/> Employee 3. <input type="checkbox"/> Volunteer 4. <input type="checkbox"/> Parent 5. <input type="checkbox"/> Guardian 6. <input type="checkbox"/> Correspondent (if other than parent or guardian) 7. <input type="checkbox"/> Visitor 8. <input type="checkbox"/> Other (describe) _____		1. <input type="checkbox"/> Classmember 2. <input type="checkbox"/> Employee 3. <input type="checkbox"/> Volunteer 4. <input type="checkbox"/> Parent 5. <input type="checkbox"/> Guardian 6. <input type="checkbox"/> Correspondent (if other than parent or guardian) 7. <input type="checkbox"/> Visitor 8. <input type="checkbox"/> Unknown 9. <input type="checkbox"/> Other (describe) _____		
15. Probable Classification of Alleged Abuse/Neglect (X the one that most closely describes the alleged situation)				
1. <input type="checkbox"/> Physical Abuse 2. <input type="checkbox"/> Sexual Abuse 3. <input type="checkbox"/> Psychological Abuse 4. <input type="checkbox"/> Seclusion 5. <input type="checkbox"/> Unauthorized or Inappropriate Use of Restraint 6. <input type="checkbox"/> Unauthorized or Inappropriate Use of Aversive Conditioning 7. <input type="checkbox"/> Unauthorized or Inappropriate Use of Time-out 8. <input type="checkbox"/> Violation of a Client's Civil rights 9. <input type="checkbox"/> Mistreatment 10. <input type="checkbox"/> Neglect				
16. Briefly Describe the Allegation That is under Investigation:				
17. Classmember's Residential Address (if different than #1 above)				
18. Classmember's Present Location (if different from residence)				
19. Print Name of Person Completing Form		TITLE	SIGNATURE	DATE

1. Group Home/Facility/Provider/Guardian/Other		<h1>INCIDENT</h1>
2. Program Type		
3. Telephone	4. Address	
5. Is this an immediate reportable incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		

A. To be Completed by Staff Designated in Facility Policy and Procedures

6. Classmember's Name (Last, First)		7. Age	8. Sex 1. <input type="checkbox"/> M 2. <input type="checkbox"/> F	9. I.D. No. (If applicable)
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10. Adaptive Behavior Deficits (X All Which Apply) Moderate Severe		Developmental Disability		11. Medication Regimen of Classmember (X One Only)	
1. <input type="checkbox"/> Moderate	1. <input type="checkbox"/> Severe Communication	1. <input type="checkbox"/> MR	<input type="checkbox"/> Mild <input type="checkbox"/> Severe	1. <input type="checkbox"/> None	6. <input type="checkbox"/> Antibiotic Antiepileptic
2. <input type="checkbox"/> Moderate	2. <input type="checkbox"/> Severe Independent Living	2. <input type="checkbox"/> C.P.	<input type="checkbox"/> Moderate <input type="checkbox"/> Profound	2. <input type="checkbox"/> Antibiotic Only	7. <input type="checkbox"/> Psychotropic-Antiepileptic
3. <input type="checkbox"/> Moderate	3. <input type="checkbox"/> Severe Learning	3. <input type="checkbox"/> Epilepsy		3. <input type="checkbox"/> Psychotropic Only	8. <input type="checkbox"/> Psychotropic-Antiepileptic-
4. <input type="checkbox"/> Moderate	4. <input type="checkbox"/> Severe Mobility	4. <input type="checkbox"/> Autism		4. <input type="checkbox"/> Antiepileptic Only	9. <input type="checkbox"/> Other Antibiotic
5. <input type="checkbox"/> Moderate	5. <input type="checkbox"/> Severe Self Direction	5. <input type="checkbox"/> Neurological Impairment		5. <input type="checkbox"/> Antibiotic-Psychotropic	10. <input type="checkbox"/> Missing

12. Date & Time of incident:		Mo.	Day	Year	Hour	Min.	<input type="checkbox"/> am <input type="checkbox"/> pm
1. <input type="checkbox"/> Observed 2. <input type="checkbox"/> Discovered							

13. Classification of Incident (X one)		14. Was this a sudden or Unusual Death?		15. Causes of Incident (X all Which Apply)			
1. <input type="checkbox"/> Injury	2. <input type="checkbox"/> Leave Without Consent	1. <input type="checkbox"/> Yes	2. <input type="checkbox"/> No	1. <input type="checkbox"/> Action of Client	8. <input type="checkbox"/> Actions of Visitor	9. <input type="checkbox"/> Intoxication	
3. <input type="checkbox"/> Death	4. <input type="checkbox"/> Restraint	Explain:		2. <input type="checkbox"/> Physical Handicap	9. <input type="checkbox"/> Intoxication	10. <input type="checkbox"/> Drug Abuse	
5. <input type="checkbox"/> Medication Error	6. <input type="checkbox"/> Possible Criminal Act			3. <input type="checkbox"/> Seizure/Fainting	10. <input type="checkbox"/> Drug Abuse	11. <input type="checkbox"/> Hazardous Condition Facility Property	
7. <input type="checkbox"/> Sensitive Situation	8. <input type="checkbox"/> Illness			4. <input type="checkbox"/> Fall	11. <input type="checkbox"/> Hazardous Condition Facility Property	12. <input type="checkbox"/> Facility Inadequate of Inappropriate Equipment	
				5. <input type="checkbox"/> Use of Restraint	12. <input type="checkbox"/> Facility Inadequate of Inappropriate Equipment	13. <input type="checkbox"/> Unknown	
				6. <input type="checkbox"/> Actions of Other Client	13. <input type="checkbox"/> Unknown	14. <input type="checkbox"/> Other (Specify in #20)	
				7. <input type="checkbox"/> Action of Employee	14. <input type="checkbox"/> Other (Specify in #20)		

16. Location of Incident:		17. Specific Location									
1. <input type="checkbox"/> Indoors	2. <input type="checkbox"/> Outdoors	1. <input type="checkbox"/> Living Room	4. <input type="checkbox"/> Bathroom	7. <input type="checkbox"/> Dining Room	10. <input type="checkbox"/> Off Facility Property						
		2. <input type="checkbox"/> Bedroom	5. <input type="checkbox"/> Hallway	8. <input type="checkbox"/> Program Room	11. <input type="checkbox"/> Unknown						
		3. <input type="checkbox"/> Kitchen	6. <input type="checkbox"/> Staircase	9. <input type="checkbox"/> Recreation Area Room	12. <input type="checkbox"/> Other (Specify in #20)						

18. Classmember Action (X one only if box # in item 15 was marked)				19. What Corrective or Other Actions have been taken?			
1. <input type="checkbox"/> Self Abusive	2. <input type="checkbox"/> Assaultive	3. <input type="checkbox"/> Provocative	4. <input type="checkbox"/> Accidental	1. <input type="checkbox"/> Medical Treatment	2. <input type="checkbox"/> Classmember Relocated	3. <input type="checkbox"/> Staff Relocated	4. <input type="checkbox"/> Maintenance Request
5. <input type="checkbox"/> Other (Specify in #20)				5. <input type="checkbox"/> Plan Modification	6. <input type="checkbox"/> Classmember Observation	7. <input type="checkbox"/> Classmember Supervision	

20. Description of incident: If report is completed by person other than individual with first knowledge of situation, attach written report of that person and report from any other persons involved. (1) Describe incident, (2) Give names of witness and others involved, (3) Specify first aid (if given).

21. Classmember's Residential Address (If difference from #4 above).

22. Classmember's Present Location (If different from residence)

23. Print Name of Person Completing Part A	Title	Signature	Date
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Part B - To be Completed by Facility Administrator or Designee

24. Signature	Date	25. Date sent to the Human Rights Committee
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Part C - To be completed by the Human Rights Committee

26. Was this information inaccurate or insufficient?		Signature
1. <input type="checkbox"/> if yes, specify on another sheet	2. <input type="checkbox"/> No	

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, has changed the wording of the rules on rate setting for residential care providers, other than nursing homes and hospitals, to redefine the limits on the revaluation of assets when a facility is sold to the acquisition costs of the previous owner increased by 50 percent of the Consumer Price Index.

This change is necessary because of changes in federal regulations brought about by the Consolidated Omnibus Budget Reconciliation Act, Section 9509 (Public Law 99-272).

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

RULE

Department of Labor Office of Worker's Compensation

Title 40

Labor and Employment

Part I. Worker's Compensation Administration

Chapter 1. General Provisions

§101. Purpose

A. The purpose of the rules and regulations is to define the responsibilities and rights of the employee, employer, and the carrier in the Administration of Workers' Compensation in Louisiana.

B. The rules are intended to expedite the receipt of benefits by the injured worker; to insure that the proper rate of compensation is paid, to aid in the rehabilitation of the injured worker; to provide for collection of statistical data; to provide for review of safety plans and where necessary, to facilitate the resolution of disputes regarding benefits.

§103. Definitions

For the purposes of these rules, the following definitions apply:

A. *Office* means the Office of Workers' Compensation Administration in the Louisiana Department of Labor.

B. *Act* means the Louisiana Workers' Compensation Law, Chapter 10, Revised Statute 23.

C. *Carrier*, unless otherwise indicated, includes insurance companies, self-insured employers and group self-insured employers.

D. *Director* means the assistant secretary of Labor who is responsible for Workers' Compensation Administration.

E. *Commissioner* means the commissioner of insurance for the state of Louisiana.

F. *Medical Examiner* means any medical practitioner selected by the director for settling disputes.

G. *Penalty* means the percentage of additional payment required by Section 1201 B of Act 1, 1983 Ex. Sess.

H. *Form* means the forms required for notification to the office required by the act.

I. *Rehabilitation* means the program designed to help an injured worker re-enter the work force.

J. *Employee Notice* means the notice the employer is required to keep posted in the work place.

K. *Certificate* means the notice the office is required to give after its recommendation is rejected.

L. *Clerk* means the clerks of the District Courts in Louisiana.

M. *Date of Filing* - Any claim may be filed with the director, at the Office of Workers' Compensation, by delivery or by mail addressed to the Office of Workers' Compensation. The filing of such claims shall be deemed timely when the claim is mailed on or before the prescription date of the claim. If the claim is received by mail on the first legal day following the expiration of the due date, there shall be a rebuttable presumption that the claim was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof.

N. *Days* - Days when used to determine a period allowed for filing shall mean the number of calendar days. If the final day of a time period falls on a Saturday, Sunday, holiday, or other day that the office is officially closed, then the period of filing shall be extended to the next day that the office is officially opened.

O. *Document Size* - All filings not on forms approved by the office shall be submitted on 8¹/₂" by 11" paper.

§105. Annual Reports

All carriers writing workers' compensation insurance and all self-insured employer's shall submit to the office by April 30, of each year an annual report on form LDOL-WC-1000 showing the amount of workers' compensation benefits paid in the previous calendar year.

§107. Assessments

The annual report will be used by the director in determining an assessment for the administration of workers' compensation. The assessment shall be paid into the Office of Workers' Compensation Administrative Fund within 30 days from the date notice is served upon such carrier. If such amounts are not paid within such period they may be assessed, for each 30 days the amount assessed remains unpaid, a civil penalty equal to 20 percent of the amount unpaid, which shall be due and collected at the same time as the unpaid part of the amount assessed.

§109. Compliance Penalty

If any carrier fails to pay the amount assessed against it within 60 days from the time such notice is served upon it, the commissioner of insurance, upon being advised by the director, may suspend or revoke the authorization to insure compensation in accordance with the procedures of the insurance code.

§111. Restricted Work Notification

Every employer of more than 10 employees who is subject to record keeping under the provisions of USC Section 655 shall, within 90 days of any occupational death of an employee, a non-fatal occupational illness, or any non-fatal occupational injury involving either loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment other than first aid, report to the statistical data section of the office on form OSHA-200.

Chapter 3. Disputes - Physical Condition

§301. Requirements

A. If a dispute arises as to the physical conditions of an employee, the director, upon application of any party, shall order an examination of the employee to be made by a medical

practitioner selected and appointed by the director.

B. The request for an Independent Medical Examination must be submitted on form LDOL-WC-1015, Request for Independent Medical Examination. This form must be accompanied by: 1) A cover letter outlining the conflicting medical issue or issues in dispute (reason for request) along with copies of the conflicting medical reports; 2) A complete list of names, addresses, phone numbers and reports of any other physicians who has treated the injured employee for this injury and; 3) A statement that this request is in accordance with Section 1123.

C. The fee of the examiner shall be fixed by the director and paid by the requesting party. The medical examiner shall report his conclusions to the director and to all parties. Such report shall be prima facie evidence of the facts in any subsequent proceeding under Chapter 10 of R.S. 23.

Chapter 5. Compensation and Professional Fees

§501. Claims Of Attorneys

A. Claims of attorneys for legal services arising under Chapter 10 of R.S. 23 except Section 1311 shall not be enforceable unless reviewed and approved by the director. The application shall set forth that it is a claim for payment for legal services as provided in Section 1141 and shall also set forth:

1. the name of the employee;
2. the employee's social security number;
3. the date of the accident;
4. the name of the employer;
5. the insurance carrier, if any;
6. the amount of attorney's time expended;
7. the amount of staff's time expended;
8. any fee agreement between the attorney and employee;
9. any costs;
10. any other information which will help the director reach a decision on the claim.

B. Fees of attorneys will be approved based on an hourly rate of \$75 per hour for the attorney's time, and \$20 per hour for staff time.

§503. Fees For Physicians

A. Fees of physicians for services, treatment or testimony under Chapter 10, shall not be enforceable unless agreed upon by all parties concerned or approved by the director.

B. The Office of Worker's Compensation will review only fees of physicians, and not those of other health care institutions or practitioners. The review will be limited to fees of medical doctors, chiropractors, dentists, osteopaths, podiatrists and optometrists.

C. Persons wishing a review of a physician fee under Section 1142 must follow the directives below:

1. Submit a cover letter requesting a review of physician fees for services and treatments.
2. Attach an itemized statement providing the date of service, the procedure and the billed charge for each procedure.
3. Certify that there is a disagreement as to the bill.
4. Certify that at least 30 days have elapsed without receiving payment after the final billing.
5. Specify which charge is claimed to be excessive and show the office why such fee is so deemed.

§505. Time Allowed for Payments of Compensation

A. An interval of more than one month for payments of compensation under Chapter 10 of R.S. 23 must be approved by the director. The party requesting approval must file a request with the director setting forth that it is a request for extending the payment interval under Section 1201(A) and shall also set forth:

1. the name of the employee;
2. the employee's social security number;
3. the date of the accident;
4. the name of the employer;
5. the insurance carrier, if any;
6. the interval of payment;
7. the agreement of the employee, employer, and carrier to the request;
8. any other information which will help the director to reach a decision on the matter.

§507. Compensation Payment Changes

Upon making the first payment of compensation and upon modification or suspension of payment for any cause, the carrier shall immediately notify the office with a copy to the employee. In the event of injury not resulting in death, use form LDOL-WC-1002. For any injury resulting in death, use form LDOL-WC-1010.

§509. Final Payment Notification

A. A claim shall be presumed to be reasonably controverted in accordance with Section 1201(e) if the employer terminates temporary total disability because:

1. the employee has returned to work with wages equal to or greater than pre-injury wage;
2. the employee has returned to work at reduced wage;
3. the maximum period for payment of supplemental earnings benefits has expired;
4. the employee was able to resume employment at the same or greater wage (a medical report must be attached);
5. the employee has moved, the checks are not being cashed, and the whereabouts of the employee are unknown.

B. Within 14 days after the final payment of compensation has been made, the carrier shall send a notice to the employer and the office on form LDOL-WC-1003.

§511. Supplemental Earnings Benefits Loss Report

A. If there is medical evidence supporting an injured employee's ability to return to restricted work at a wage less than the employee's wage when injured, the wage differential should be treated as a compensable supplemental earnings benefits loss already reported to the carrier.

B. Any compensable supplemental earnings benefits loss shall be reported by the employee to the carrier within 30 days after the termination of the week for which such loss is claimed. Within 10 days of notification of loss by the employee, the carrier shall report to the office on form LDOL-WC-1002. Within 10 days after the supplemental earnings benefits payments have ceased, the carrier shall report to the office on form LDOL-WC-1003.

Chapter 7: Rehabilitation Services

§701. Purpose

A. The purpose of this section of administrative rule is to implement the provisions of Section 1226 of Subpart B of Chapter 10, Revised Statute 23 and establish guidelines for the rehabilitation of the occupationally disabled employee.

B. The purpose of the Rehabilitation Program is to coordinate and assure the most efficient and timely delivery of the multiple services often necessary to restore the occupationally disabled employee to optimum vocational well-being.

C. There are two major overlapping and interrelated components of the rehabilitation process: (1) vocational restorative services; and (2) re-employment services.

§702. Statutory Requirements

Subpart B, Section 1226(A) requires that when an employee has suffered an injury covered by Chapter 10, R.S. 23

which precludes the employee from earning wages equal to wages earned prior to the injury, the employee shall be entitled to prompt rehabilitation services provided by the carrier/employer.

§703. Definitions

For purposes of this Section the following definitions apply:

A. *Rehabilitation* - The restoration of an occupationally injured or diseased employee to his/her optimum vocational and economic usefulness.

B. *Rehabilitation Services* - Vocational, and/or re-employment services necessary to restore an occupationally disabled employee, as nearly as possible, to his/her pre-injury status.

C. *Vocational Restorative Services* - Vocational services needed to restore the occupationally disabled employee to his/her pre-injury employment or, if that is not possible to that which he/she enjoyed prior to the occupational injury or disease. Such services include but are not limited to, the following: psychological and vocational evaluations, counseling, and training services.

D. *Re-employment Services* - Services used to re-employ the occupationally disabled employee in a suitable, gainful occupation as adjudged by his/her physical and vocational ability at that time.

E. *Evaluation* - Any testing, analysis or assessment of the occupationally disabled employee's physical and/or vocational capabilities used to determine the need for and practicability of rehabilitation services to restore the employee to gainful employment.

F. *Suitable Employment* - Suitable Employment is employment or self-employment, after rehabilitation which is reasonable attainable and which offers an opportunity to restore the individual as soon as practical and nearly as possible to his average earnings at the time of the injury.

G. *State and Federal Agencies* - Those agencies which provide vocational education paid for with tax money.

H. *Private Agency* - Companies which provide vocational rehabilitation services for a fee.

§705. Responsibility to Provide Services

It is the responsibility of the carrier/employer to provide appropriate rehabilitation services as soon as it appears that the occupationally disabled employee may not be able to return to the pre-injury employment earning the same or as near the same wages.

§707. Use of Resources

The carrier/employer may utilize programs provided by state and federal agencies for rehabilitation services when conveniently available or may utilize any public or private agency cooperating with such state and federal agencies. In the absence of such programs the carrier/employer shall provide rehabilitation services with available private agencies.

§709. Claims

A. If rehabilitation services are not voluntarily offered or accepted, the director, upon application on form LDOL-WC-1005 of the employee, employer, or carrier may refer the employee to a qualified physician and/or approved facility, individual, institution or organization for the evaluation of the practicality, the need, and the kind of service, treatment, or training necessary and appropriate to restore the employee to suitable gainful employment. This evaluation shall be concluded in 45 days from the receipt of the referral from the office, with the expense of such evaluation to be borne by the employer/car-

rier. On receipt of the evaluation, the director may recommend that the rehabilitation services state in the report, or such other rehabilitation services or service deemed necessary be provided at the expense of the carrier/employer.

B. All attorneys representing any party shall submit to the Office of Workers' Compensation, proof of their representation in the claim for resolution submitted to the office. Such proof shall be evidenced by either a letter of representation signed by the party being represented or a duly executed power of attorney.

§711. Recommendation of Director

Prior to the director finding that an occupationally disabled employee is permanently and totally disabled, the director shall determine whether there is reasonable probability that, with appropriate rehabilitation services which may include training and/or education, the occupationally disabled employee can achieve suitable gainful employment and whether it is in the best interest of such individual to undertake such rehabilitation services.

§713. Duration

When it appears that appropriate training and/or education is necessary and desirable to restore the occupationally disabled employee to suitable gainful employment, the employee shall be entitled to 26 weeks of training and/or education and an additional 26 weeks if deemed necessary and proper by the director. However, no carrier/employer shall be precluded from continuing such rehabilitation beyond such period on a voluntary basis. An occupationally disabled employee must request and begin rehabilitation within two years from the date of termination of temporary total disability as determined by the treating physician.

§714. Cost of Rehabilitation Services and Supplies

When appropriate training and/or education is deemed necessary, the rehabilitation services provided shall include the cost of training, tuition, books, tools and/or equipment.

§715. Location of Services

If rehabilitation requires residence at or near the facility or institution away from the occupationally disabled employee's customary residence, reasonable costs of his/her board, lodging, and travel shall be paid for by the employer/carrier.

§717. Penalty For Refusal

A. Although an occupationally disabled employee is entitled to rehabilitation as a right or benefit, when he/she agrees to a rehabilitation program, dedication to the completion of that program is expected.

B. Demonstration of a lack of responsibility by the occupationally disabled employee in following through with the rehabilitation plan or refusal to accept rehabilitation as deemed necessary by the director or the court shall result in a 50 percent reduction in weekly compensation, including supplemental earnings benefits pursuant to R.S. 23:1221 (3), for each documented week of the period of refusal.

§719. Payment of Temporary Disability

A. Temporary disability benefits paid pursuant to R.S. 23:1221 (1) shall include such period as may be reasonably required for training in the use of artificial members and appliances and shall include such period as the employee may be receiving training or education under a rehabilitation program approved by the director or court.

B. All fees and other charges for rehabilitation services shall not be higher than the charges prevailing in similar communities for similar services to injured or diseased persons of like status. The fees shall be subject to review and approval by the

State Workers' Compensation Office.

§723. Submission of Plan to Office

An individual written vocational rehabilitation plan for an injured worker shall be prepared by the employee or its carrier, or by a private or public rehabilitation provider or counselor. This plan shall be submitted upon request to the Office of Workers' Compensation.

§725. Progress Reports

A progress report on each injured employee enrolled in an approved plan of vocational rehabilitation shall be submitted upon request to the Office of Workers' Compensation.

§727. Approved List of Rehabilitation Providers

The Office of Workers' Compensation Administration will maintain a current directory of individuals, institutions and organizations which have been approved by the director to provide rehabilitation services. This listing will be available to employers and carriers upon request.

Chapter 9. Safety Requirements

§901. Statutory Requirements

A. Part IV, Subpart A, §1291(B)(4), Louisiana Statutes, as amended, requires every Louisiana employer of more than 15 employees to provide, if self-insured, or is provided by the carrier, if privately insured, plans for implementation of a working and operational safety plan. The plans shall be made available for inspection by the director upon request but shall be privileged and confidential pursuant to R.S. 23:1293 provided that the operational safety plan may be subpoenaed from the employer who shall certify under oath that it is a duplicate of the plan submitted to the director.

B. In order to assure adequate safety resources for Louisiana employers and employees, the director shall maintain a list of safety professionals/engineers from the private sector, which shall be available upon request by any Louisiana employer.

§903. Definitions

A. *Operational Safety Plan* - is a document of undetermined length that will present simply and succinctly the program by which the employer can follow to reduce accidents in the workplace and incidents of industrial and occupational disease. The safety plan shall comply with applicable local, state and federal safety and health standards or appropriate industry standards. To assist in guidance for the components of the safety plan, the employer may utilize: 1) an in-house safety staff, 2) insurance carrier field safety representative or 3) private sector safety professionals/engineers as identified by a list maintained by the director. The components of a safety plan shall be outlined in §907 of the Section.

B. *Professional Safety Experience* - The responsible charge of 75 percent or more of one's duties and function for the successful accomplishments of safety objectives wherein the analysis, investigation, planning, execution of plans, feedback adjustments and the periodic reporting of progress is accomplished. Responsible charge does not imply supervisory responsibility.

C. **Safety Professional/Engineer* - an active safety practitioner's who possesses one or a combination of the following criteria:

1. Graduation from an accredited college or university with a Bachelor's degree in engineering or science, plus five years or more of professional safety experience, of which two or more years shall have been in responsible charge.

A Master's degree will be accepted in lieu of one year of the practitioners professional safety experience.

An earned Doctoral degree will be accepted in lieu of two

years of the practitioners professional safety experience.

2. An earned Associate degree from an accredited college or university in engineering or science plus eight years or more professional safety experience.

3. Ten years of professional safety experience in lieu of an engineering or science degree.

4. Professional Certifications

a. Certified safety professional

b. Certified hazard control manager

c. Certified industrial hygienist

D. Safety professional/engineers assuring adequate safety resources shall render those consultation services which will consist of, while not being limited to the following:

1. a survey of the safety performance of the employer, its organization and activities;

2. an appraisal of the mechanical hazards, power transmission apparatus, material handling, unsafe work methods and hazardous processes;

3. advice and assistance in the detection of occupational health hazards and exposure;

4. provide assistance to the employer with the employee safety training programs;

5. recommendations for appropriate corrective action;

6. assist in the development of an employer's safety plan.

*Applies to individuals making application to the director for placement on the list of private sector safety professionals/engineers for safety services.

§905. Availability of Safety Services

A list shall be maintained by the director, of safety practitioners from the private sector, who (A) meet criteria as set forth in the definition of a "Safety Professional/Engineer" in §903.

This list shall be made available to any Louisiana employer upon request.

B. In-house safety staff shall be a full-time employee(s) whose primary function within the organization, includes work of progressive importance and achievement towards accident prevention.

C. Insurance carrier safety staffs are full time employees whose primary functions include safety engineering services.

§907. Components of a Safety Plan

Operating Safety Plan - Minimum requirement. Class "A" and Class "B" Programs

Class "A" - Workers' Compensation rate of \$5 per \$100 of payroll over for Major Classification or Classification with highest amount of payroll.

Class "B" - Plan required where Workers' Compensation rate per \$100 of payroll is less than \$5 for Classification with highest amount of payroll.

Class "A" Plan

1. Management Policy Statement - Signed by top executive acknowledging management responsibility and the desire for a plan and the intention to comply with all applicable local, state and federal safety requirements or appropriate industry standards.

2. Responsibility for Safety - be defined in writing for executive and operating management, supervision, safety coordinator and employees.

3. Inspections be made of work place at least monthly by a supervisor at the site. A written report (check list or narrative) is to be completed for each inspection, with this report to be retained for a period of one year. The report will be designed to cover the identification of recognized unsafe conditions, unsafe act and any other items inherent in a particular job. The form will

include a space to indicate any corrective action.

4. An accident investigation will be made on each injury requiring a visit to a clinic or physician and a report will be completed. The report will include information on the person injured, his or her job, what happened, what was the basic cause, what corrective action is required and the action taken. The investigation is to be made and the report completed by the immediate supervisor of the injured person and/or an individual with specific investigative responsibility.

5. Safety meetings will be held by a supervisor with all of his/her employees on a monthly basis. A record will be kept showing the topics discussed, date and the names of the persons attending the meeting.

6. Safety Rules - Management will develop safety rules that would apply to the operation being performed. The rules will be: short, concise, simple, enforceable, stated in a positive manner and followed by everyone, including management and supervisors as well as other employees. The rules will be written with a copy provided to each employee.

7. Training - Management shall implement a training program that will provide for training of each new employee, an existing employee on a new job or when new jobs or work is initiated, in the correct work procedures to follow, use of required personal safety equipment and where to get assistance when needed. This training should be accomplished by the job supervisor but may be done by a training specialist or an outside consultant such as a vendor or safety consultant. Training shall be provided to all persons in operating supervisory positions in: conducting safety meetings, conducting inspections, accident investigation, job planning, employee training methods, job analysis and leadership skills.

8. Record Keeping - Each firm will maintain, in addition to OSHA logs which are retained for five years, other records for a period of one year from the end of the year for which the records are maintained. These will include inspection reports, accident investigation reports, minutes of safety meetings and training records.

9. First Aid - Management will adopt and implement a first aid program which will provide for a trained first aid person at each job site on each shift. A first aid kit with proper supplies for the job exposures will be maintained and restocked as needed.

Class "B" Plan

1. Management Policy Statement - Same as Class "A".

2. Definition of Responsibility - Safety responsibilities for supervision should be defined.

3. Inspections - work site inspections to be made on a quarterly basis by supervisor with notes on inspection results retained on file for one year.

4. Accident Investigation - Same as for Class "A".

5. Safety Meetings - Same as for Class "A" except on a quarterly or every three month basis.

6. Safety Rules - Same as for Class "A".

7. Training - Employees will be trained in how to perform a job before being left alone to perform the job, if employee has not performed job previously.

8. Record Keeping - Same as Class "A".

9. First Aid - Same as Class "A".

Note: The above items listed for Class "A" and Class "B" plans are considered as a minimum and should be referred to as such. Obviously, we would all like to see such items as planning, setting of objectives, performance evaluations, incentive programs, etc. included.

The minimum requirements are in no way intended to

require the revision of existing company safety plans that have demonstrated proven performance in the past. Any company that has a plan which meets or exceeds these minimum requirements may submit its plan to the director for review and acceptance.

§909. Submission of Safety Plan

Safety plans shall be submitted to the director upon request.

§911. Employee Notice

It shall be in the employer's duty to advise employees and keep posted at some convenient and conspicuous point in his place of business a notice reading substantially as follows:

LOUISIANA DEPARTMENT OF LABOR
OFFICE OF WORKERS' COMPENSATION ADMINISTRATION
POST OFFICE BOX 66767
BATON ROUGE, LOUISIANA 70896-6767

A. Notice of Compliance to Employees

1. You should report to your employer any occupational injury or disease, even if you deem it to be minor.

2. In case of accidental injury or death, an injured employee or any person claiming to be entitled to compensation either as a claimant or as a representative of a person claiming to be entitled to compensation must give notice to the employer at the address below within 30 days of the injury. If notice is not given within 30 days, no payment will be made under the law for such injury or death.

3. In the event you are injured, you are entitled to select a physician of your choice for treatment. The employer may choose another physician and arrange an examination which you would be required to attend.

4. In order to preserve your right to benefits under the Louisiana Workers' Compensation Law, you must file a formal claim with the Office of Workers' Compensation Administration within one year after the accident if payments have not been made or within one year after the last payment of weekly benefits.

5. This notice shall be given by delivering it or sending it by certified mail or return receipt requested to:

Employer Representative	

Employer Name	

Address	

City	

State	Zip

Inaccuracies in this notice as regards to the time, place, nature, or the cause of injury or otherwise will not be held against the employee unless the employer can show harm from being misled about the facts.

Failure to give notice may not harm the employee if the employer knew of the accident or if the employer was not preju-

diced by the delay or failure to give notice. (Refer to Section 1304 and Section 1305 for the exact wording.)

6. If you desire any information regarding your rights and entitlement to benefits as prescribed by law, you may call or write to the Office of Workers' Compensation Administration at the above address, or telephone (504) 922-0158 or toll-free (800) 824-4592.

7. This notice should be posted conspicuously in and about employer's place(s) of business.

8. If the employer is insured, then include the following:

a. Name and address of insurance company

9. If the employer fails to keep such a notice posted, the time in which the notice of injury shall be given shall be extended to 12 months from the date of injury.

§913. Lost Time Injury Reports

Within 10 days of actual knowledge of injury to an employee which results in death or in lost time in excess of one week after the injury, the employer shall report same to the carrier, if any, and to the office, on form LDOL-WC-1007.

Chapter 11. Claims

§1101. Filing of Claims with Office

A. At any time after notification to the office of the occurrence of death or injury resulting in excess of seven days lost time, a bona fide dispute occurs, the employee or his dependent or the carrier may file a claim with the office on form LDOL-WC-1008.

B. The office will evaluate the claim within 30 days after receipt, and will issue its recommendation for resolution. The office will provide the parties with a copy of the recommendation by certified mail, return receipt requested.

C. Recommendations and certificates will be sent to the last known address of the petitioner. Addresses given will have legal binding effect on the petitioner. The director's recommendation and certificate of resolution will be sent to that address. Any change in address must be immediately communicated to this office in order for the office to have notice thereof.

D. All attorneys representing any party shall submit to the Office of Workers' Compensation, proof of their representation in the claim for resolution submitted to the office. Such proof shall be evidenced by either a letter of representation signed by the party being represented or a duly executed power of attorney.

§1103. Acceptance or Rejection of Recommendation

The office shall submit to each party two copies of its recommendation. Within 30 days of the receipt thereof, each party shall notify the office of the acceptance or rejection of the recommendation by so indicating on one of the two copies and returning that copy to the office.

§1105. Clerk of Court Notification

The clerk of the district court shall, within 10 days after the disposition of any workers' compensation case in the court, make a report on form LDOL-WC-1009 and shall mail the same to the office.

§1107. American Medical Association Guides

In determining benefits for anatomical loss of use or amputation, as provided in Subparagraphs (a) through (o) of Section 1221 (4) R.S. 23 or loss of physical function as provided in Subparagraph (p) of Section 1221(4), the disability must exceed 50 percent as established in the current edition of the American Medical Association Guides to the evaluation of permanent impairment.

§1109. ADM Penalties

Failure to submit any report within the prescribed time limit will result in an administrative penalty of \$100 per incident.

Chapter 13. Settlement of Claims

§1301. Compromise Settlement Agreements

A. All compromise settlement agreements entered into by the parties shall be presented to the director for approval. The petition shall set forth that it is for approval of a compromise settlement in accordance with Section 1272 and shall also set forth:

1. the name of the employee;
2. the employee's social security number;
3. the date of the accident;
4. the name of the employer;
5. the insurance carrier, if any;
6. the amount of settlement;
7. a memo of agreement signed by the employer, the employee, the insurance carrier, the employee's attorney, if any, the carrier attorney, if any, and the employer's attorney, if any;
8. any other information which will help the director to reach a decision on the matter.

B. If any of the parties are not represented by counsel, the petition should so state. The petition should also include a statement of how the compromise settlement will provide substantial justice to all parties. This statement will include the reason for the compromise settlement and what benefit the injured employee will receive as a result of the compromise settlement.

C. If the director determines it to be necessary for the purpose of determination if substantial justice is being done, the office will notify all parties of a hearing which should be scheduled no sooner than 30 days from the receipt of the petition.

§1303. Agreement to Modify Judgement

A. Any agreement to modify a judgement of compensation rendered by the District Court must be submitted to the director for approval. The agreement shall set forth that it is a request for approval to modify a judgement as provided in Section 1331 and shall also set forth:

1. the name of the employee;
2. the employee's social security number;
3. the date of the accident;
4. the name of the employer;
5. the insurance carrier, if any;
6. the substance of the agreement;
7. the signatures of all parties to the agreement;
8. the signatures of the attorneys of the parties, if any;
9. the reasons for the modification;
10. any other information which will help the director to reach a decision on the matter.

§1305. Third Party Settlements

A. The director shall be notified if either the employee or his dependent or the employer or insurer brings suit against a third person. The director's notice is to be in writing of such fact and of the name of the court in which the action was filed and shall set forth:

1. the name of the employee;
2. the employee's social security number;
3. the date of the accident;
4. the name of the employer;
5. the insurance carrier, if any.

B. If for any reason the compensation payable to the employee is altered by reason of action under Section 1102, the carrier shall report the change using form LDOL-WC-1002 if benefit payments will be made at a different wage or form LDOL-WC-1003 if payments will stop.

Gayle F. Truly
Secretary

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the July 1, 1985, Plan Document as follows:

Add the following paragraph to Article 4, Section II, Deadline for Filing Claims:

Failure to furnish notice of proof of loss within the time period provided shall not invalidate nor reduce any claim if it shall be shown to the satisfaction of the Claims Review Committee that it was not reasonably possible to furnish such notice, and that such notice of proof as furnished as soon as was reasonably possible.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the July 1, 1985, Plan Document as follows:

Amend Article 1, Section I, second sentence, item Z, page 15 of the Plan Document as follows:

Durable medical equipment shall include, but not be limited to, such items as standard models of wheelchairs (manual), hospital beds, respirators, braces and other items that the Program may determine to be durable medical equipment, excluding transportation devices such as automobiles or vans.

Add the following additional paragraph:

In the event a plan member incurs expenses for an item such as a motorized wheelchair or similar transportation device and it is shown to the satisfaction of the Program that such item is medically necessary, the Program will consider as an eligible expense the prorated cost of one standard model (manual) wheelchair.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document as follows:

Amend Article 1, Section III (A) of the Plan Document as follows:

A. Leave of Absence

If an employee is allowed an approved leave of absence (full or part-time) by his employer, he may retain his coverage for a period up to but not to exceed one year, provided the full premium is paid. Failure to do so shall result in cancellation of coverage.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules to implement the following rate increase and benefit modification effective July 1, 1987:

	Current Rate	Eff. 7/1/87 Proposed Rate	Total Increase
Employee Only	\$ 79.04	\$ 96.40	\$ 17.36
Emp. w/Medicare	41.24	50.28	9.04
COBRA Participant	80.62	98.32	17.70
Emp. and 1 Dep.	\$137.12	\$167.28	\$ 30.16
One w/Medicare	97.92	119.44	21.52
Two w/Medicare	90.40	110.28	19.88
COBRA Participant and One Dependent	139.86	170.60	30.74
COBRA Participant, One w/Medicare	99.86	121.80	21.94
Employee and Family	\$181.92	\$221.92	\$ 40.00
One w/Medicare	136.96	167.08	30.12
Two w/Medicare	126.76	154.64	27.88
COBRA Participant and Family	185.54	226.32	40.78
COBRA Participant, One w/Medicare	139.68	170.40	30.72

Benefit Modifications

1. Reduce co-payment level from 80 percent to 70 percent.
2. Limit benefits for mental and nervous disorders and alcohol and substance abuse to a maximum of \$10,000 per year per covered person with a lifetime maximum of \$25,000 per covered person.
3. Eliminate the comprehensive deductible carry-over provision.

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:6357, as follows.

Title 35 Part V: Racing Procedures Chapter 63. Entries

§6357. Furnish Jockey's Name

Any authorized person entering a horse in any given race shall, at the time of making such an entry, name the jockey for said horse.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, June 5, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 35:6357 "Furnish Jockey's Name" (Amend)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action will benefit horsemen and track patrons by assuring early assignments of riders to certain horses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:6358, as follows.

Title 35 Part V: Racing Procedures Chapter 63. Entries

§6358. Jockeys' Names on Next Race Day Program.

The names of all jockeys who are to ride on the next day's program shall have alongside their names on the overnight (1) indicating first call, and (2) indicating second call.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, June 5, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 35:6358 "Jockeys' Names on Next Race Day Program" (Adopt)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action will benefit horsemen by assuring, in order, next day riding engagements.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:6360, as follows.

Title 35
Part V: Racing Procedures
Chapter 63. Entries

§6360. Rider Named on Two Horses

A rider may be named on two horses provided one is on the also-eligible list.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, June 5, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Statement
For Administrative Rules**

**Rule Title: LAC 35:6360 "Rider Named on Two Horses"
(Adopt)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action will benefit jockeys by granting a second chance of riding when the first-assigned horse is scratched.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 46:XLI.729, as follows.

Title 46
Part XLI: Horseracing Occupations
Chapter 7. Jockeys and Apprentice Jockeys

§729. When Rider May Choose Not to Ride

Every rider shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No rider shall be forced to ride a horse he believes to be unsound nor over a racing strip he believes to be unsafe. However, (1) if a rider voluntarily cancels a duly scheduled riding engagement for any reason, he shall not be permitted to fulfill any riding engagements thereafter on

that race day and (2) if the stewards find a rider's refusal to fulfill a riding engagement based on a personal belief unwarranted by facts and circumstances, such rider may be subject to disciplinary action.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, June 5, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
**Rule Title: LAC 46:XLI.729 "When Rider May Choose
Not to Ride"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action will benefit owners and trainers by preventing jockeys (already scheduled to ride their horse(s)) from canceling a riding engagement without good reason, cause or explanation. The rule also allows disciplinary action against a jockey who refuses to ride without good cause.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Culture, Recreation and Tourism
Office of the State Library

The Department of Culture, Recreation and Tourism, Office of the State Library, pursuant to the authority in R.S. 25:14, and in accordance with the procedures of the Administrative Procedure Act, R.S. 49:950 et seq., intends to amend the portions of State Aid to Public Libraries Grant rules printed below.

Interested persons may comment on the proposed amendments in writing at the following address: Ben Brady, Associate State Librarian, Louisiana State Library, Box 131, Baton Rouge, LA 70821-0131.

Title 25
Cultural Resources
Part VII. Louisiana State Library
Subpart 4. State Aid to Public Libraries Grant
Chapter 31. Disbursement of State Aid Grants

§3101. Definitions

F. Free basic library service means standard library service including the use of the principal circulating collection of the library and standard reference/information services without charge.

§3105. Eligibility

B. Each library or consolidated library system must agree to serve all patrons with free basic library service with no denial of service by reason of sex, race, or political or religious persuasion.

§3107. Maintenance of Local Effort

A. Beginning with the current fiscal year of the receiving library or the consolidated library system as the base year, the amount expended from local sources for library materials shall not fall below 8 percent of the total operating expenditures in 1987, 9 percent in 1988, and 10 percent in any subsequent year. Failure to maintain the appropriate level of expenditure for library materials level by the receiving library or consolidated system will result in a reduction in the grant for the subsequent grant period. The amount of reduction will be equal to the percentage by which the library or consolidated system failed to maintain the required expenditure from local sources for materials.

§3109. Distribution of Supplemental Grants

A. The state librarian shall grant funds under the provisions of this Part to any library or consolidated library system which makes application therefor and which is eligible for such funds as provided herein. Grants shall be made on an annual basis and distributed monthly, the first no later than August 31 of each year.

B. Supplemental grants, made as provided in this Part, shall be distributed to each eligible recipient by the state librarian in the following manner: twenty percent of available grant funds shall be distributed equally between eligible parishes with the remaining funds distributed in an amount equal to the proportion of the total appropriation for the program for the fiscal year which the population of the area served by the recipient library represents of the total population served by all recipients for said fiscal year. Should the total funds for the base grant drop below \$2,000 per eligible parish, then each eligible parish shall share equally.

C. Recipient libraries or consolidated library systems failing to spend the grant funds in accordance with the purpose of this Part shall have a reduction in grant funds in the next grant period equal to the percentage by which the library or consolidated system failed to maintain the required expenditure from local sources for materials. Failing to provide timely and adequate documentation on the semiannual report will also delay the issuance of the last payment until the report is received and/or fully documented.

D. Any undistributed grant funds shall be redistributed equally among all eligible libraries or consolidated library systems at the discretion of the state librarian at the time of the last monthly payment.

§3113. Appeal Process

If a public library or consolidated library system is denied the state aid grant for library materials, the avenue to appeal this decision will be first the state librarian, next, to the secretary of

the Department of Culture, Recreation and Tourism, and, finally, to the lieutenant governor of the state of Louisiana.

Noelle LeBlanc
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Aid to Public Libraries Grant

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Adoption of these proposed rules will have no additional implementation costs or savings to state or local governmental units because the associated duplication and postage costs (i.e. \$25) can be absorbed in the State Library's existing budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state or local governmental units because no fees or other revenue raising measures are required by these proposed rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Local public libraries and the constituents each serve will be the group most directly affected by this action whereby 20 percent of available grant money will be distributed equally with the remainder on a per capita basis.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No impact is anticipated.

Noelle E. LeBlanc
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Introduction to Algebra

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741 to add the following standard:

2.090.08 — Beginning with the 1988-89 school year, Introduction to Algebra (Bulletin 1802) shall be required in the area of mathematics for those students who are academically able in mathematics. Other students shall take the curriculum prescribed for grade 8 (Bulletin 1609).

An academically able student in mathematics is defined as one who is functioning at grade level or above in mathematics as determined by the local school system. For Special Education students identified in accordance with Bulletin 1508, *Pupil Appraisal Handbook*, the I.E.P. shall determine the student's eligibility to receive instruction in Introduction to Algebra instead of the regular mathematics curriculum provided the student is performing at or above grade level.

When awarding high school credits to elementary students please refer to Standard 2.101.01. Credit or Credit Examinations may be given in the following mathematics courses: Advanced Mathematics, Algebra I-II, Calculus, Geometry, and Trigonometry.

GRADES 7 and 8
(Six-Period Day Option)

	PERIODS PER WEEK	MINIMUM TIME	REFER TO BULLETIN:
LANGUAGE ARTS	5	110	1589
MATHEMATICS/INTRO. TO ALGEBRA	5	55	1609/1802
SOCIAL STUDIES (American Studies, Grade 7; L.A. Studies, Grade 8)	5	55	1604 1605
SCIENCE	5	55	1614, 1643
HEALTH AND PHYSICAL EDUCATION OR HEALTH AND PHYSICAL EDUCATION AND ELECTIVES	5	55	1596, 1597

330 minutes

GRADES 7 and 8
(Seven-Period Day Option)

	PERIODS PER WEEK	MINIMUM TIME	REFER TO BULLETIN:
LANGUAGE ARTS	5	100	1589
MATHEMATICS/INTRO. TO ALG.	5	50	1609/1802
SOCIAL STUDIES (American Studies, Grade 7; L.A. Studies, Grade 8)	5	50	1604 1605
SCIENCE	5	50	1614, 1643
HEALTH AND PHYSICAL EDUCATION	5	50	1596, 1597
ELECTIVES	5	50	

350 minutes

English as a Second Language may be offered as a part of Language Arts.

It is strongly recommended that local school systems choose the Seven-period day option.

Grade Six may adhere to the above schedule only in organizational patterns which include grades Seven and Eight.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Introduction to Algebra
Curriculum Guide (Bulletin 1802)**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Development and implementation costs to the State for 1988-89 totals approximately \$159,628.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The rule will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Costs involved will include funds required to provide in-service education for teachers who are not secondary mathematics certified, to print the guide, and to implement statewide the curriculum guide for the Introduction to Algebra course.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The rule will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 - Publications

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved a new standard for placement in Bulletin 741 to permit the offering of credit for the courses Publication I and II as indicated below and to clarify certification requirements for teachers:

Insert new standard in Bulletin 741 to read:

PUBLICATIONS

Publications course offerings shall be as follows:

Course Title	Unit(s)	Refer to Bulletin
Publications I (yearbook)	1	#
Publications II (yearbook)	1	#
Publications I is a prerequisite to Publications II.		

Teachers certified in the areas of Journalism, English and/or Business Education are qualified to teach Publications I and II.

NOTE: Standard and Bulletin numbers will be assigned at a later date.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 741, Publications**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

1987 - \$50 (printing and distribution of a one-page insert or addendum to Bulletin 741)

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections is involved in the proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The costs involved will include funds required to print approximately 1,000 copies of the one-page insert and to distribute to local systems and other education systems.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The rule will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

the Handicapped Act - Part B \$19,317,525; Preschool Grant \$1,555,000; Total (received by state) \$20,872,525.

Flow-through to local education agencies will be approximately \$18,169,727 of the total. Estimates for fiscal year 1988-89 and 1989-90 are not possible at this time.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Acceptance of these plans and receipt of these funds will assist in the implementation of special education programs benefiting approximately 69,500 children.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These monies will fund 74 administrative and support positions at the state level and 7 positions at the regional level. In addition, the flow-through monies will fund personnel implementing programs at the local level.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Special Education State Plan

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Louisiana Annual Special Education Program Plan and the State Preschool Grant for Fiscal Years 1988-90. Copies of the Plan may be viewed in its entirety at the State Board of Elementary Education, 626 North Fourth Street, Baton Rouge, LA and at the Office of the State Register.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Special Education State Plan & Preschool Grant Application

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated savings, in fiscal year 1987-88, through acceptance of these plans by the federal government total \$20,872,525 that will be received from the federal government and thus, will not have to be expended from state and local funds to meet state and federal mandates. Estimates for fiscal year 1988-89 and 1989-90 are not possible at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Federal funds to be received by the state pursuant to acceptance of the state plans are estimated at: Education of

NOTICE OF INTENT

Office of the Governor Office of Elderly Affairs

LAC 4:VII.1111

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs intends to adopt the Louisiana State Plan on Aging for FY 1988 through FY 1991 (effective October 1, 1987 through September 30, 1991). The plan will be submitted to the Administration of Aging in order to receive the state's allotment of federal funds for programs and services for the elderly under Title III of the Older Americans Act of 1965, as amended.

The Governor's Office of Elderly Affairs intends to maintain the designation of existing planning and service area geographic boundaries.

The GOEA will conduct two public hearings to receive oral or written comments concerning the proposed State Plan on Aging for FY 1988 through FY 1991. All interested parties are encouraged to attend.

The first hearing will be held on Tuesday, May 26, 1987 in the State Police Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA beginning at 9:30 a.m.

The second hearing will be held on Thursday, May 28, 1987, at the Rapides Parish Council on Aging, 4701 Lee Street, Alexandria, LA beginning at 10:30 a.m.

Written comments concerning the proposed State Plan on Aging will be accepted until Monday, June 15, 1987.

To submit written comments or to obtain additional information concerning this proposed action, please contact Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 70898-0374

Sandra C. Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Plan on Aging
FY 1988 - FY 1991**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The adoption of the State Plan on Aging will not have a direct economic effect on any person or non-governmental group.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Sandra Adams
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Food Stamp Program.

These revisions are mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 250, Wednesday, December 31, 1986, pages 47378-47397. It was necessary to adopt this as an emergency rule as an April 1, 1987 implementation date is mandated.

PROPOSED RULE

The FAM-4 will be revised to reflect the following Food Stamp Program Policy revisions.

I. Household Concept

For purposes of failure to comply with the work requirements, the head of the household will be defined as the person in the household who is the principal source of earned income in the two months prior to the month of the violation. This provision applies only if the employment involves 20 hours or more per week or provides weekly earnings at least equivalent to the Federal minimum wage multiplied by 20 hours. However, no person of any age living with a parent or person fulfilling the role of a parent who is employed (at least 30 hours per week) or work registered under Food Stamps, AFDC, or Unemployment Compensation can be considered the head of household. If there is no principal source of earned income in the household, the worker shall determine the head of household.

II. Work Requirements

A. Household Responsibilities

Each household member age 16 through 59 who is not exempt is required to be registered for employment at the time of

application and once every 12 months after initial registration, as a condition of eligibility.

Persons losing exemption status due to any change in circumstances that are subject to the reporting requirements shall register for employment when the change is reported.

Two exemptions have been added as follows:

1. a person age 16 or 17 who is not a head of household or who is attending school or enrolled in an employment training program on at least a half-time basis is exempt;
2. a household member subject to and complying with any work requirement under Title IV of the Social Security Act, including WIN registration.

B. Office of Family Security (OFS) Responsibilities

The OFS shall register for work each household member who is not exempt. The OFS will explain to the applicant the pertinent work requirements, the rights and responsibilities of work registered household members, and the consequences of failure to comply. A written statement of this will also be given to each work registrant. The OFS shall be responsible for screening each work registrant to determine whether or not it is appropriate, based on OFS's criteria, to refer the individual to an employment and training program, if available, and if appropriate, referring the individual to an employment and training program component. Upon entry into each component the registrant applicant or volunteer, should be told either orally or in writing, the requirements of the component, what will constitute noncompliance and the sanctions for noncompliance. The OFS shall take appropriate sanction action within 10 working days after learning of noncompliance.

C. Employment and Training (E&T) Programs

The OFS has prepared and submitted an employment and training program plan to the United States Department of Agriculture, Food and Nutrition Services (FNS) Dallas Regional Office and the FNS Office of Alexandria, Virginia. A copy of the plan is available for public inspection at the Food Stamp Program Office, 618 Main Street, Baton Rouge, Louisiana.

Persons required to register for work and not exempted by the OFS from placement in an employment and training program shall be subject to the requirements imposed by the OFS for that individual. Such individuals are referred to as E&T mandatory participants. Requirements may vary among participants. Failure to comply without good cause with the requirements imposed by the OFS shall result in disqualification.

Work registrants shall:

1. participate in an employment and training program if assigned by the OFS;
2. respond to a request from the OFS or its designees for supplemental information regarding employment status or availability for work;
3. report to an employer to whom referred by the OFS or its designee if the potential employment meets the suitability requirements;
4. accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable state or federal minimum wage.

D. Failure to Comply with the Food Stamp Program Work Regulations

If it is determined that an individual other than the head of household has refused or failed without good cause to comply with the requirements imposed by this section and by OFS that individual shall be ineligible to participate in the Food Stamp Program for two months and is treated as an ineligible household member.

If the head of household fails to comply, the entire household is ineligible to participate.

Ineligibility in both cases shall continue either until the member who caused the violation complies with the requirement, leaves the household, or becomes exempt from work registration, or for two months, whichever occurs earlier.

If any household member who failed to comply joins another household as head of the household, that entire new household is ineligible for the remainder of the disqualification period. If the member who failed to comply joins another household where he/she is not head of household, the individual shall be considered an ineligible household member.

The OFS should determine whether good cause for the non-compliance exists. Within 10 days of determining the non-compliance was without good cause, the OFS shall provide the individual or household with a notice of adverse action. Such notification shall contain the particular act of noncompliance committed, the proposed period of disqualification and shall specify that the individual or household may reapply at the end of the disqualification period. Information shall also be included on or with the notice describing the action which can be taken to end or avoid the sanction and his right to resume participation at the end of the two-month disqualification period if he reapplies and is determined eligible.

The disqualification period shall begin with the first months following the expiration of the adverse notice period, unless a fair hearing is requested. Each individual or household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status, or OFS's determination of failure to comply with the work registration or employment and training requirements. Individuals or households may appeal agency action such as exemption status, the type of requirement imposed, or agency refusal to make a finding of good cause, if the individual or household believes that a finding of failure to comply has resulted from improper decisions on these matters. The OFS or its designee operating the relevant component shall receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative will be available for questioning over the phone during the hearing. A representative of the appropriate agency shall be available through one of these means. A household shall be allowed to examine its employment component casefile at a reasonable time before the date of the fair hearing, except for confidential information (which may include test results) that the agency determines should be protected from release. Information not released to a household may not be used by either party at the hearing. The results of the fair hearing shall be binding on the agency.

Following the end of the two-month disqualification period for noncompliance with the work registration or employment and training requirements, participation may resume if a disqualified individual or household applies again and is determined eligible.

E. Voluntary Quit

The rule entitled "Voluntary Quit in the Food Stamp Program" published in the *Louisiana Register* Vol. 11, No. 1, January 20, 1985, pages 38 and 39 is hereby amended.

If a determination of voluntary quit is established, the OFS shall then determine if the member who quit is the head of household. Persons who have been disqualified for quitting a job as head of household of one household will carry their sanction with them if they join a new household as its head. The new household will be ineligible for the remainder of the sanction

period unless the person who caused the disqualification ends it.

Following the end of the disqualification period a household may begin participation in the program if it applies again and is determined eligible.

Eligibility may be reestablished during a disqualification period and the household shall, if otherwise eligible, be permitted to resume participation if the member who caused the disqualification secures new employment which is comparable in salary or hours to the job which was quit, or leaves the household. Eligibility may also be reestablished if the violator becomes exempt from the work requirements. Should a household which has been determined to be noncompliant without good cause split into more than one household, the sanction shall follow the member who caused the disqualification. If a head of household who committed the violation joins another food stamp household as head of the household, that household shall be ineligible for the balance of the period of ineligibility.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on June 10, 1987, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Food Stamp Program - Work Requirements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated costs are \$310,000 (state - \$30,000 and \$280,000 federal) in FY 86-87, \$2,570,000 (state \$125,000 and \$2,445,000 federal) in FY 87-88 and \$2,775,000 (\$200,000 state and \$2,575,000 federal) in FY 88-89.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Initially, approximately 2400 Food Stamp recipients in East Baton Rouge Parish will be referred to the Louisiana Job Employment Training (LaJET) Service Provider to participate in a Job Search Component. Performance standards determine who will be placed in an E&T program in the future.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
An important aspect of the Employment and Training Program is to coordinate with other programs and agencies

to maximize the use of all resources to assist Food Stamp recipients on improving their employability and self-sufficiency.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

Effective September 1, 1987, the Department of Health and Human Resources proposes to protect its workers, clients and patients from the health hazards of passively inhaled tobacco smoke. Any area without a "Smoking Permitted" sign is to be considered a non-smoking area.

It shall be the policy of DHHR to allow tobacco smoking only in well-ventilated rooms which do not connect to a central air-conditioning system within a building unless contra-indicated by State Fire Marshal requirements or other safety precautions. These areas are to be designated by a "Smoking Permitted" sign.

Smoking is permitted only if such a sign is present.

Since infractions by DHHR employees to this rule can potentially harm fellow workers, such an infraction is to be considered a safety violation. DHHR vehicles are considered non-smoking areas unless all passengers are smokers.

It is the intent of DHHR as a responsible employer, to provide a workplace free of noxious or harmful substances.

For the information of DHHR clients, "No Smoking" signs are to be posted in all waiting rooms.

Comment

Recent pronouncements by U.S. Surgeon General Koop have emphasized the adverse health effects of "passive smoking" upon smokers and non-smokers alike. Because the outcome of passive smoking could be extremely serious, including lung cancer and debilitating respiratory illness, prudence requires the protection of DHHR employees from exposure while at work, and the protection of DHHR clients and patients from such exposure while in DHHR facilities.

Much consideration has gone into the formulation of this rule. Significant factors studied included the effect of central air-conditioning systems in dispersing tobacco smoke throughout a building even when tobacco smoking is limited to one room in the system. It has also been considered that while most people do not smoke, even current smokers are potentially harmed by the additional burden of passive smoking.

This rule is to be strictly interpreted and enforced. Unfortunately, while protecting all workers, it will regrettably cause some discomfort to nicotine-dependent workers. Mutual consideration and support is expected from all parties.

The implementation date for the rule is deliberately delayed so that nicotine-dependent staff will have sufficient time, should they so desire, to attempt cessation. Assistant secretaries are requested to facilitate personnel scheduling so that employees can attend cessation programs.

Rule

Effective September 1, 1987, there shall be no over-the-counter tobacco sales in any DHHR facility.

Effective September 1, 1987, there shall be no tobacco vending machines in any DHHR facility.

Comment

Louisiana is first in the nation in lung cancer death rates among white males, and in some areas in Louisiana the incidence of lung cancer in black males is the highest in the world. Deaths from lung cancer in Louisiana women surpassed breast cancer deaths in the late 1970's making Louisiana among the first states in which this occurred.

Nicotine addiction is six times more powerful than alcohol addiction, and kills approximately 1,000 people each day in the United States. Cigarette smoking is the single largest preventable cause of death and disease in the country. Therefore it is clearly counter to the purpose of DHHR to make available for sale such a dangerous drug in any DHHR facility.

A public hearing on this proposed rule will be held at 11:00 a.m. on June 16, 1987 in the auditorium of the Louisiana State Library at 760 Riverside. All interested persons will be afforded an opportunity to present written or oral comments at said hearing.

Interested parties may submit written comments on the proposed rule within 15 days of the date of publication. Comments should be addressed to: Sandra L. Robinson, M.D., M.P.H., Secretary and State Health Officer, Louisiana Department of Health and Human Resources, Box 3776, Baton Rouge, LA 70821.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: **Worksite Smoking Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no impact on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The state does not anticipate collecting less tobacco tax as a result of this rule because it is assumed that smokers will continue to purchase tobacco, however, it is anticipated that vendors in DHHR facilities may experience a reduction in revenues by deleting tobacco products from their inventory. It is anticipated that the state will experience a reduction in medical care costs by reducing the exposure of workers and clients to environmental tobacco smoke.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Since 70% of people do not smoke, the guarantee of a smoke-free workplace will enhance the attractiveness of DHHR as an employer.

Sandra L. Robinson, M.D., M.P.H. David W. Hood
Secretary and State Health Officer Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Labor
Board of Barber Examiners**

**Title 46
Professional and Occupational Standards
Part VII. Barbers**

Chapter 1. Shops

§111. Proper Quarters

C. Furniture, fixtures and apparatus shall be kept clean, in good condition, mechanically sound and with acceptable upholstery. Not less than one lavatory or shampoo bowl shall be provided for every three barber chairs and shall be kept clean and sanitary at all times. Brooms, mops, and any other articles used in cleaning shall not be left exposed. All residue, cut hair, dirt, etc., must be swept off the floor and placed in covered containers until properly disposed of.

Persons wishing to make comments and responses may do so by contacting: Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done by writing or in person between 8:30 a.m. and 4 p.m., until June 4, 1987.

On Monday June 8, 1987, at 10 a.m. a public hearing will be held at the board office, located at 1000 Scenic Highway, Baton Rouge, LA 70802, for interested persons to present their views on these rules.

Kathy Berry
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Shops**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated costs or savings in implementing these rules. The existing staff can handle the work load associated with these rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units because these rules correct existing rules.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposal brings the rules up to the standards practiced by the profession currently, so there will be no additional expenses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition and employment because all affected will be treated uniformly.

Kathy Brown Berry
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Labor
Board of Barber Examiners**

**Title 46
Professional and Occupational Standards
Part VII. Barbers**

The Board of Barber Examiners gives notice in accordance with R.S. 49:950 et seq. and R.S. 37:341-392, that it intends to adopt the following sections in Chapter 13 of LAC 46:VII.

Chapter 13. Barber Schools

§1301. Standards Required

A. All of the standards required by the above cited sections of the statutory law shall be strictly complied with.

1. School owner licensee shall be strictly responsible for all persons licensed and actions upon the licensed premises and shall be further held responsible for violations by employed teachers as well as students of R.S. 37:341-398 et seq.

B. Physical requirements for opening a Barber School - No school of barbering shall operate within the state without a certificate of registration. Any person desiring to conduct a school of training in the vocation of barbering shall make an application to the board for a certificate of registration and license, after they have completed the following steps:

1. Request in writing to the Board of Barber Examiners information relative to opening a barber school.

2. After receipt of the letter from the applicant, it shall be necessary for the prospective owner to select a location and request an inspection, notifying the Board of Barber Examiners of the location, and the approximate floor space and type of construction.

3. A detailed floor plan of the proposed barber school, drawn to scale, must be submitted to the Board of Barber Examiners showing the arrangement of classrooms, placement of equipment, electrical outlets, ventilating facilities, and plumbing and lighting facilities, and shall indicate that the school will have an outside entrance and exit and that it contains no less than 2000 square feet of floor space. This plan must be submitted before the first inspection.

4. The Board of Barber Examiners may also require a petition containing signatures of the registered barbers in the parish and adjacent communities, showing evidence of the need for a barber school in the given area.

5. After the location and floor space and all of the above has been checked, and a report has been made to the board in an official meeting, the applicant shall then show proof in writing, that the proposed area location will not be detrimental to the public welfare. The board shall then approve or disapprove the application, and shall notify the applicant in writing of the decision of the board.

6. If the location is approved, the applicant shall then be notified in writing to submit the following:

- a. a copy of the lease, if space is to be leased;
- b. a copy of the proposed curriculum and a daily schedule covering the entire outline of the course of study;
- c. letters of approval from the city fire inspector and city electrical inspector as to fire hazard requirements;
- d. notarized statements from each of the licensed teachers to be employed, verifying their agreement to teach if the school is licensed;
- e. proof of the financial ability to operate the proposed

barber school in accordance with the requirements of the barber license law and the regulations of the board.

7. After all equipment has been installed, and the board is satisfied of the financial responsibility, the applicant shall request final inspection from the board, together with the fee of \$250. Renewal fee of \$50 per year shall be payable on or before January 31 of each year. Failure to make payment prior to that date shall subject the licensee to an additional fee of \$50.

8. The board, or one of its agents, shall then make a final inspection to determine if the equipment and all details and sanitation sterilization requirements are met and shall report its findings to the board.

9. After final inspection by the board or its agents and a report thereof has been made to the board, the school shall be notified of its acceptance by the board and the recognition for opening date, and the board thereupon shall issue the license.

C. Changing location or ownership

1. Whenever any school changes its location or its ownership, by transfer or by lease or otherwise, its license may be made applicable to the new ownership and/or location, provided, the parish in which the school is domiciled remains unchanged and the board is given notice of not less than 30 days prior to the change of address and/or ownership of the school and appropriate examination and inspection by the board reveal that the above requirements have been satisfied, and the notice of change of ownership is accompanied by the payment of the sum of \$250 as a license fee.

2. The above minimum size requirements shall be demanding of all newly licensed schools or newly licensed school owners. The sale of a school by its present owner or the change of location of a school will require that the licensed facilities be brought to these standards.

D. Equipment requirement

1. Every barber school must have practical work room, equipped with not less than the following:

- a. twelve barber chairs which does not include shampoo area chairs, unless otherwise approved by the board;
- b. one shampoo bowl or lavatory for every four barber chairs, unless otherwise approved by the board, (these chairs must recline with soap dispensers for each.)
- c. one overhead hair dryer (chair or hood type) for every four barber chairs, unless otherwise approved by the board.
- d. ample permanent wave rods and sufficient trays;
- e. six mannequins;
- f. sufficient seating in the waiting area. (this area must contain at least two hundred square feet of floor space)
- g. sufficient seating for students for classroom work. (No classroom shall contain less than 400 feet of floor space);
- h. modern anatomy charts;
- i. full size chalk board;
- j. twelve modern work stands, each measuring in size not less than 60 inches wide and 12 inches deep;
- k. twelve mirrors, each not less than 32 inches in diameter and/or not less than 800 square inches in size;
- l. sufficient cabinets, for storage of clean linen and accessories;
- m. sufficient amount of covered containers for soiled linen;
- n. twelve dry cabinet sterilizers not less than 1200 cubic inches in size, or 12 electrical disinfecting cabinets. (Ultra violet lights);
- o. twelve large professional wet sterilizers;
- p. sufficient waste containers. for neck strips and shaving

paper;

- q. sufficient amount of compounds for dry (ultra violet lights) and wet sterilizers.
- r. sufficient supply of creams, lotions, hair tonics, shampoos, neck strips, headrest paper, linen, etc., necessary for serving the public.
- s. hot water heater;
- t. sufficient amount of covered waste containers, for residue, cut hair, dirt, etc.;
- u. toilet facilities;
- v. sufficient amount of hooks or racks for customers hats and coats.

E. Sanitation and Sterilization

Sanitation and sterilization rules and regulations for barber schools must comply with the same rules and regulations as for barber shops.

F. Books

The following text must be provided to each student on registration:

- 1. Standard Textbooks of Professional Barber-Styling;
- 2. Professional Barber-Styling State Board Examination

Review.

G. All schools must maintain a curricula hereinafter prescribed for the following:

- 1. Barber course covering curriculum in not less than 1500 hours in a 9 month period.

H. Barber Course Curriculum

I. History of Barbering	30 Hours
II. Professional Ethics	30 Hours
III. Hygiene, Good Grooming, Bacteriology & Sanitation	60 Hours
IV. Barber Implements, Honing, Stropping, Shaving	30 Hours
V. Men's Hair Cutting, Moustaches & Beards	30 Hours
VI. Women's Hair Cutting, Scalp & Hair Treatments	50 Hours
VII. Theory of Massage & Facial Treatments	40 Hours
VIII. Men's Razor Hair Cutting, Air Waving, Men's Hairpieces	70 Hours
IX. Barber Shop Management & Salesmanship	20 Hours
X. Anatomy & Physiology	90 Hours
XI. Structure & Chemistry Simplified	230 Hours
XIII. Review & State Board	50 Hours
Total Theory	750 Hours

Practical Work In Shop

I. Hair Cutting - Men, Women	550 Hours
II. Shaving, Moustaches & Beards	20 Hours
III. Scalp & Hair Treatment	10 Hours
IV. Hair Tonics	10 Hours
V. Facial Treatment	10 Hours
VI. Razor Hair Cutting	65 Hours
VII. Air Waving	35 Hours
VIII. Men's Hairpieces	10 Hours
IX. Permanent Wave	40 Hours
Total Practical	750 Hours
Total Barbering	1500 Hours

I. Administrative regulations

- 1. All barber schools must provide the board no later than 15 days following the enrollment of each student with:
 - a. student application, completed and notarized;
 - b. birth certificate or equivalent;

c. high school diploma or passing grade on equivalence test;

d. two five-by-three inch signed photographs of the student;

2. All barber school owners must register hours of each student with the board office each month, no later than seven days passed the end of each month. Owner of school must certify students attendance for these hours. Only hours devoted toward the prescribed curriculum shall be included. This monthly hourly student report may be certified by the head instructor in the absence of the school owner. A weekly summary of accredited hours earned by each student shall be posted in every school.

3. All barber schools may charge or accept directly or indirectly any money whatsoever for such clinical practice by the student for materials used therein whether the money is considered payment for services or materials or as a gratuity, upon approval by the barber board. Such charges must have prior approval by the Barber Board.

4. All barber schools must notify the barber board in writing, within five days of any change in their teaching staff, whether it is a temporary, part time or substitute teacher, giving names and Louisiana teacher license number.

5. All schools are required to maintain a faculty of instructors, not fewer than one per each 20 students enrolled.

a. Each school must be in charge of and under the immediate supervision of a Louisiana licensed teacher of barbering.

6. All barber schools may develop a Teachers Training Program, Advance Training Program and Brush-up Programs. These programs and curriculum must be submitted to the Barber Board for prior approval. The Teachers Training Program shall not automatically entitle a person to take an examination for a teachers certificate as issued by the Louisiana State Board of Barber Examiners. The teachers examination shall be given only when the applicant shows proof to the Barber Board that they will be hired as a teacher in a barber school after passing such an examination. Advanced training and Brush-up Programs shall be offered only to licensed barbers and cosmetologists.

7. All barber schools shall furnish the board written notification at least two weeks prior to the next examination date the names and total completed hours of each student who will be taking the next examination.

8. All barber schools shall maintain a sign in front of its premises reading "Barber College Only".

9. There shall be no professional departments within the school, nor shall any school owner own or operate a professional salon in connection with schools. No members of the school staff shall practice in an adjoining salon. There shall be no unsealed connecting doors between schools and shops under the same roof.

10. All barber schools must post all correspondence from the barber board office if directed to do so.

11. All barber schools must issue to each student the barber boards student and examination administrative regulations no later than 15 days following the enrollment of each student.

12. All schools must hold regular theory classes, for a minimum of one hour per day. This must embrace related subjects.

13. It is incumbent upon all schools to report to their respective board members any student who does not attend classes as required by rules and regulations set by the Board of Barber Examiners.

Persons wishing to make comments and responses may

do so by contacting: Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done by writing or in person between 8:30 a.m. and 4 p.m., until June 4, 1987.

On Monday June 8, 1987, at 10 a.m. a public hearing will be held at the board office, located at 1000 Scenic Highway, Baton Rouge, LA 70802, for interested persons to present their views on these rules.

Kathy Berry
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Barber Schools**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated costs or savings in implementing these rules. The existing staff can handle the work load associated with these rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units because these rules clarify existing procedures and will not require any additional expenses to those affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Adoption of these rules will not have additional cost or economic benefits to affected persons or non-governmental groups because these rules simply clarify existing rules and will not require any additional expenses to those affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition and employment because all affected will be treated uniformly.

Kathy Brown Berry
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Labor
Board of Barber Examiners**

**Title 46
Professional and Occupational Standards
Part VII. Barbers**

The Board of Barber Examiners gives notice in accordance with R.S. 49:950 et seq. and R.S. 37:341-392, that it intends to adopt the following sections in Chapter 15 of LAC 46:VII.

**Chapter 15. Barber Students
§1501. Statutory Requirements.**

A. No students can commence barber school prior to their seventeenth birthday. (RS 37:358)

B. Must be of good moral character and temperate habit. (R.S. 37:354)

C. Shows proof of graduation from high school or its equivalent. (R.S. 37:361A)

D. Graduation of a course or instruction of not less than 1500 hours completed within nine months with no more than eight hours to any one working day subject to the board's authority to determine by regulation the days and hours of school within these limits. (R.S. 37:354 A, 361 B)

E. The course of instruction shall include the following subjects:

Scientific fundamentals of barbering, hygiene and bacteriology; history of the hair, skin, muscles and nerves; structure of the head, face and neck; elementary chemistry as it relates to sterilization and asepsis; diseases of the skin and hair glands; the massaging and manipulating of the muscles of the body above the seventh cervical vertebra; hair cutting and shaving; and the arranging, dressing, coloring, bleaching and tinting of the hair. (R.S. 37:361 B)

F. Passes satisfactorily an examination conducted by the Board of Barber Examiners to determine his/her fitness to practice barbering. (R.S. 37:354)

1. These examinations shall be conducted every three months and shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the Board of Barber Examiners. (R.S. 37:366)

§1503. Regulation for government of student activities

A. At all times when a student is subject to public observation in his/her work, he/she shall wear in a readily visible position a badge stating the following information, legibly: the word "Student", and the student's name.

B. All students shall, when in the presence of the public, be dressed in clean washable uniforms, the color being prescribed by the school.

C. No person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued by the board. Students in certificated barber colleges may perform acts included in the practice of barbering but only as clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the operator is not a registered barber but only a student in training. (R.S. 37:349)

D. All students must provide the barber college no later than 10 days following their enrollment in barber college the following:

1. student application, completed and notarized;
2. high school diploma or passing grade on equivalent test;
3. two five-by-three inch signed photographs of the student.

E. All students must comply with the sanitation and sterilization rules and regulations enacted by the Board of Barber Examiners which shall be posted in a conspicuous place therein the barber college.

F. All students shall receive a Student Certificate from the board office, upon receipt of the completed student application requirements. This certificate must be posted and displayed in a conspicuous place adjacent to or near his/her work chair.

G. Any member of the Board of Barber Examiners or any

employee designated for the purpose shall have access to and may enter and inspect at all reasonable hours and at any time during business hours any Louisiana barber college.

H. It is incumbent upon all students to attend classes on a regular basis as a prerequisite to graduation a course or instruction on not less than 1500 hours completed within nine months with no more than eight hours to any one working day subject to the board's authority to determine by regulation the days and hours of school within these limits.

I. A student certificate does not permit any individual to act as a barber (even in training) other than on the school premises.

J. Students attending barber schools shall not work in any licensed barber shop on the general public in any capacity outside the school. Students may work on the people in nursing homes, orphan homes; etc., if accompanied by their instructor.

K. Students transferring their student certificate and or source of hours from one school to another are required with their transfer to submit a letter to the board office clearing stating their reason for transfer. The board office should review this letter and if the reasons do not appear to be sound, fair, and honorable, the letter will be referred to the board for study at which time the board may see fit to call the student before the board.

§1505. Transfer Students

The board may accept student hours certified by license schools not licensed by this board. Louisiana school owners may receive transfer students by examining these applicants, and securing a verification of hours from the student's original school and the state board supervising that school. This verification should cover the number of hours and curriculum studied. The results of the examination should then be certified to the Louisiana Board of Barber Examiners, stating the number of hours as determined the transfer student to have completed satisfactorily. This certification should be accompanied with supporting data of verification from the student's original school and the state board supervising that school. All of the above shall be submitted to the Louisiana Board of Barber Examiners for final approval.

§1507. Alien Students

When registering alien students from foreign countries, schools will be responsible for transmitting with the student registration application Immigration Form I-20 A (certificate of eligibility for nonimmigrant "F-1" student status) and form I-17 (Petition for approval of school for attendance by nonimmigrant alien students). These forms may be obtained by the schools from the Immigration Department, Federal Building, New Orleans, Louisiana.

Persons wishing to make comments and responses may do so by contacting: Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done by writing or in person between 8:30 a.m. and 4 p.m., until June 4, 1987.

On Monday June 8, 1987, at 10 a.m. a public hearing will be held at the board office, located at 1000 Scenic Highway, Baton Rouge, LA 70802, for interested persons to present their views on these rules.

Kathy Berry
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Barber Students**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated costs or savings in implementing these rules. The existing staff can handle the work load associated with these rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units, because these rules clarify existing procedures and will not require any additional expenses to those affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Adoption of these rules will not have additional cost or economic benefits to affected persons or non-governmental groups, because these rules simply clarify existing rules and policy, they will not require any additional expenses to those affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
These rules will have no effect on competition and employment because all affected will be treated uniformly.

Kathy Brown Berry
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Fire Marshal**

For the purpose of complying with the fire safety requirements of R.S. 40:1563.2 and the provisions of 42 U.S.C. 1766 and the regulations promulgated thereunder 7 C.F.R.226 et seq., the fire marshal and his deputies will utilize the provisions of the appropriate life safety code regarding family day care homes (Section 10.9 of the 1985 Life Safety Code). Monthly fire drills must be inspected by the operator of each facility and a log shall be kept by said provider which shall be available for review by the fire marshal inspector.

With regard to the required sanitation inspections, the fire marshal inspector shall review the premises to determine that the water, sewerage, cleanliness, and refrigeration of the home is adequate and in working order, according to the following guidelines.

- 1) The water system is:
 - a) an approved public water system, or
 - b) a private well which has a concrete pad surrounding the well head or level ground. The well head must be at least 50 feet from any sewerage system, or
 - c) an approved cistern
- 2) The sewerage system must be:
 - a) an approved public system, or
 - b) a private system consisting of either
 - 1b) a septic tank properly installed with field lines; field

- lines shall not terminate in ditch or canal;
- 2b) a properly installed sand filter bed;
- 3b) an acceptable oxidation pond;
- 4b) an approved mechanical oxidation device;
- c) a properly constructed pit privy.
- 3) The interior of providers home shall be maintained clean and free of insects and rodents.
- 4) The refrigeration device for food storage shall be maintained at or below 45 degrees Fahrenheit.
- 5) Each hot water heater shall have a safety relief valve set to lift at a pressure not greater than the maximum allowable working pressure as provided on manufacturer's data plate.
- 6) The ambient temperature within each facility shall be no less than 55 degrees Fahrenheit nor more than 100 degrees Fahrenheit.
- 7) Adequate ventilation shall be provided either by an operable window, ceiling fan, or air conditioning.
- 8) Adequate lighting shall be provided from an artificial source equivalent to or greater than 880 lumens (a 60-watt incandescent light bulb).
- 9) There shall be a minimum of 35 square feet provided for each child in the program.

The fire marshal will require a \$35 fee for the initial inspection, and one follow-up inspection if needed. If further inspections are required an additional \$35 fee should be charged.

The fire marshal is required to make inspections at least on an annual basis. If violations of the regulations are discovered, the person responsible for the maintenance of the Child Care Food Program Home in question shall be given 30 days for complying with the order of the fire marshal to remedy the violations in question. After 30 days have elapsed from the initial inspection, the private home in question shall be reinspected. If upon the reinspection the deputy state fire marshal is satisfied that the person responsible is making an effort to comply with the original order of correction, an additional 30 days may be granted said person for complete compliance. After 60 days have elapsed from the initial inspection, if compliance with the original order of correction has not been met, the Department of Education shall be notified by the Office of State Fire Marshal via the sponsoring agency for the purpose of terminating the funding for the Child Care Food Program Home in question.

Anyone having any questions with regard to this proposed ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street, New Orleans, LA 70115, 504-897-6600 or D. Jeffrey Gleason, Chief Administrative Fire Marshal, 1033 North Lobdell Boulevard, Baton Rouge, LA 70806, 504-925-4911. There will be a hearing at the Office of the State Fire Marshal, 1033 North Lobdell Boulevard, Baton Rouge, LA, on June 5, 1987 at 10 a.m. at which time and place any person may present their views orally or up until which time they may present their views in writing.

Willie T. Miller
State Fire Marshal

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Specifications for Inspections of
Child Care Food Program Homes**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Estimated Costs for 86/87 \$193,806

87/88 210,093
88/89 218,041

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated Revenues 86/87 \$245,000
87/88 280,000
88/89 297,500

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The child care providers will be charged \$35 by the Fire Marshal's Office and the total cost is equal to the state revenues in "II" above.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

N/A

James L. Thibodeaux
Finance Manager

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the July 1, 1985, Plan Document as follows: Eliminate Article 3, Section I (H) entitled "Coverage After Termination of Comprehensive Medical Benefits" in its entirety.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on Wednesday, July 9, 1987, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Elimination of Coverage after Termination

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs to state or local governmental units as a result of this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The implementation of this proposed rule change will decrease costs to the program fund in the form of fewer claims payments. With this reduction, the necessity of future premium increases will be mitigated by a like amount.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The directly affected persons, plan members of the State

Employees Group Benefits Program, could benefit from the savings, which will accrue, will lessen the impact of any future rate increases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the July 1, 1985, Plan Document as follows: Eliminate Article 3, Section II, entitled "Second Surgical Opinion" in its entirety.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on Wednesday, July 9, 1987 at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Elimination of Second Surgical Opinions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation to State of Local governmental units are not determinable. Implementation costs, if any, to this agency will be minimal.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The implementation of this proposed rule change will decrease costs to the program fund in the form of fewer claims payments. With this reduction, the necessity of future premium increases will be mitigated by a like amount.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The directly affected persons and groups, the plan members of this program and their member agencies, will benefit in that the savings in health claims payments will lessen the impact of future rate increases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

Committee Reports

COMMITTEE REPORT

House of Representatives Committee on Appropriations

April 19, 1987

Dear Governor Edwards:

This letter is to inform you that on April 16, 1987, the Subcommittee on Oversight of the House Committee on Appropriations voted unanimously to disapprove that portion of the rule promulgated by the Board of Trustees of the State Employees Group Benefits Program which purports to amend its rules as follows:

Eliminate benefits for organ transplants, except for kidney and cornea.

The intended effect of disapproving the portion of the rule change eliminating the benefits for organ transplants is to ensure that vital services, such as organ transplants, continue to be available to state employees. The committee unanimously agreed that if benefits for organ transplants were discontinued, many of employees would not be able to afford this life sustaining service.

The committee intends to continue its meetings with the board and the staff of the group benefits program to explore ways to solve the financial problems facing the program.

Thank you for your attention in this matter. If you desire any further information on the subcommittee's action, please contact Noel Hunt, House Committee on Appropriations (342-6292).

Elias Ackal, Jr.
Chairman

Potpourri

POTPOURRI

Department of Agriculture Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at Lafayette Regional Vocational-Technical Institute in Lafayette, Louisiana on July 21-24, 1987. The deadline for getting in application and fee is July 3, 1987. All applications must be in the Horticulture Commission office no later than 5 p.m. on that date.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

CROP PESTS AND DISEASES QUARANTINE

In accordance with LAC 7:XV.9509, we are hereby publishing a "supplement to the 1987 Quarantine Listing for Brown Garden Snail ("Helix aspersa")."

(a) In the State of Louisiana:

(1) In the Parish of Caddo, the properties of A. E. Milligan, 401 North Dresden, Shreveport; Carolyn Thompson, 405 North Dresden, Shreveport; and L. M. Craig, 402 South Dresden, Shreveport.

(2) In the Parish of Ouachita, the property of Mr. Chris Christian, 2702 North Eleventh, West Monroe.

(3) In the Parish of Rapides, the properties of: Robert Guire, Box 116, Cheneyville; Hazel Willis, Box 241, Cheneyville; Erma L. Goff, Box 139, Cheneyville; Willie Chisem, Box 173, Cheneyville; Johnnie Smith, Box 139, Cheneyville; Caroline Godison, Box 139, Cheneyville; Charlene Malone, Box 264, Cheneyville; Leola Green, Box 38, Cheneyville; Trassie Keys, Box 1, Cheneyville; Willie Daniels, Box 153, Cheneyville; Daisy Lewis, Box 1, Cheneyville; Lee Timothy, Box 31, Cheneyville; Mary Anderson, Box 113, Cheneyville; Ollie Crittle, Box 113, Cheneyville; Wardell Timothy, Box 484, Cheneyville; Eluora T. Jone, Box 142, Cheneyville; Aron Timothy, Box 984, Cheneyville; Rose Mary Deal, Box 531, Cheneyville; Lillie Barfield, Box 201, Cheneyville; Brenda Mitchell, Box 295, Cheneyville; Moses Barfield, Jr., Box 201, Cheneyville; Joe Anderson, Gen. Del., Cheneyville; Johnny Kirk, Jr., Box 528, Cheneyville; James Galveston, Gen. Del., Cheneyville; Isreal Jones, Sr., Box 83, Cheneyville; Isreal Jones, Jr., Box 182, Cheneyville; Laura Wagner, Box 147, Cheneyville; Neal Allen, Gen. Del., Cheneyville; Otis Edison, Box 58, Cheneyville; Joe Foelish, Gen. Del., Cheneyville; Alberta Marks, Box 58, Cheneyville; Shirley Pride, Box 163, Cheneyville; Shirley Ann Wade, Box 94, Cheneyville; Annie Mae Wheat, Box 11, Cheneyville; Gladys Thomas, Box 445, Cheneyville; Ralph Stafford, Box 223, Cheneyville; Cutris Berry, Box 411, Cheneyville; Billy Burns, Box 265, Cheneyville; Bud Odom, Box 442, Cheneyville; Rev. S. J. Russell, Box 471, Cheneyville; Madge Maddocks, Box 353, Cheneyville; Don Rogers, Box 301, Cheneyville; Donald Bergens, Box 313, Cheneyville; Robert Guillory, Box 301, Cheneyville; Debbie Lyles, Box 64, Cheneyville; Danny O'Neal, Box 385, Cheneyville; Pete Thomas, Gen. Del., Cheneyville; Mike Ragsdale, Gen. Del., Cheneyville; Laverne Rennie, Box 344, Cheneyville; Ronnie Green, Box 105, Cheneyville; Johnny Townsend, Box 117, Cheneyville; Sonny Dyer, Gen. Del., Cheneyville; Margaret Smith, Box 305, Cheneyville; Robert Cox Antiques, Box 14, Cheneyville; Beauvies Store, Vacant, Cheneyville; Daddy Sams' Rest, Gen. Del., Cheneyville; Betty Thibodeaux, Box 25, Cheneyville; Myrtle Moon, Box 362, Cheneyville; Bobby Stanley, Box 302, Cheneyville; Buster Tanner, Box 303, Cheneyville; Harry Richard, Box 234, Cheneyville; T. C. Burnes, Box 236, Cheneyville; Danny Monk, Gen. Del., Cheneyville; Edward Charrier, Box 523, Cheneyville; Rodney Norris, Box 65, Cheneyville; John Klock, Gen. Del., Cheneyville; Gregg Foote, Box 132, Cheneyville; Mable Pitree, Box 16, Cheneyville; Salley Burke, Box 57, Cheneyville; Norris Miller, Gen. Del., Cheneyville; Thomas Cola, Box 155, Cheneyville; Dale Givens, Box 321, Cheneyville;

Walker McNutt, Box 266, Cheneyville; A. M. Williamson, Box 507, Cheneyville Mayor Tony Land, Box 148, Cheneyville; Mrs. Ronald Cook, Box 394, Cheneyville; Grace Jackson, Box 154, Cheneyville; A. D. Hudson, Box 205, Cheneyville; William Ford, Box 343, Cheneyville; Lucille Rox, Box 402, Cheneyville; Harold Grayson, Box 47, Cheneyville; Mrs. Sanford Laborde, Box 96, Cheneyville; Della Ferguson, Box 4, Cheneyville; Jesse Johnson, Box 19, Cheneyville; William Murdock, Box 497, Cheneyville; Bubba Townsend, Box 137, Cheneyville; A. R. Landry, Box 118, Cheneyville; Joe Como, Box 242, Cheneyville; Paul Como, Box 72, Cheneyville; Mrs. H. Huff, Box 294, Cheneyville; Ralph Avery, Box 355, Cheneyville; Norman Hoyt, Box 381, Cheneyville; Grady Coburn, Box 302, Cheneyville; W. L. Tanner, Box 318, Cheneyville; Clara Robert, Box 92, Cheneyville; Edward Aiken, Box 352, Cheneyville; Wm. H. Ford III, Box 326, Cheneyville; Ed Townsend, Jr., Route 1, Cheneyville; Jack Little, Box 317, Cheneyville; Shirley Wade, Box 94, Cheneyville; Nevis Lawson, Box 94, Cheneyville; J. A. Hoyt, Box 176, Cheneyville; Gloria Stracener, Box 145, Cheneyville; M. E. Allen, Jr., Box 315, Cheneyville; Taylor Murdock, Route 1, Box 35, Cheneyville; Cornelia Newman, Box 332, Cheneyville; Ada Wheat, Box 465, Cheneyville; Ida Scott, Box 27, Cheneyville; Willie Mae English, Box 522, Cheneyville; Evelyn Johnson, Box 149, Cheneyville; Brookie McMullan, Box 422, Cheneyville; Alma Lutz, Box 483, Cheneyville; Ritha Madrigal, Box 361, Cheneyville; Lillie Mae Paul, Box 312, Cheneyville; Mary Dino, Box 246, Cheneyville; Gladys Thomas, Box 445, Cheneyville; James Lookwood, Box 524, Cheneyville; Mary E. Jenkins, Box 445, Cheneyville; Eva Green, Box 384, Cheneyville.

Date: May 11, 1987

John W. Impson
State Entomologist

POTPOURRI

Department of Commerce Office of Financial Institutions

United Financial Services of Baton Rouge, Inc. has applied for a license as a Limited Function Financial Institution pursuant to R.S. 6:451. The primary place of business of United Financial Services of Baton Rouge, Inc., is 4615 Government Street, Baton Rouge, Louisiana.

Any person wishing to comment on this application may file his or her comments in writing with the Louisiana Office of Financial Institutions, Box 94095, Baton Rouge, LA, 70804-9095. The Office of Financial Institutions is not required to consider any comments received after July 9, 1987. A request for a hearing must be received by the Office of Financial Institutions by 4:45 p.m., June 1, 1987.

Those sections of the application deemed public by the commissioner of Financial Institutions are subject to inspection by the public during the regular business hours of 8 a.m. to 4:45 p.m., Monday thru Friday at the location of the Office of Financial Institutions, 5420 Corporate Boulevard, Suite 207, Baton Rouge, LA.

Fred C. Dent
Commissioner

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that seven claims amounting to \$9,774.90 were received during the month of April, 1987. During the same month one claim, amounting to \$5,000 was paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

Thursday May 22, 1987, at 10:30 a.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.:
CLAIM NO. 86-3769

Kearn Chouest, Sr. of Route 1, Box 1M, Galliano, LA 70354, while trawling on the vessel, "L&K," in Lake Barre, Terrebonne Parish, encountered an unidentified submerged obstruction on August 19, 1986. Causing damage and/or loss. Amount of Claim: \$1,128.90

CLAIM NO. 86-3888

Michael Martinez, of Route 1, Box 379L-2, Cut Off, LA 70345, while trawling on the vessel, "MY TOOT-TOOT," in Lake Raccourci, at approximate LORAN-C readings of 28,275. and 46,858.1, Terrebonne Parish, encountered a sunken boat on October 2, 1986. Causing damage and/or loss. Amount of Claim: \$360.

CLAIM NO. 86-3928

Delton Cheramie, Sr., of Route 1, Box 85, Galliano, LA 70354, while trawling on the vessel, "CINDY LOU," in Bay Des Ilettes, north of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on November 16, 1986. Causing damage and/or loss. Amount of Claim: \$2,186.72

CLAIM NO. 86-3947

Herbert P. Billiot, of Route 1, Box 133-A, Galliano, LA 70354, while trawling on the vessel, "NONK CHONK," Timbalier Bay, Lafourche Parish, encountered an unidentified submerged obstruction on November 20, 1986. Causing damage and/or loss. Amount of Claim: \$557.16

CLAIM NO. 86-3964

Leo P. Pitre, of Box 636, Golden Meadow, LA 70357, while trawling on the vessel, "CAPT. LEO," one mile outside of Little Pass, at approximate LORAN-C readings of 28,215.3 and 46,826.1, encountered an unidentified submerged obstruction on December 1, 1986. Causing damage and/or loss. Amount of Claim: \$1,244.49

CLAIM NO. 86-3968

David Griffin, of Box 69, Galliano, LA 70354, while trawling on the vessel, "TEE FRANK," in Bayou Lafourche, Lafourche Parish, encountered an unidentified submerged obstruction on December 7, 1986. Causing damage and/or loss. Amount of Claim: \$2,087.

CLAIM NO. 86-3975

Ronald Cheramie, of 117 W. 56th. Street, Cut Off, LA 70345, while trawling on the vessel, "CAPT. RONALD," in Barataria Lake, about a couple of thousand feet from Deep Water Channel, Jefferson Parish, encountered an unidentified submerged obstruction on November 17, 1986. Causing damage and/or loss. Amount of Claim: \$885.64

CLAIM NO. 86-4005

Melvin Dufrene, of Box 545, Larose, LA 70373, while trawling on the vessel, "SCOTT & BILLY," in the Gulf of Mexico,

one mile South of Shell Keys, at approximate LORAN-C readings of 27,441.0 and 46,915.5, encountered an unidentified submerged obstruction on December 5, 1986. Causing damage and/or loss. Amount of Claim: \$3,305.21
CLAIM NO. 86-4011

Jacob Jennings, of Route 1 Box 140-C, Galliano, LA 70354, while trawling on the vessel, "LA 9533 BN," in East Canal, near Leeville Area, Lafourche Parish, encountered an unidentified submerged obstruction on December 4, 1986. Causing damage and/or loss. Amount of Claim: \$600.
CLAIM NO. 86-4015

Whitney Dardar, of Star Route Box 80, Golden Meadow, LA 70357, while trawling on the vessel, "THREE LADIES," one mile west of Cat Isle Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on December 15, 1986. Causing damage and/or loss. Amount of Claim: \$755.
CLAIM NO. 87-4031

Steve J. LeBouef, of 2112 S. Bayou Drive, Golden Meadow, LA 70357, while trawling on the vessel, "THE HOOKER," in the Gulf of Mexico, 300 yards off of beach, Lafourche Parish, encountered an unidentified submerged obstruction on January 5, 1987. Causing damage and/or loss. Amount of Claim: \$607.04
CLAIM NO. 87-4051

David Duet, Jr., 8622 W. Main, Galliano, LA 70354, while trawling on the vessel, "MR. DUET," in the Gulf of Mexico, NW of Tiger Shoal, at approximate LORAN-C readings of 27,261.0 and 46,925.1, encountered an unidentified submerged obstruction on December 15, 1987. Causing damage and/or loss. Amount of Claim: \$329.68
CLAIM NO. 87-4053

Jerry A. Dantin, Box 676, Cut Off, LA 70345, while trawling on the vessel, "ROBERT D.," in the Gulf of Mexico, Bay Marchand Area, Lafourche Parish, encountered an unidentified submerged obstruction on December 22, 1986. Causing damage and/or loss. Amount of Claim: \$2,148.64
CLAIM NO. 87-4096

Ray M. Rebstock, Sr., of 305 E. 74th. Street, Cut Off, LA 70345, while trawling on the vessel, "BIG CAJUN," in the Gulf of Mexico, 1/2 mile west of Belle Pass, Lafourche Parish, encountered submerged rocks on March 23, 1987. Causing damage and/or loss. Amount of Claim: \$357.
CLAIM NO. 86-3980

Webb Cheramie, Jr., of 1983 LA Hwy. 1, Grand Isle, LA 70358, while trawling on the vessel, "MASTER WAYNE I," in the Gulf of Mexico, Lafourche Parish, encountered an unidentified submerged obstruction on December 7, 1986. Causing damage and/or loss. Amount of Claim: \$1,713.14
CLAIM NO. 86-3988

Webb Cheramie, Jr., of 1983 LA Hwy. 1, Grand Isle, LA 70358, while trawling on the vessel, "MASTER WAYNE I," in the Gulf of Mexico, Jefferson Parish, encountered an unidentified submerged obstruction on December 11, 1986. Causing damage and/or loss. Amount of Claim: \$1,303.37

Wednesday, June 19, 1987, at 3:30 p.m., in the Lafitte Town Hall, Lafitte, LA.:
CLAIM NO. 86-3943

Eddie J. Foret, Jr., of 10330 Jefferson Hwy., Harahan, LA 70123, while trawling on the vessel, "JENNIFER," in Bay Melville, 1/2 mile east of Pass Abel, Jefferson Parish, encountered an unidentified submerged obstruction on November 22, 1986. Causing damage and/or loss. Amount of Claim: \$450.
CLAIM NO. 86-3957

Danny J. Robin, of 5517 Randolph Street, Marrero, LA

70072, while trawling on the vessel, "CAPT. DANNY," in Four Bayou Bay Pass, Lafourche Parish, encountered an unidentified submerged obstruction on October 21, 1986. Causing damage and/or loss. Amount of Claim: \$750.
CLAIM NO. 86-3966

Lucas J. Sauerwin, Sr., of 15 Judith Street, Waggaman, LA 70094, while trawling on the vessel, "LES #1," in Three Mile Pass, Mississippi Sound, encountered an unidentified submerged obstruction on December 2, 1986. Causing damage and/or loss. Amount of Claim: \$3,097.73
CLAIM NO. 86-3967

Ellis Coulon, Jr., of Box 482, Barataria, LA 70036, while trawling on the vessel, "VIOLATOR," about 1/2 mile from Bayou St. Denis, Jefferson Parish, encountered an unidentified submerged obstruction on November 30, 1986. Causing damage and/or loss. Amount of Claim: \$661.49
CLAIM NO. 86-3983

Ryan Antony Robin, of 732 Avenue A, Apt. C, Westwego, LA 70094, while trawling on the vessel, "MISS PENNY," in Barataria Waterways and Bayou St. Denis, Jefferson Parish, encountered a submerged piling on September 28, 1986. Causing damage and/or loss. Amount of Claim: \$972.
CLAIM NO. 86-4017

Myron Joseph Berthelot, of Box 0494-C, Touchard Lane, Lafitte, LA 70067, while trawling on the vessel, "ANGIE MARIE," in Double Bayou in Venice, Plaquemines Parish, encountered an unidentified submerged obstruction on December 13, 1986. Causing damage and/or loss. Amount of Claim: \$485.
CLAIM NO. 87-4045

Danny J. Robin, of 5517 Randolph Street, Marrero, LA 70072, while trawling on the vessel, "CAPT. DANNY," in the Gulf of Mexico, between Four Bayou Pass and Grand Bayou, Jefferson Parish, encountered an unidentified submerged obstruction on December 19, 1986. Causing damage and/or loss. Amount of Claim: \$320.
CLAIM NO. 87-4056

Garrison J. Toups, Sr., of 763 Avenue B., Westwego, LA 70094, while trawling on the vessel, "LADY PAMELA," in East Grand Isle Pass, Jefferson Parish, encountered an unidentified submerged obstruction January 12, 1987. Causing damage and/or loss. Amount of Claim: \$2,480.75
CLAIM NO. 87-4059

A. J. Sandras, of 614 Third Avenue, Harvey, LA 70058, while trawling on the vessel, "JAY LIN," in the southeast corner of Bay DeChene, Jefferson Parish, encountered an unidentified submerged obstruction on August 29, 1986. Causing damage and/or loss. Amount of Claim: \$2,175.50
CLAIM NO. 87-4060

Arthur E. Plaisance, of 1180 Barbe Drive, Westwego, LA 70094, while trawling on the vessel, "SHELLEY ANN," in the Gulf of Mexico, 3/4 mile west of Grand Isle sea buoy, approximate LORAN-C readings of 28,567.5 and 46,855.7, Jefferson Parish, encountered an unidentified submerged obstruction on January 24, 1987. Causing damage and/or loss. Amount of Claim: \$1,135.

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, and must be postmarked no later than seven days after the hearing(s).

B. Jim Porter
Secretary

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