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Executive Orders

EXECUTIVE ORDER JBE 21-9

Flags at Half-Staff—Former Lt. Governor
James E. “Jimmy” Fitzmorris, Jr.

WHEREAS, former Lieutenant Governor James Edward “Jimmy” Fitzmorris, Jr., died on June 30, 2021, at the age of 99;

WHEREAS, Jimmy Fitzmorris was born on November 15, 1921, in New Orleans, Louisiana, to James and Romolia Fitzmorris; he graduated from Jesuit High School in 1939 and went on to attend Loyola University before beginning his long and storied career of service to his community, his state, and his nation;

WHEREAS, he honorably served his State and his Nation in the United States Army during World War II, rising to the rank of Major before leaving the Army in 1945;

WHEREAS, his political career began on the New Orleans City Council, on which he served three terms from 1954 until 1966;

WHEREAS, he further served his State as its Lieutenant Governor from 1972 to 1980; as Lieutenant Governor, Fitzmorris redefined that office as an engine of tourism and economic growth;

WHEREAS, in 1999, he was inducted into the Louisiana Political Hall of Fame;

WHEREAS, Jimmy Fitzmorris is survived by his daughter Lisa Clement, two granddaughters, and several great-grandchildren; and

WHEREAS, among our greatest public servants, Fitzmorris was well and widely known for his civility, honesty, and leadership; his life was a testament to his faith and his love for family and neighbor; and while he will be greatly missed, the legacy of his work on behalf of the people of Louisiana will live on for generations to come.

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

SECTION 1: As an expression of respect and to honor former Lieutenant Governor James E. “Jimmy” Fitzmorris, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise to sunset on Wednesday, July 7, 2021.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset on Wednesday, July 7, 2021.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1st day of July, 2021.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Aroin
Secretary of State
2107#064

EXECUTIVE ORDER JBE 21-10

Bond Allocation 2021 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

(a) the manner in which the ceiling shall be determined,

(b) the method to be used in allocating the ceiling,

(c) the application procedure for obtaining an allocation of bonds subject to such ceiling, and

(d) a system of record keeping for such allocations; and

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has applied for an allocation of the 2021 ceiling to be used in connection with financing of a 45-unit multifamily housing development located at W. Factory St., 1200 ft. West of Hwy 51, Amite, Tangipahoa Parish, Louisiana 70422, encompassing 21 acres of land (hereafter the “Project”) and paying the costs of issuance.

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

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2021 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$4,228,011	Louisiana Housing Corporation	Mabry Place Townhomes Series 2021

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through September 30, 2021.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 8th day of July, 2021.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Aroin
Secretary of State
2107#065

EXECUTIVE ORDER JBE 21-11

Flags at Half-Staff—Former Governor
Edwin Washington Edwards

WHEREAS, former Governor Edwin Washington Edwards passed away on July 12, 2021, at the age of 93;

WHEREAS, on May 9, 1972, Edwin Edwards was sworn in as the 50th Governor of the State of Louisiana;

WHEREAS, he went on to swear this same oath of office three more times, an unprecedented and unmatched feat in the history of our state, serving a total of four terms as Governor;

WHEREAS, over the course of his sixteen years in Louisiana’s highest office, he reshaped and modernized the state at pivotal points in its history, he invested wisely during times of prosperity, and his leadership later helped the state overcome shortfalls and tremendous hardship;

WHEREAS, Edwin Washington Edwards was born in Avoyelles Parish on August 7, 1927, the son of Clarence and Agnès Edwards;

WHEREAS, through his mighty intellect, charismatic wit, and noble ambition, this son of a rural sharecropper and a midwife ascended to the summit of political life in our state;

WHEREAS, he served his nation honorably as a cadet in the United States Navy Air Corps during World War II;

WHEREAS, he earned his Bachelor’s degree and Juris Doctorate from Louisiana State University;

WHEREAS, before serving in the state’s top office, he served as an ad hoc city court judge in Crowley and then served in the Louisiana Senate from 1964 to 1965;

WHEREAS, he further served his state as a member of the House of Representatives in the United States Congress from 1965-1972, first elected in 1965 and winning re-election three times in 1966, 1968, and 1970;

WHEREAS, while a member of the United States Congress, Edwards served on the Judiciary, Public Works, and Internal Security Committees, notably taking a stand to support the extension of the Voting Rights Act of 1965;

WHEREAS, on February 1, 1972, Edwin Edwards won election to serve as Louisiana’s 50th Governor;

WHEREAS, a lifelong ambassador of Louisiana’s unique cultural heritage, Governor Edwards was the first French-speaking Governor in more than one hundred years when he swore his Oath of Office in both English and French on the steps of the Louisiana State Capitol in Baton Rouge;

WHEREAS, Governor Edwards won re-election in 1975 and again swore the Oath of Office in 1976;

WHEREAS, on March 12, 1984, Edwin Edwards became the first Governor of Louisiana to return to office for a third term; and in 1992, he again returned to the Capitol for his fourth and final term as Governor;

WHEREAS, early in his first term as Governor, Edwin Edwards successfully urged the Legislature to initiate a call for a Constitutional Convention to reshape the State’s organizational framework for the modern age, with the resulting document, which he helped formulate, being the framework of our state since 1974, and a model to many other states; he also successfully changed the State’s cumbersome elections process, creating Louisiana’s unique open-primary election framework which we retain to this day;

WHEREAS, he also successfully changed the State’s cumbersome elections process, creating Louisiana’s unique open-primary election framework which we retain to this day;

WHEREAS, over the course of his time as Governor, Edwin Edwards oversaw tremendous advances in the way of life for the citizens of Louisiana, striving to live up to a promise he made in his first inauguration speech to “open wide the doors of opportunity” to all people;

WHEREAS, Governor Edwards is survived by his wife Trina, their son Eli, his daughters Anna and Victoria, sons Stephen and David, and many grandchildren and great-grandchildren; and

WHEREAS, a lifelong public servant and a visionary leader, Governor Edwards was a man of great intellect, compassion, charisma, joy, and deep love for the people of his state; and while he will be greatly missed, the legacy of his work on behalf of the people of Louisiana will live on for many generations to come.

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

SECTION 1: As an expression of respect and to honor former Governor Edwin Washington Edwards, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from July 12, 2021, through sunset on the day of his interment.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset on the day of his interment.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 12th day of July, 2021.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Aroin
Secretary of State
2107#066

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel
(LAC 28:CXXXI.203, 350, and 675)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in Bulletin 746—Louisiana Standards for State Certification of School Personnel.

The proposed revisions provide for a mentor teacher waiver for the 2020-2021 and 2021-2022 school years; reduce the number of mentor teacher assessment series tests required; update provisional mentor teaching ancillary certificate criteria; honor prior training and experience; and establish a mentor teacher add-on endorsement for existing certificates.

This Declaration of Emergency, effective June 28, 2021, is for maximum period allowed by the Administrative Procedure Act, or until finally adopted as Rule.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 2. Initial Teacher Certification

Subchapter B. Testing Required for Certification Areas

§203. Certification Exams and Scores (Formerly §243)

A. - E.1.b. ...

F. Mentor Teacher and Content Leader. The mentor teacher certificate and the content leader certificate may be earned by passing the applicable Louisiana assessment series.

Certification Area	Name of Test	Number of Tests
Mentor Teacher	Louisiana Mentor Teacher Assessment Series—Elementary	2 coaching-related components
	Louisiana Mentor Teacher Assessment Series—Secondary ELA	2 coaching-related components
	Louisiana Mentor Teacher Assessment Series—Secondary Math	2 coaching-related components
	Louisiana Mentor Teacher Assessment Series—Universal	2 coaching-related components
Content Leader	Louisiana Content Leader Assessment Series	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:

Chapter 3. Teaching Authorizations and Certifications

Subchapter C. Ancillary Teaching Certificates

§350. Mentor Teacher Ancillary Certificate

A. ...

B. Provisional Certification. Individuals serving as mentors who have not successfully completed a BESE-approved mentor training program or mentor assessments will be issued a nonrenewable provisional mentor teacher ancillary certificate, which is valid for one calendar year from the date of issuance while the holder completes a BESE-approved mentor training program or mentor assessments.

1. Eligibility requirements for the provisional mentor teacher ancillary certificate are as follows. A teacher must:

a.i. have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902, if teaching in a charter school without a valid type C, level 1 or higher certificate; and

ii. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

B.1.b. – C.3. ...

4. Individuals who currently hold or are eligible to hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the ancillary certificate, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

5. Certified CLASS® observers may apply for the ancillary certificate, which makes the individual eligible to serve as mentors of undergraduate or post-baccalaureate teacher residents.

D. ...

E. Renewal Guidelines. Mentor teacher ancillary certificates are valid for five years and may be renewed at the request of the employing authority.

1. Teachers in charter schools who do not hold a level 1, 2, or 3 certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902 in order to renew the mentor teacher ancillary certificate.

F. For the 2020-2021 and 2021-2022 school years, the requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the ancillary mentor teacher certificate, the ancillary provisional mentor teacher certificate, or the supervisor of student teaching certificate, is waived with the following contingencies.

1. Mentor teacher waivers will be granted on a case-by-case basis through the application process established by the LDE and at no fee to the applicant, school system, or teacher preparation provider.

2. The waiver will be issued by the LDE for educators highly recommended by the mentor's principal and who possess one or more of the following qualifications:

- a. two years of highly effective compass ratings;
- b. national board certification;
- c. statewide or national distinction for excellence in teaching;
- d. experience as a TAP mentor, master teacher, executive master teacher, or certified TAP evaluator;
- e. content leader experience, as evidenced by participation in content leader training or redelivery of professional development; or
- f. master's or doctorate in education and exemplary experience hosting student teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:1460 (October 2019), LR 46:1379 (October 2020) LR:47:

Chapter 6. Endorsements to Existing Certificates

Subchapter C. All Other Teaching Endorsement Areas

§675. Mentor Teacher

A. An authorization to serve as a mentor of undergraduate or post-baccalaureate teacher residents may be added to a standard teaching certificate for teachers meeting the following requirements:

1. Certification. Individuals who have completed a BESE-approved mentor teacher training program and have a passing score on the Louisiana mentor teacher assessment series will be issued a mentor teacher endorsement.

a. Eligibility requirements for the mentor teacher ancillary certificate are as follows. A teacher must:

- i. hold, or be eligible to hold, a valid type C, level 1 or higher Louisiana teaching certificate;
- ii. successfully complete a BESE-approved mentor teacher training program; and
- iii. have a passing score on the Louisiana mentor teacher assessment series.

2. Individuals who successfully complete LDE mentor teacher training from November 1, 2017 through July 31, 2020, are eligible for the mentor teacher ancillary certificate after passing the Louisiana mentor teacher assessment series.

3. Individuals who hold national board certification are eligible for mentor teacher ancillary certification after passing the coaching-related components of the Louisiana mentor teacher assessment series.

4. Individuals who currently hold or are eligible to hold a Louisiana Administrative or supervisory credential as listed in Chapter 7 of this Part may apply for the mentor teacher add-on endorsement, which makes the individual eligible to serve as a mentor of undergraduate or post-

baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher ancillary certificate outlined in Chapter 3 of this Part

5. Individuals who currently hold or are eligible to hold National Institute for excellence in training (NIET) teacher evaluator training certification may apply for the mentor teacher add-on endorsement, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher ancillary certificate outlined in Chapter 3 of this Part.

6. Certified CLASS[®] observers may apply for the mentor teacher add-on endorsement, which makes the individual eligible to serve as mentors of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher ancillary certificate outlined in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:

Sandy Holloway
President

2107#013

DECLARATION OF EMERGENCY

Office of the Governor **Division of Administration** **Office of State Uniform Payroll**

Temporary Extension of Time Period to Meet the Minimum Participation Level for Certain Approved Statewide Vendors

The Division of Administration through the Office of State Uniform Payroll (OSUP) is exercising the emergency provisions of the Administrative Procedures Act (APA), R.S. 49:953(B), and pursuant to the authority granted under R.S. 42:455(A), adopts the following Emergency Rule effective July 20, 2021. Unless extended, this rule shall remain in effect for the maximum period allowed under the APA, or until it expires under its own terms and conditions, whichever period is shorter.

The application and approval process of Statewide Vendors and products sold to state employees through payroll deductions is dependent upon solicitation to state employees. The COVID-19 pandemic disrupted access to state buildings and state employees from March 20, 2020 through the current time period. Due to this disruption, any vendor approved to solicit new products beginning in July 2020 were unable to meet the required minimum participation by the June 30, 2021 deadline.

Approximately 38,000 employees paid through the LaGov HCM system qualify to take advantage of supplemental insurance products provided through payroll deductions which include coverage for accident, cancer, dental, disability, heart, hospital indemnity, identity theft, intensive care, legal, long term care, term life, universal life, vision, and whole life. Due to the pandemic, certain vendors' timeframes in which to meet participation levels need to be extended to avoid detrimental effects to both vendors and

employees. Unless this emergency rule is adopted to extend the deadline, many employees will be unable to take advantage of the supplemental insurance products they have come to rely upon.

**Title 4
ADMINISTRATION
Part III. Payroll**

Chapter 1. Payroll Deductions

§115. Temporary Extension of Time Period to Meet the Minimum Participation Level for Certain Approved Statewide Vendors

A. The COVID-19 pandemic limited access to state buildings and state employees which prevented vendors from meeting the minimum required participation by the deadline. Therefore, temporary changes are required to allow vendors the opportunity to meet the required participation.

B. Section 114.C.3 of this Part regarding the attainment of participation levels is temporarily modified as follows.

1. Only statewide vendors who were approved to sell new products on July 1, 2020 will be allowed 24 months after initial product approval to meet the participation level requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 47:

Desiree' Honore' Thomas
Assistant Commissioner

2107#003

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Board of Veterinary Medicine**

Continuing Veterinary Education
(LAC 46:LXXXV.405, 811, and 1227)

The Louisiana Board of Veterinary Medicine (LBVM) has exercised the emergency provisions of the Administrative Procedure Act, specifically R.S.49:953(B), to adopt an emergency rule which will add language to §405, §811, and §1227. The added language in these sections will allow the board to temporarily expand the manner in which continuing education units may be obtained related to the renewal and reinstatement of licenses to practice veterinary medicine, the certifications of registered veterinary technicians and certified animal euthanasia technicians during the current fiscal year of July 1, 2021 through June 30, 2022.

This Rule shall have the force and effect of law on July 12, 2021, and will remain in effect 120 days, unless renewed or until permanent rules are promulgated in accordance with law.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

Chapter 4. Continuing Veterinary Education

§405. Exceptions and Exemptions

A. - C.3. ...

D. Notwithstanding any provision in this Chapter to the contrary, for the fiscal year beginning July 1, 2021 and ending June 30, 2022, the limitation of a maximum of 10 hours credit per fiscal year of approved videotaped, self-test programs with third party grading and/or self-help instruction, including online instruction with third-party grading per fiscal year as provided for in §403.A.2 of this Part shall not apply. All other requirements for license renewal are unaffected by the provisions of this subsection, including applying for license renewal and the payment of the annual renewal fee. This extension is available without requirements of petition to the board, the showing of necessitous circumstances, or the payment of late renewal fees or fines.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 1478 (August 2003), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 38:1592 (July 2012), LR 47:

Chapter 8. Registered Veterinary Technicians

§811. Certificate Renewal, Late Charge, Continuing Education

A. - E.2. ...

3. Notwithstanding any provision in this Chapter to the contrary, for the fiscal year beginning July 1, 2021 and ending June 30, 2022, the limitation of a maximum of five hours of videotaped, self-test programs with third party grading, and/or self-help instruction, including online instruction with third party grading per fiscal year as provided for in §811.D.3 shall not apply. All other requirements for certificate renewal are unaffected by the provisions of this subsection, including the completion of the re-registration form and payment of the annual renewal fee. This extension is available without requirements of petition to the board, the showing of necessitous circumstances, or the payment of a late renewal fee.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 23:1686 (December 1997), LR 26:84 (January 2000), LR 36:320 (February 2010), LR 37:1153 (April 2011), LR 47:

Chapter 12. Certified Animal Euthanasia Technicians

§1227. Continuing Education

A. - B.2. ...

3. Notwithstanding any provision in this Chapter to the contrary, for the fiscal year beginning July 1, 2021 and ending June 30, 2022, the limitation of a maximum of three hours of videotaped, self-test programs with third party grading, and/or self-help instruction, including online instruction with third party grading per fiscal year as provided for in §1227.A.3 shall not apply. All other requirements for certificate renewal are unaffected by the provisions of this subsection, including the completion of a re-registration form and payment of the annual renewal fee, plus submitting any other documents required by the board. This extension is available without requirements of petition

to the board, the showing of necessitous circumstances, or the payment of a late renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:321(February 2000), amended LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:588 (March 2018), LR 47:

Joseph Bondurant, Jr., DVM
President

2107#063

DECLARATION OF EMERGENCY

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

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

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

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), and the Office of Behavioral Health (OBH) amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. (*Louisiana Register*, Volume 46, Number 4). This Emergency Rule, adopted on March 19, 2020, also amended the provisions governing the reimbursement methodology for nursing facilities to include an add-on rate to the per diem. The department subsequently promulgated an Emergency Rule, adopted on April 8, 2020, which further amended Title 50 to temporarily adopt additional provisions to ensure the continuation of essential programs and services, and rescinded and replaced the nursing facility add-on provisions of the previous Emergency Rule in order to clarify the eligible nursing facility providers (*Louisiana*

Register, Volume 46, Number 4). The department determined that it was necessary to promulgate Emergency Rules on October 19, 2020 to amend the April 8, 2020 Emergency Rule in order to require an attestation for adult day center providers to receive retainer payments (*Louisiana Register*, Volume 46, Number 11) and on December 10, 2020 to amend the October 19, 2020 Emergency Rule in order to remove provisions allowing self-attestation of certain eligibility criteria information (*Louisiana Register*, Volume 46, Number 12). This Emergency Rule is being promulgated in order to continue the provisions of the April 8, 2020, October 19, 2020 and December 10, 2020 Emergency Rules and shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Effective August 19, 2021, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities continue the provisions of the April 8, 2020, October 19, 2020, and December 10, 2020 Emergency Rules in order to amend Title 50 of the *Louisiana Administrative Code* throughout the duration of the COVID-19 public health emergency declaration:

Nursing Facilities—Reimbursement Methodology Reimbursement Adjustment (LAC 50:II.20006)

The per diem rate paid to privately owned or operated nursing facilities shall include an add-on of \$12 for the duration of the COVID-19 public health emergency declaration or to end at the discretion of the state.

Nursing Facilities—Reimbursement Methodology—Non-State, Government Owned or Operated Facilities and State-Owned or Operated Facilities (LAC 50:II.20009)

Non-state, government-owned or operated nursing facilities will be paid a case-mix reimbursement rate in accordance with §20005 with the following exception.

State-owned or operated and non-state, government-owned or operated nursing facilities are not eligible for, and will not receive, the State and/or Federal declared emergency add-on rate.

Nursing Facilities—Reimbursement Methodology— Leave of Absence Days (LAC 50:II.20021)

State-owned or operated, and non-state government-owned or operated, facilities are not eligible for, and will not receive, the State and/or Federal declared emergency modification to leave of absence day payments.

Home Health Program—Home Health Services (LAC 50:XIII.Subpart 1)

For the duration of the COVID-19 public health emergency declaration, non-physician practitioners (nurse practitioners and physician assistants) will be able to order and review home health services, including the completion of associated documentation, in order to meet the demand for services due to access issues and a shortfall in physician availability.

Services for Special Populations—Applied Behavior Analysis-Based Therapy Services—Covered Services and Limitations (LAC 50:XV.301.D)

Prior authorizations for persons currently approved to receive applied behavior analysis-based (ABA) therapy

services will be extended for the duration of the COVID-19 public health emergency declaration.

Services for Special Populations—Early and Periodic Screening, Diagnosis and Treatment Personal Care Services—Provider Qualifications (LAC 50:XV.Subpart 5)

For the duration of the COVID-19 public health emergency declaration, the qualifications for providers of personal care services (PCS) to recipients receiving early and periodic screening, diagnostic and treatment (EPSDT) services will be relaxed to allow:

Recipients and workers to live in the same setting so that the recipients may receive EPSDT PCS.

Legally responsible relatives/caregivers to be a temporary direct service worker (DSW) in the absence of DSW care.

The following individuals may provide services to the recipient of EPSDT PCS: the recipient's spouse; the recipient's curator; the recipient's tutor; the recipient's legal guardian; the recipient's responsible representative; or the person to whom the recipient has given representative and mandate authority (also known as power of attorney).

Payment to the legally responsible relatives/caregivers designated as the temporary DSW for EPSDT PCS, if necessary, during the absence of availability of agency DSW care.

LDH approval for these services will be required. Requests will be reviewed on a case-by-case basis. If approval is granted:

Providers will pay the temporary DSW directly for services rendered; and

Providers will follow hiring procedures that include background checks and training.

At a minimum, training must include abuse and neglect reporting and infection control prior to the temporary DSW providing services.

Family members, who live with the recipient and are being temporarily approved to provide services, are exempted from background check requirements.

Services for Special Populations—Targeted Case Management (LAC 50:XV.Subpart 7)

For the duration of the COVID-19 public health emergency declaration, the state makes the following allowances for early and periodic screening, diagnostic and treatment targeted case management services:

Case managers may utilize telephone contacts (i.e., video or voice calls) in place of any required face-to-face contacts; and

Case managers may complete initial assessments, quarterly reassessments, and annual reassessments without signatures from recipients.

Services for Special Populations—Pediatric Day Health Care Program—Pediatric Day Health Care Services (LAC 50:XV.27501.B)

For the duration of the COVID-19 public health emergency declaration, Pediatric Day Health Care (PDHC) program requirements will be temporarily changed as follows to permit skilled staff of PDHC centers that are not exhibiting any signs or symptoms of the COVID-19 infection to render PDHC services to those children who require skilled nursing, when families are not able to provide such care.

The PDHC program will allow for services to be provided in the recipient's home;

The PDHC program will allow for billing and payment of procedure code T1026 (hourly PDHC services – six hours or less per day) when billed at place of service 12 (home); and

Providers must obtain LDH approval to implement the temporary PDHC provisions. Requests for approval will be reviewed on a case-by-case basis.

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

Due to the Department of Health (LDH) directed closures during the state of emergency, the state may make retainer payments to adult day health care (ADHC) providers. The purpose of such payments is to allow ADHC providers to retain staff and cover fixed expenses so that ADHC centers may reopen when allowed to by LDH.

LDH retains the right to recoup all or a portion of retainer payments from ADHC providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers Supports Waiver (LAC 50:XXI.Subpart 5)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Supports Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow up to a total of 20 hours a week of respite services and or habilitation services in lieu of day habilitation or vocational services for these programs that have been closed;

Allow participants and direct support workers (DSWs) to live in the same setting so that the recipient may receive necessary respite and habilitation services;

Allow legally responsible relatives to be temporary respite or habilitation direct support, if necessary, in the absence of DSW care;

Background checks for legally responsible relatives who live in the same home with the participant prior to the declared emergency will be waived;

Documentation of services rendered is required and will be verified by the support coordination agency;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for waiver services initially and annually. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of respite or habilitation for direct support workers who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact, FaceTime, or skype;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype, in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or by phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone call to avoid a delay in services; and

Allow the state to make retainer payments to adult day habilitation centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers

Children's Choice Waiver (LAC 50:XXI.Subpart 9)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Children's Choice Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow expansion of the current Children's Choice Waiver cap to allow for an additional 20 hours per week of family support services as needed for health and safety due to school closures;

Allow participants and family support (FS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Allow legally responsible relatives to be temporary FS DSWs during the declared emergency, if necessary, in the absence of DSW care;

Documentation of services rendered is required and will be verified by the support coordination agency;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for waiver services initially and annually. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency, if needed;

For initial waiver participants, allow the current statement of approval of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care requirement to avoid a delay in services;

Add hazard premium increase for family support services for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both, or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or phone to avoid a delay in services; and

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid a delay in services.

Home and Community-Based Services Waivers—New Opportunities Waiver (LAC 50:XXI.Subpart 11)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the New Opportunities Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow conversion of day habilitation and vocational service program hours to individual and family support (IFS) for participants whose day habilitation and/or vocational programs have closed;

Allow sharing of direct support staff when necessary;

Add monitored in-home caregiving (MIHC) as a service;

Allow participants and individual and family support (IFS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Allow legally responsible relatives to be temporary IFS DSWs during the declared emergency, if necessary, in the absence of DSW care;

Documentation of services rendered is required and will be verified by the support coordination agency;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disability/developmental disability (ID/DD) services to suffice for the level of care

(LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for annual waiver services. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of individual and family supports, community living supports, family support, respite, and habilitation for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators and supported living coordinators to substitute phone contact, FaceTime, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid a delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype or phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid a delay in services; and

Allow the state to make retainer payments to adult day centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be paid at 75 percent of the normal rate paid for the service provided.

The adult day center must provide a signed attestation developed by the department agreeing to the following during the period of the retainer payments: (1) not to furlough or lay off staff, (2) maintain wages at existing levels, (3) the ADC has not received funding from any other sources, including but not limited to, unemployment benefits and Small Business Administration loans, that would exceed their revenue for the last full quarter prior to the public health emergency, or that the retainer payments at the level provided by the state would not result in their revenue exceeding that of the quarter prior to the public health emergency. If a provider has already received revenues in excess of the pre-public health emergency level, retainer payments are not available.

If a provider had not already received revenues in excess of the pre-public health emergency level but receipt of the retainer payment in addition to those prior sources of funding results in the provider exceeding the pre-public health emergency level, any retainer payment amounts in excess may be recouped.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen. LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers Residential Options Waiver (LAC 50:XXI Subpart 13)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Residential Options Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow sharing of direct support staff when necessary;

Allow conversion of day habilitation and vocational services to community living supports (CLS) for participants whose day habilitation and or vocational program have been closed;

Add monitored in-home caregiving (MIHC) as a service;

Allow participants and community living support (CLS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Documentation of services rendered is required and will be verified by the support coordination agency;

Allow legally responsible relatives to be temporary community living support (CLS) DSWs during the declared emergency if necessary in the absence of DSW care;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for annual waiver services. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of individual and family supports, community living supports, family support, respite, and habilitation for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, or both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid a delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or by phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid delay in services; and

Allow the state to make retainer payments to adult day centers and adult day health care centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

The adult day center must provide a signed attestation developed by the department agreeing to the following during the period of the retainer payments: (1) not to furlough or lay off staff, (2) maintain wages at existing levels, (3) the ADC has not received funding from any other sources, including but not limited to, unemployment benefits and Small Business Administration loans, that would exceed their revenue for the last full quarter prior to the public health emergency, or that the retainer payments at the level provided by the state would not result in their revenue exceeding that of the quarter prior to the public health emergency. If a provider has already received revenues in excess of the pre-public health emergency level, retainer payments are not available.

If a provider had not already received revenues in excess of the pre-public health emergency level but receipt of the retainer payment in addition to those prior sources of funding results in the provider exceeding the pre-public health emergency level, any retainer payment amounts in excess may be recouped.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen. LDH may review cost reports and other documentation of expenses in making this determination.

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

Public Comments

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

Dr. Courtney N. Phillips
Secretary

2107#052

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Closure of Spring Inshore Shrimp Season in a Portion of State Inside Waters (Biloxi Marsh Area)

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 6, 2021 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2021 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

That portion of state inside waters known as the Biloxi Marsh within Shrimp Management Zone 1 will close at official sunset on Monday, June 28, 2021. A detailed description of the Biloxi Marsh is described below:

From a point at the intersection of the eastern shore of the MRGO and the Shell Beach Cut at 29 degrees 51 minutes 29.40 seconds north latitude, 89 degrees 40 minutes 37.99 seconds west longitude; thence northerly to a point where Shell Beach Cut and the south shore of Lake Borgne intersect (29 degrees 52 minutes 00.35 seconds north latitude, 89 degrees 40 minutes 25.33 seconds west longitude); thence easterly and northerly following the southern shore of Lake Borgne and the western shore of the Biloxi Marsh to Pointe Aux Marchettes (29 degrees 59 minutes 26.87 seconds north latitude, 89 degrees 34 minutes 44.91 seconds west longitude); thence northeasterly to Malheureax Point (30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude); thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes 00.00 seconds north latitude, 89 degrees 22 minutes 23.00 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.50 seconds north latitude, 89 degrees 11 minutes 15.50 seconds west longitude), which is a point on the double-rig line as described in R.S. 56:495.1.A.(2); thence southerly following the double rig line to where it intersects with the MRGO (29 degrees 40 minutes 40.11 seconds north latitude, 89 degrees 23 minutes 07.71 seconds west longitude); thence northwesterly along the eastern shore of the MRGO to the point of origin.

All remaining state inside waters and state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet
Secretary

2107#004

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Closure of Spring Inshore Shrimp Season in Remaining State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 6, 2021 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2021 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2021 Louisiana spring inshore shrimp season will close on Friday, July 2, 2021, at official sunset in all Louisiana inside waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line.

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1.A.(2) and all state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Jack Montoucet
Secretary

2107#xx

DECLARATION OF EMERGENCY

Workforce Commission Rehabilitation Services

Income Scale used for Financial Needs
and Budgetary Analysis Tests
(LAC 67:VII.115)

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. COVID-19 has resulted in widespread unemployment, economic hardship, and financial uncertainty, which has adversely affected the public health, safety, and welfare of Louisiana citizens, including Louisiana citizens with disabilities. Louisiana citizens with disabilities are even more vulnerable to the financial uncertainties, widespread unemployment, and economic hardships resulting from COVID-19. The LWC/LRS expressly finds that imminent peril to the public health, safety, or welfare requires adoption of this rule on an emergency basis. This Emergency Rule is adopted on July 6, 2021, to continue in effect those provisions of the Emergency Rule adopted by Rehabilitation Services on July 10, 2020.

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B)(1) et seq., the Louisiana Workforce Commission, Louisiana Rehabilitation Services (LWC/LRS), amends LAC 67:VII.115 in the Vocational Rehabilitation Program, as authorized by R.S. 23:3022. The LWC/LRS finds it necessary to amend the provisions of the Louisiana Administrative Code related to the income scale that will be used for financial needs and budgetary analysis tests. This proposed rule amendment will add greater flexibility to the budgetary analysis and financial needs test by revising language, which requires a financial need analysis to determine the ability of an individual to financially contribute to the cost of "vocational and other training services, such as college/university, vocational and proprietary school training". The current rule limits the number of Louisiana citizens with disabilities who are eligible to receive vocational and other training services, such as college/university, vocational and proprietary school training. The proposed rule alleviates this burden and will allow more of Louisiana's citizens with disabilities to take advantage of training and educational opportunities that are designed to help succeed in the labor market by equipping them with the additional skill(s) to compete in the post-COVID economy for in-demand jobs. Failure to adopt the proposed rule amendment on an emergency basis will result

in continued financial restrictions thereby limiting the number of Louisiana disabled citizens who can take advantage of financial assistance for vocational and other available training services offered through the LRS programs. This Emergency Rule shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§115. Financial

A. Comparable Services and Similar Benefits

1. Determination of Availability

a. Prior to providing any vocational rehabilitation service to an eligible individual, except those services specified below in Subclauses c.i.(a)-(f), LRS will determine whether comparable services and benefits are available under any other program (other than a program carried out under Title IV, Rehabilitation Act Amendments of 2014) unless such a determination would interrupt or delay:

i. the progress of the individual toward achieving the employment outcome identified in the IPE of the individual;

ii. an immediate job placement; or

iii. the provision of such service to any individual at extreme medical risk.

b. Awards and Scholarships. For purposes of the determination of availability in Paragraph A.1 above, comparable benefits do not include awards and scholarships based on merit.

c. Exceptions to Use of Comparable Services and Benefits

i. The following vocational rehabilitation services can be provided without making a determination of the availability of comparable services and benefits:

(a). services provided through LRS's information and referral system;

(b). assessment for determining eligibility and vocational rehabilitation needs, including if appropriate, assessment by personnel skilled in rehabilitation technology;

(c). counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(d). referral and other services needed to secure necessary services from other agencies through cooperative agreements, if such services are not available from LRS;

(e). job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(f). rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

B. Individual's Participation in the Cost of Vocational Rehabilitation Services

1. Neither a financial needs test nor a budgetary analysis of assets, income, and disability-related expenses shall be applied as a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.

2. LRS will consider, through budgetary analysis of assets, income, disability-related expenses and comparable services and benefits, the financial need of eligible individuals; and individuals who are participating in trial work periods—for purposes of determining the extent of the individual's participation in the costs of certain vocational rehabilitation services.

a. Neither a financial needs test, nor a budgetary analysis, is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:

i. assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an evaluation to explore the individual's abilities, capabilities, and capacity to perform in work situations (trial work periods);

ii. assessment for determining vocational rehabilitation needs;

iii. counseling, guidance, including information and support services to assist an individual in exercising informed choice;

iv. referral and other services to secure needed services from other agencies through cooperative agreements, if such services are not available from LRS;

v. job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

vi. rehabilitation technology assessments;

vii. supported employment;

viii. on-the-job training;

ix. assistive technology devices and services (except hearing aids);

x. personal assistance services provided simultaneously with any of the above-listed vocational rehabilitation services; (Examples include attendant, reader, scribe, interpreter, ASL, braille, notetaker, and adjustment/orientation and mobility training services.)

b. A financial need analysis will be applied to determine the ability of the individual to financially contribute to the cost of the following vocational rehabilitation services:

i. physical restoration and/or mental restoration;

ii. hearing aids;

iii. maintenance;

iv. transportation;

v. books and supplies;

vi. occupational tools and equipment;

vii. cost services to other family members;

viii. occupational licenses;

ix. discretionary training fees such as car registration fees, student health service fees, etc. not included in tuition;

x. vocational and other training services, such as college/university, vocational and proprietary school training;

xi. other goods and services, not specifically identified in Subparagraph d below;

xii. post employment services consisting of the services listed above.

c. The only exception to Clause x above is as follows.

i. To preserve LRS' Continuity of Services provision in the Order of Selection, LRS exempted those eligible individuals who had an IWRP/IPE in effect prior to July 20, 1999, which is the date of the adoption of this rule change; therefore, Clause x in Subparagraph b above will only apply to those individuals who had an IWRP/IPE developed after July 20, 1999.

d. The following services are exempt from the application of a budget surplus, if the counselor determines that a surplus exists:

- i. adjustment/orientation and mobility services;
- ii. attendant services;
- iii. reader services;
- iv. scribe, notetaker/Braille services;
- v. interpreter services;
- vi. assistive technology services.

e. When it is determined by a counselor and an eligible client that self-employment, through establishment of a small business enterprise, is the best option for the client, the client must provide a minimum cash capital contribution of 20 percent of the total transaction. (Refer to LRS Policy on Small Business Enterprise.)

f. Individuals who do not provide LRS with necessary financial information to perform the budget analysis will be eligible only for those vocational rehabilitation services that are not conditioned upon an analysis to determine the extent of the individual's participation in the costs of such services.

g. Individuals who have defaulted on a student loan must make good faith efforts with the lender to clear the default or to defer payment before LRS will participate in the cost of the client's vocational rehabilitation program.

h. Simultaneously with the comprehensive assessment, at the annual review of the IPE, and at any time there is a change in the financial situation of either the client or the family, the counselor will perform a budget analysis for each client requiring vocational rehabilitation services as listed above in § 115.B.2.b.i-xii. The amount of client participation in the cost of their vocational rehabilitation program will be based upon the most recent budget analysis at the time the relevant IPE or amendment is developed.

3. State and Departmental Purchasing Procedures. All applicable state, departmental and agency purchasing policies and procedures must be followed.

a. LRS does not purchase vehicles or real estate.

b. Fee Schedule. Services and rates of payment must be authorized in accordance with LRS's Medical Fee Schedule and LRS's Technical Assistance and Guidance Manual, Section 500 which lists approved service providers.

c. Approval of Service Providers

i. Any service provider approved by the agency must agree not to make any additional charge to or accept any additional payment from the client or client's family for services authorized by the agency.

ii. Relatives of vocational rehabilitation clients will not be approved as a paid service provider unless such individuals are professionally and occupationally engaged in the delivery of such services by offering their services to the general public on a regular and consistent basis.

d. Prior Written Authorization and Encumbrance

i. Either before or at the same time as the initiation or delivery of goods or services, the agency must be in possession of the proper authorizing document. The only exception is in an emergency situation.

ii. If oral authorization of approved services is made in an emergency situation, there must be prompt documentation, and the authorization must be confirmed in writing and forwarded to the provider of the services.

C. LRS shall determine an individual's financial need for certain vocational rehabilitation services, as listed in B.2.b above, is based on the individual's disability related expenses, available assets, and a multiple of 250-500 percent of the current U.S. Department of Health and Human Services' poverty guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3022.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:837 (August 1995), LR 24:959 (May 1998), LR 25:1273 (July 1999), LR 27:212 (February 2001), LR 27:1561 (September 2001), LR 29:47 (January 2003), LR 30:1488 (July 2004), LR 34:1038 (June 2008), amended by the Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015), repromulgated LR 41:2180 (October 2015), amended LR 47:

Renita Williams
Deputy Secretary

2107#025

Rules

RULE

Department of Agriculture and Forestry Agriculture Finance Authority

Louisiana Agricultural Workforce
Development Program
(LAC 7:III.Chapter 7)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in Act 23 of 2020 (Second Extraordinary Session), R.S. 3:266 and 285., the Department of Agriculture and Forestry (“Department”) has adopted the rules set forth below by promulgating LAC 7:III.701-711. These rules will establish guidelines for a monetary incentive program to encourage the creation and employment of agricultural business internships through the development and establishment of the Louisiana Agricultural Workforce Development Program. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part III. Agricultural Finance

Chapter 7. Louisiana Agricultural Workforce Development Program

§701. Purpose

A. The purpose of these rules is to:

1. establish eligibility requirements of the Louisiana Agricultural Workforce Development program;
2. establish eligibility requirements for agricultural businesses and interns for participation in the program;
3. establish application processes for agricultural businesses and intern candidates seeking approval to become program participants;
4. establish qualification requirements for reimbursement of internship costs within the program; and
5. establish processes for reimbursement of internship costs to participating agricultural businesses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:850 (July 2021).

§703. Definitions

A. The words and terms defined in R.S. 3:285 are applicable to this Chapter.

B. The following words and terms are defined for purposes of this Chapter and are applicable to this Chapter.

Actual Cost—the wages paid to an intern, reasonable allocation of fixed overhead expenses, and all incidental costs directly related to the internship.

Agricultural Business—an agricultural producer, or a person or legal entity who engages in agriculture or provides support activities, products, or services to an agricultural producer and such products or services that are directly related to the planting, growing, production, harvesting, or processing of Louisiana products.

Beginning Farmer—a farmer, rancher, or operator of non-industrial private forestland who is in the first 10 years of operation or a person intending or aspiring to begin such an operation.

Commissioner—the commissioner of the Department of Agriculture and Forestry.

Department—the Department of Agriculture and Forestry.

Director—the director of the Louisiana Agricultural Finance Authority (LAFA).

Immediate Family Member—the spouse, parent, sibling, or child of the owner, manager, chief executive officer, or president of an agricultural business; a person to whom the owner, manager, chief executive officer, or president stands as legal guardian or tutor; or any other person living in the household of the owner, manager, chief executive officer, or president of an agricultural business by blood or marriage.

Intern—an individual who is a student enrolled at a Louisiana secondary or postsecondary institution or a young and beginning farmer or rancher employed by an agricultural business pursuant to the program.

LAFA—the Louisiana Agricultural Finance Authority which is within the Department of Agriculture and Forestry.

Program—the Louisiana Agricultural Workforce Development Program created with passage of House Bill 69/ Act 23 of the 2020 Second Extraordinary Session, which enacted R.S. 3:285.

Qualifying Internship—an internship meeting the requirements as necessary for the partial reimbursement of costs to employ intern(s).

Student—an individual who is enrolled in a Louisiana secondary or postsecondary institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:850 (July 2021).

§705. Eligibility Requirements of Applicants

A. Agricultural businesses must meet the following eligibility requirements in order to be considered for the program. Agricultural business applicants shall:

1. be physically located within the State of Louisiana;
2. provide an internship with a place of work located within the state of Louisiana;
3. have the ability to effectively supervise an intern;
4. offer the intern an opportunity to obtain meaningful work experience, including, but not limited to:
 - a. at least one hundred thirty hours of work experience;
 - b. not to exceed one year in duration; and
 - c. an hourly wage rate that is no less than the state’s prevailing minimum wage rate.
5. Ensure compliance with all federal, state, and local laws including, but not limited to, the Fair Labor Standards Act as well as any other applicable labor and /or occupational safety laws and regulations. In such instances when both federal and state laws apply, the more stringent standard must be observed.

B. Intern applicants must meet the following eligibility requirements in order to be considered for the program.

1. Intern applicants shall be:
 - a. be a student enrolled in a Louisiana secondary or postsecondary institution; or
 - b. be a beginning farmer or rancher, as defined by this Chapter, employed by an agricultural business.
2. Intern applicants shall not be:
 - a. a current or past employee of the participating agricultural business for which he or she will be an intern; or
 - b. an immediate family member of the participating business applicant as defined in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:850 (July 2021).

§707. Internship Requirements

A. A qualifying internship shall be considered eligible for reimbursement from LDAF upon meeting each of the following requirements. The internship must:

1. include an educational focus preparing interns for a career in one or more occupational areas including, but not limited to:
 - a. agribusiness;
 - b. animal husbandry;
 - c. crop production;
 - d. farm management;
 - e. agronomy;
 - f. natural resources;
 - g. forestry;
 - h. research and development;
 - i. marketing and sales;
 - j. food safety and/or maintenance; or
 - k. repair of machinery and equipment.
2. provide an educational experience of at least 130 hours per intern and not exceed one year in duration per intern;
3. pay intern(s) at a rate no less than the state's prevailing minimum wage to be paid in accordance with the participating business' normal payroll processes, but paid at least monthly;
4. provide a supervisor for intern(s);
5. provide worker's compensation insurance coverage for intern(s);
6. commence within 30 days of the projected start date identified in the business application; and
7. ensure that intern(s) do not displace current employee(s) of the participating business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:851 (July 2021).

§709. Application Process

A. Participating businesses and prospective intern(s) must receive approval by the LAFA director in order for a qualifying internship to be eligible for reimbursement.

1. Agricultural businesses interested in participating may apply for the program during the open application period from July 1 through September 1 of every year. Eligible applications will be reviewed and funded on a first-

come, first-serve basis. An agricultural business must complete and submit the necessary application to LAFA within the application period. Only application forms prepared by LAFA for this purpose may be used. If funds remain, the director of LAFA will consider business applications on a rolling basis after the close of the open application period.

- a. Eligible business applications will be reviewed upon receipt by LAFA staff. Decisions will be based on the needs of the program, legislative intent, applicable statute, and these rules.

- b. Acceptance and rejection notifications will be sent via email within 30 days of completion of application review.

- c. An agricultural business applicant shall submit a separate application for every internship position that it is requesting.

2. Upon approval of the agricultural business applicant, the intern candidate(s) selected by a participating business must complete and submit an intern application to the LAFA Director. Only application forms prepared by LAFA for this purpose may be used.

- a. In addition to the internship application, intern candidates must also submit a statement of career goals to the LAFA director.

- b. Intern applications will be reviewed by LAFA staff and a determination of approval will be sent via email to the participating business within 10 business days of receipt of a fully completed intern application and statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:851 (July 2021).

§711. Reimbursement

A. Participating agricultural businesses will be reimbursed up to the agreed upon amount at the conclusion of the internship upon presentation of an invoice and supporting documentation. Reimbursement will not exceed 50 percent of the actual cost to the business. The maximum amount a business may be reimbursed per internship is \$5,000.

1. An invoice requesting reimbursement shall be submitted to LAFA within 30 business days of the conclusion of the internship. The invoice must include the reimbursement amount requested and the actual costs incurred by the business to employ the intern.

2. The participating agricultural business shall submit copies of time sheets and pay stubs verifying the total amount paid to the intern during the internship. If the invoice includes costs for incidental expenses, those costs must be supported with proof of payment by the participating business.

3. The participating agricultural business shall also, as a requirement of reimbursement, complete a post-internship evaluation form, to be provided by LAFA staff.

4. In the event an internship ends prior to its scheduled completion, participating businesses may still be partially reimbursed for costs incurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:851 (July 2021).

Mike Strain, DVM
Commissioner

2107#043

RULE

Department of Agriculture and Forestry Office of Agro-Consumer Services Division of Weights and Measures

Annual Fee for Registration of Mass Flow Meters (LAC 7:XXXV.125)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:4622(4), the Department of Agriculture and Forestry (“Department”) and the Weights and Measures Commission has adopted the rule change set forth below by amending LAC 7:XXXV.125. This amendment deletes the tiered fee structure for registration of mass flow meters, which was based on internal tube diameter, and replaces said schedule with a flat, per device fee. This change will result in an increased fee that is aligned with various factors including, but not limited to, the time it takes to conduct inspections, average employee salaries and benefits, as well as equipment variables such as fuel and maintenance. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§125. Weights and Measures Fee Structure

A. - G. ...

H. The annual fee for registration of mass flow meters will be \$250 per device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997), LR 30:1142 (June 2004), LR 42:218 (February 2016), LR 42:1649 (October 2016). LR 47:852 (July 2021).

Mike Strain, DVM
Commissioner

2107#042

NOTICE OF INTENT

Department of Civil Service Board of Ethics

Food and Drink Limit (LAC 52:I.Chapter 17)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Louisiana Board of Ethics, has amended the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and Section 1115.1C of the

Code of Governmental Ethics. This Rule is hereby adopted on the day of promulgation.

Title 52

ETHICS

Part 1. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2021, the limit for food, drink or refreshments provided in R.S. 42:1115.1(A) and (B) is \$65.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 45:868 (July 2019), LR 46:892 (July 2020), LR 47:852 (July 2021).

Kathleen M. Allen
Ethics Administrator

2107#017

RULE

Department of Economic Development Office of Business Development

Enterprise Zone Program (LAC 13:I.Chapter 7)

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, has amended the rules for the Enterprise Zone Program (R.S. 51:1787, et seq.) to better align the rules with current statutory provisions and administrative practices, as required by portions of Act 18 of the 2016 First Extraordinary Session and Act 28 of the 2020 First Extraordinary Session of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 7. Enterprise Zone Program

§701. General

A. - B. ...

C. Effective date of Act 423 of the 2013 Regular Session

1. The provisions of Act 423 shall apply to advance notification filed on or after June 1, 2013 and prior to April 1, 2016.

D. Effective date of Act 18 of the 2016 First Extraordinary Session.

1. The provisions of Act 18 shall apply to advance notification filed on or after April 1, 2016, except as provided below.

a. A retail business, hotel or restaurant with an assigned NAICS Code of 44,45,721 or 722, which has no more than fifty employees nationwide including affiliates prior to the contract effective date, and which files or enters into an advance notification on or after July 1, 2020, and before December 31, 2021, shall be eligible to receive benefits. However, no such business shall be eligible to earn benefits pursuant to this section after June 30, 2023.

E. Effective date of the 2021 Enterprise Zone Program rule changes.

1. The provisions of the 2021 Enterprise Zone Program rule changes shall apply to advance notifications filed after the date of promulgation, detailed in the Louisiana Register published on July 20, 2021, except for the provisions of §705 codifying current administrative practice, or unless otherwise stipulated by the Louisiana Legislature, in §701.C and D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:252 (March 1991), amended by Department of Economic Development, Office of Commerce and Industry, LR 22:446 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2298 (November 2003), LR 37:2368 (August 2011), LR 40:490 (March 2014), LR 42:867 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 47:852 (July 2021).

§702. Eligibility criteria and available incentives

A. Eligibility

1. This program is available to a Louisiana business that will:

a. create jobs. Create permanent full-time net new jobs that are at least equal to the lesser of:

i. five jobs, created within the first two years of the contract period; or

ii. the number of jobs equal to a minimum of 10 percent of the employees employed throughout the United States by the business and its affiliates, a minimum of one, created within the first year of the contract period;

iii. for good cause shown, the board may grant an extension of not more than two years to comply with the above job creation requirements;

b. hire from targeted groups.

i. a business located in an urban enterprise zone, or a business not located in either an enterprise zone, or economic development zone shall certify that at least 50 percent of the employees filling net new jobs are from one of the following target groups:

(a). residents. someone living in any enterprise zone in Louisiana;

(b). a person receiving an approved form of public assistance during the six months prior to employment;

(c). a person considered to be lacking in basic skills, i.e. performing below a ninth grade proficiency in reading, writing or mathematics.

(d). a person considered unemployable by traditional standards.

ii. A business located in a rural enterprise zone, an economic development zone, or an enterprise zone in Calcasieu Parish shall certify that at least 50 percent of the employees filling net new jobs are from one of the target groups identified above in §702 A.1.b.i; or

(a). a resident of the same parish as the project site.

2. The following businesses shall not be eligible to participate in the program:

a. businesses with gaming on site;

b. churches;

c. residential developments, including but not limited to the construction, selling, or leasing of single-family or multi-family dwellings, apartment buildings, condominiums or town houses.

d. employment agencies, with an assigned NAICS Code of 5613 and advance notifications filed on or after April 1, 2016.

3. The following businesses are subject to certain limitations and restrictions:

a. for a multi-tenant facility to be eligible for the benefits of this Chapter, the business must meet one of the following criteria:

i. occupy a minimum of 33 percent of the total floor area of the building;

ii. tenants are businesses new to the state;

iii. tenants are Louisiana businesses increasing their number of locations within the state by placing a new location within this facility;

iv. tenants are relocating within Louisiana and will generate the minimum of new job credits over and above the total jobs at their previous location;

b. retail establishments. No retail business with an NAICS code of 44, 45, or 722 is eligible to participate in the program unless:

i. an advance notification was filed on or after June 21, 2013 and before July 1, 2015:

(a). retail establishments that are assigned a North American industry classification code beginning with 44 or 45 and have more than 100 employees nationwide including affiliates prior to the contract effective date are not eligible to participate unless:

(i). the business is a grocery store or pharmacy as defined by LED; and

(ii). the business is located in an enterprise zone;

(b). however, if a retail establishment filed an advance prior to July 1, 2015, but did not enter into an EZ contract prior to July 1, 2015, it cannot claim EZ incentives until on or after July 1, 2016; or

ii. for retailers with no more than 50 employees nationwide including affiliates, an advance notification was filed on or after July 1, 2020 and before December 31, 2021. However, no such retail business shall be eligible to earn benefits after June 30, 2023;

c. employment agencies. No business with an NAICS code of 5613 is eligible to participate in the program unless it filed an advance notification prior to April 1, 2016;

d. hotels. A business with an assigned NAICS Code of 721 shall be ineligible to receive benefits, unless:

i. an advance notification was filed prior to April 1, 2016; or

ii. for businesses with no more than 50 employees nationwide including affiliates, an advance notification was filed on or after July 1, 2020 and before December 31, 2021. However, no such business shall be eligible to earn benefits after June 30, 2023.

B. Available Incentives. The following incentives are available for Louisiana businesses meeting program eligibility criteria.

1. Job Tax Credit. A one-time tax credit for each net new job created, with the benefit amount to be calculated as follows:

a. for projects for which the advance notification form is filed prior to April 1, 2016 a one-time tax credit of \$2,500 for each net new job; or

b. for projects for which the advance notification form is filed on or after April 1, 2016 a one-time tax credit of \$1,000 for each net new job, unless the following conditions are met;

i. the net new employee for which the credit is being claimed was receiving Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Women, Infants and Children (WIC), Medicaid or unemployment benefits, or any other benefits from a similar public assistance program as determined by the department, during the six-month period prior to employment; or

ii. the net new employee is hired by a participating business located in an enterprise zone;

iii. the amount of the credit for each net new employee meeting these conditions shall be \$3,500 for each net new job; or

c. for a business in the aviation and aerospace industries as defined in the NAICS industries 336411, 336412, 336413 or 33291, a one-time tax credit of \$5,000 for each net new job;

d. in addition to the job tax credits provided for in this section, a one-time tax credit of \$2,500 for each recipient of Temporary Assistance for Needy Families (TANF) hired by a business. The TANF recipient must receive compensation which will disqualify them from continued participation in TANF and must be employed for two years to generate the additional tax credit. An employer shall not obtain the jobs tax credit for more than 10 TANF employees in the first year of participation in the program;

e. limitations to the job tax credit.

i. position limitations:

(a). for projects with advance notifications filed before April 1, 2016, job tax credits shall only be calculated based upon a position within the state that did not previously exist in the business, and that is filled by a person who is a citizen of the United States and who is domiciled in Louisiana, or who is a citizen of the United States and becomes domiciled in Louisiana within 60 days of employment in such position, performing duties as a regular, full-time employee;

(b). for projects with advance notifications filed on or after April 1, 2016, job tax credits shall only be calculated based upon a position within the state that is in excess of the median statewide number of employees of the business, including affiliates, and meeting the above requirements of Subclause B 1.e.i.(a);

ii. credit amount limitations. The total number of credits granted to a business for employees who are citizens of the United States and who become domiciled in Louisiana within 60 days after employment, shall not exceed 50 percent of the total number of job tax credits granted to the business under the contract.

2. Sales and use tax rebate or refundable investment tax credit as follows:

a. Sales and Use Tax. Rebates of sales and use taxes imposed by the state, and sales and use taxes imposed by its political subdivisions upon approval of the governing authority of the appropriate taxing political subdivision, on all eligible purchases during a specified project period of not more than 30 months:

i. sales and use taxes imposed by a political subdivision which are dedicated to the repayment of bonded indebtedness or dedicated to schools shall not be eligible for rebate;

ii. a business seeking a local sales and use tax rebate must obtain an endorsement resolution specific to the project from each political subdivision levying the taxes to be rebated. The endorsement resolution must clearly state the intention to rebate sales and use taxes as allowable for the project. The endorsement resolution must be adopted prior to board approval of the application, or if the project cost is greater than one hundred million dollars, prior to the project ending date; or

b. Refundable Investment Tax Credit. In lieu of the sales and use tax rebates, a refundable investment tax credit equal to one and one-half percent of the amount of qualified expenditures for assets that are located at the project site and are placed in service during the project period, and are in accordance with the provisions of §731 and §732;

c. Limitations to the Rebate of Sales and Use Taxes and the Investment Tax Credit.

i. A business shall not receive any sales and use tax rebate or investment tax credit until it has provided all documentation necessary to illustrate compliance with program requirements, including but not limited to filing an annual certification report and proof of the creation of net new jobs.

ii. For purposes of determining the maximum sale and use tax rebate or income tax credit allowed, each net new job shall be counted once.

iii. For projects with advance notifications filed on or after April 1, 2016, the amount of sales and use tax or investment tax credit granted shall not exceed one hundred thousand dollars per net new job.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 47:853 (July 2021).

§703. Definitions

Act 423—Act 423 of the 2013 Regular Session of the Louisiana Legislature

Act 18—Act 18 of the 2016 First Extraordinary Session of the Louisiana Legislature

Employment Baseline—

1. the baseline from which net new jobs are determined, to be calculated as follows:

a. for projects with advance notifications filed with business incentives services prior to June 21, 2013, *employment baseline* will be determined in accordance with

prior policy and practice in place at the time of the filing of the advance notification.

b. for projects with advance notifications filed with business incentives services on or after June 21, 2013 but prior to April 1, 2016,

i. the median number of full time employees of the business (including employees of affiliates, and employees of unrelated affiliates who have also been employed by the business within the 12 months prior to the contract effective date) at the project site, during the payroll periods including the 12th day of the month, in the last four months completed prior to the contract effective date (the median is calculated by discarding the months with the highest and lowest number of employees, and averaging the number in the remaining two months); or

ii. the last annual average number of full time employees certified under an enterprise zone contract for the business that was in effect on the day prior to the contract effective date;

c. for projects with advance notifications filed with business incentives services on or after April 1, 2016 but prior to the effective date of the 2020 Rule promulgation:

i. equal to the median number of full time employees of the business (including employees of affiliates, and employees of unrelated affiliates who have also been employed by the business within the 12 months prior to the contract effective date) statewide, during the payroll periods including the 12th day of the month, in the last four months completed prior to the contract effective date (the median is calculated by discarding the months with the highest and lowest number of employees, and averaging the number in the remaining two months).

d. for projects with advance notifications filed with business incentives services after the effective date of the 2021 rule promulgation:

i. equal to the median number of full time employees of the business (including employees of affiliates, and employees of unrelated affiliates who have also been employed by the business within the six months prior to the contract effective date) statewide, during the payroll periods including the 12th day of the month, in the last six months completed prior to the contract effective date (the median is calculated by discarding the months with the highest and lowest number of employees, and averaging the number in the remaining four months).

2. the baseline must be maintained in any year for which the business requests job tax credits;

* * *

Public Assistance—

1. for projects with advance notifications filed with business incentives services prior to the effective date of the 2021 Rule promulgation, public assistance shall be determined in accordance with prior policy and practice in place at the time of the filing of the advance notification, and shall be any program of assistance financed in whole or in part by a federal, state, or any local government agency, eligibility for which is dependent upon the employment status or income level of the individual. Any such assistance must have been received by the individual within a six-month period prior to their hire date.

2. for projects with advance notifications filed with business incentives services after the effective date of the

2021 rule promulgation, public assistance shall be limited to the following public assistance programs; Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Women, Infants and Children (WIC), Medicaid, unemployment benefits, or any other benefits from a similar public assistance program as determined by the department. Any such assistance must have been received by the individual within a six-month period prior to their hire date.

* * *

Unemployment Benefits—shall be limited to temporary financial assistance to workers who are unemployed through no fault of their own and who meet the requirements of the Louisiana Employment Security Law.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2299 (November 2003), amended LR 37:2369 (August 2011), LR 40:491 (March 2014), amended by the Department of Economic Development, Office of Business Development, LR 47:854 (July 2021).

§705. Job Calculation Methodology

A. When determining program eligibility, compliance, computation of job tax credits, sales and use tax rebates or investment tax credits, the department shall employ the following methodology;

1. Program Eligibility and Compliance

a. When calculating whether 50 percent of employees are hired from identified target groups, the department does not recognize partial employees, so anything over a whole number is rounded up to the next higher whole number. As an example, if 3 employees are hired, then 50 percent must be from an identified group. Since 50 percent of 3 = 1.5, this is rounded up to demonstrate that 2 out of the 3 employees hired must be from a target group. Rounding down to only 1 employee would fall below the required 50 percent threshold.

b. The number of jobs shall be determined by averaging the first 12-month period, and then by separately averaging the second 12-month period. The department will not combine periods to perform one average calculation for a 24-month period.

2. Computation of Job Tax Credits. When calculating the amount of job tax credits, the department shall not recognize partial job creation, and will exclude the partial job from the tax credit calculation, rounding down to the nearest whole number and only recognizing and awarding tax credits based upon whole numbers. As an example, if an average of 1.5 jobs are created, this is rounded down and LED will award tax credits for the creation of 1 job. Rounding up to 2 jobs would be awarding excess tax credits that have not been earned.

3. Computation of net new jobs as it relates to the maximum \$100,000 sales and use tax rebate or investment tax credit per net new job. The department shall use the whole number computed for issuance of job tax credits.

4. Post Act 18 Baseline Calculation. Two baseline numbers shall be determined, as follows;

a. a statewide baseline, equal to the median number of statewide, full-time employees of the business (including employees of affiliates, and employees of unrelated affiliates

who have also been employed by the business within the 12 months prior to the contract effective date); and

b. a project site baseline, equal to the median number of full-time employees at the project site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 47:855 (July 2021).

§709. Targeted Employees for a Business in an Urban Enterprise Zone

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, LR 11:95 (February 1985), amended by the Department of Economic Development, Office of Commerce, Finance Division, LR 17:253 (March 1991), amended by the Department of Economic Development, Office of Commerce and Industry, LR 22:447 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2300 (November 2003), LR 37:2372 (August 2011), LR 40:494 (March 2014), amended by the Department of Economic Development, Office of Business Development, LR 47:856 (July 2021).

§711. Targeted Employees for a Business in a Rural Enterprise Zone

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, LR 11:95 (February 1985), amended by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:254 (March 1991), amended by the Department of Economic Development, Office of Commerce and Industry, LR 22:448 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003), LR 37:2372 (August 2011), LR 40:494 (March 2014), amended by the Department of Economic Development, Office of Business Development, LR 47:856 (July 2021).

§713. Targeted Employees for a Business in an Economic Development Zone

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003), amended LR 37:2373 (August 2011), LR 40:494 (March 2014), repealed by the Department of Economic Development, Office of Business Development, LR 47:856 (July 2021).

§715. Targeted Employees for a Business Not in an Enterprise Zone or Economic Development Zone

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003), amended LR 37:2373 (August 2011),

LR 40:494 (March 2014), repealed by the Department of Economic Development, Office of Business Development, LR 47:856 (July 2021).

§716. Electronic Submittals

A. The department shall only allow submission of information electronically using Fastlane or any other electronic data submittal program provided by the department.

B. Electronic documents will be accepted by the department in satisfaction of the requirements of department regulations, notwithstanding any other department regulation to the contrary, including but not limited to an electronic contract document executed in whole or part with electronic signatures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 47:856 (July 2021).

§717. Annual Employee Certification

A. An annual employee certification report (ECR) must be filed with the business incentive services by May 31 on all active contracts validating program compliance. An ECR fee of \$250 shall be submitted with the report. Failure to file may result in contract cancellation. One extension of up to 60 days may be granted if requested in writing, if the request is received prior to the due date of the ECR.

1. Employee certification report filings shall report company employees working at the project site for a 12-month period, and shall be due within six months of the anniversary of the contract effective date, or the Governor's signature on the contract, whichever is later.

2. In the case of early contract terminations, a company may submit final employee certification reports containing data for varying project time periods as approved in writing by the department.

3. The department may request additional information necessary to verify benefit eligibility. The company must provide all requested information, or other documentation as approved by the department, within 180 days. Failure to do so within the prescribed timeframe shall result in the expiration of the ECR and require re-submission.

4. If the employee certification report is submitted after the filing deadline, the amount of the job tax credit shall be reduced by five percent for each month or portion of a month late, up to a maximum reduction of 100 percent after 20 months.

a. Except as otherwise approved by the secretary for good cause shown. Good cause may include but not be limited to events beyond the reasonable control of the parties, such as an act of God, an act of war, an act of terrorism, a cyberattack, or a natural disaster due to earthquake, landslide, fire, flood, tornado, tropical storm or hurricane. The business shall have the burden to establish good cause.

B. If the employee certification report substantiates that the business has not created the permanent full-time net new jobs required for program eligibility, the board shall cancel the contract and the business shall refund all credits and rebates received. If not timely paid in compliance with the contract, the department will notify Department of Revenue of the contract violation, and the business will be subject to the provisions of §737.

C.- D.2. ...

E. While companies may elect to terminate contracts prior to their scheduled expiration date, early terminations may not be conducted in such a manner as to abuse the purpose and intent of the program to be limited to a period of five years. Therefore, companies that elect early contract termination shall be restricted from applying for a new contract at the same project site until the end of the five year period, as outlined in the contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003), amended LR 37:2373 (August 2011), LR 40:494 (March 2014), LR 42:867 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 47:856 (July 2021).

§721. Advance Notification

A. An advance notification form, and a \$250 fee, shall be filed with business incentive services prior to the beginning of the project. All incentives for the same project must be indicated on one advance notification and be identified by one project number. Internet filing of the advance notification may be made at the department website.

B. An advance notification shall include but not be limited to a project description, estimated number of jobs, payroll, costs, project start and end dates. The project start date shall not exceed 12 months after the advance filing date and in no instance shall the project period exceed 30 months. Dates may be amended by the applicant if the written request is made prior to the estimated project ending date. An advance notification expires 90 days after the estimated project ending date shown on the advance notification, unless an application is timely filed, or a written date revision request is received by business incentive services prior to the expiration date but in no instance shall exceed 45 months after the advance filing date.

C. ...

D. A business proposing a project exceeding 30 months must separate the project into phases with no phase having a project period greater than 30 months. The business must comply with program eligibility requirements, and file a separate advance notification, application, project completion report, and affidavit of final cost, with the required fees, for each phase of the project. The business must elect either the sales and use tax rebate or the investment tax credit for all phases of the project. Businesses electing the investment tax credit are not subject to the 50 percent limitation of §731.B for phases subsequent to the initial phase, and may elect to file one investment tax credit claim for all consecutive project periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2302 (November 2003), amended LR 37:2373 (August 2011), LR 40:495 (March 2014), LR 42:867 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 47:857 (July 2021).

§723. Application

A. ...

1. Applications must include sufficient information to verify program compliance. LED reserves the right to request additional information, which shall be provided to LED within 60 days. In the event an applicant does not provide the requested additional information to LED within this time frame, LED shall present the application to the board as a late filing.

B. - C. ...

D. An application must be submitted to business incentive services at least 45 days prior to the board meeting where it is intended to be presented for approval. Applications may be deferred to a later board meeting date at the request of the applicant, but shall not exceed presentation at a board meeting occurring more than 6 months after the filing of the application, except as otherwise approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003), amended LR 37:2373 (August 2011), LR 40:495 (March 2014), LR 42:867 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 47:857 (July 2021).

§725. Recommendations of the Secretaries of Economic Development and Revenue

A. ...

B. The department must receive a letter-of-no-objection or a letter-of-approval from the LDR, prior to submitting the application to the board for action. If LDR issues an objection to an application other than an objection because an applicant is in active negotiations with, under audit by or in litigation with LDR, the applicant has six months to clear the objection or the application shall be cancelled. The six-month period shall begin on the date LED sends written notification to the company of the objection received from LDR. Applicants may demonstrate active negotiation to LED by providing written documentation periodically, but at least every six months, of ongoing, bilateral communications between the applicant or its representative and LDR, even if such communication begins after the objection was issued, or other written verification as approved by LED.

C. If LDR issues an objection to an application, the applicant has six months to clear the objection or the application shall be cancelled by the department. The six-month period shall begin on the date LED sends written notification to the company of the objection received from LDR.

1. Except that the department may, in its sole discretion, grant an extension in the following circumstances.

a. Active Negotiation. An extension may be granted to applicants which demonstrate active negotiation to LED by providing written documentation of ongoing, bilateral communications between the applicant or its representative and LDR as applicable, even if such communication begins after the objection was issued, or other written verification as approved by LED.

i. The extension shall not exceed six months, and an application with an active, unresolved objection shall be cancelled by the department one year after sending written notification to the company of the objection.

b. Litigation. The department may grant an extension to applicants which demonstrate active litigation with LDR, including but not limited to submission of a written complaint or petition, as approved by LED.

i. the extension shall be valid during the pendency of the action, but shall not exceed five years.

c. As otherwise approved by the secretary for good cause shown.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003), amended LR 37:2374 (August 2011), LR 40:495 (March 2014), LR 42:868 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 47:857 (July 2021).

§729. Enterprise Zone Program Contract

A. Upon approval of the application, the board shall enter into a contract with the business for the benefits allowed by this Chapter. The business must execute its portion of the contract and return it to Business Incentive Services as follows.

1. For projects with contract effective dates prior to the effective date of the 2021 Rule promulgation, if the contract is not returned within 60 days, the board may rescind the approval of the application.

2. For projects with contract effective dates after the effective date of the 2021 Rule promulgation, if the contract is not returned within 90 days, the board's approval shall be deemed rescinded.

3. When the contract has been fully executed, a copy will be sent to the business, the Department of Revenue, and if applicable, sent to the political subdivision.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2374 (August 2011), amended LR 40:496 (March 2014), LR 42:868 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 47:858 (July 2021).

§731. Project Completion

A. Within six months after the project ending date or the governor's signature on the contract, whichever is later, the business shall file with business incentive services, on the prescribed form, a project completion report and an affidavit of final cost. A project completion report fee of \$250 and an affidavit of final cost fee of \$250 shall be submitted with these forms or any amendments to these forms.

1. Any outstanding or final employee certification reports shall be submitted to LED prior to, or along with, a project completion report submission.

2. The department may grant an extension of thirty days for the filing of a project completion report, provided the written request for extension is received prior to the filing deadline.

3. If the project completion report is submitted after the filing deadline, the amount of the investment tax credit, or sales and use tax rebate shall be reduced by five percent for each month or portion of a month late, up to a maximum reduction of 100 percent after 20 months.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2374 (August 2011), amended LR 40:496 (March 2014), LR 42:868 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 47:858 (July 2021).

§741. Multi-Tenant Facility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2304 (November 2003), amended LR 40:497 (March 2014), repealed by the Department of Economic Development, Office of Business Development, LR 47:858 (July 2021).

§751. Effective Date of Act 423 of the 2013 Regular Session

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 423 of the 2013 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 40:498 (March 2014), repealed by the Department of Economic Development, Office of Business Development, LR 47:858 (July 2021).

Anne G. Villa
Undersecretary

2107#051

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for
State Certification of School Personnel
(LAC 28:CXXXI.203)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:CXXXI (Bulletin 746). Revisions are in response to the Educational Testing Services' (ETS) recent discontinuation of the Middle School Science exam (5440). The current exam (5440) will not be available after March 31, 2022. The new PRAXIS Middle School Science exam (5442) reflects expectations for teachers to be ready to engage, instruct, and support 21st century students. The new exam is aligned to Next Generation Science Standards (NGSS) and National Science Teacher Association (NSTA) standards which incorporate the Tasks of Teaching Science and the Science and Engineering Practices, in addition to input from national advisory committees and over 1000 educators. This Rule I hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

**Chapter 2. Initial Teacher Certification
Subchapter B. Testing Required for Certification Areas**

**§203. Certification Exams and Scores
(Formerly §243)**

- A. - A.2. ...
- B. Content and Pedagogy Requirement

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
* * * * *					
Grades 4-8 Science	Middle School Science (0439) Prior to 6/8/14	150	---	160	---
	Middle School Science (5440) Effective 6/8/14 to 3/31/2022	150			
	Middle School Science (5442) Effective 4/1/2021	152			
* * * * *					

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:859 (July 2021).

Shan N. Davis
Executive Director

2107#048

RULE

Board of Elementary and Secondary Education

High School Assessment Requirements
(LAC 28:XI.6821; CXV.2318 and 2319)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:XI, Accountability/Testing, Subpart 1, Bulletin 111—The Louisiana School, District, and State Accountability System; and LAC 28:XXV in Bulletin 741—Louisiana Handbook for School Administrators. In light of the COVID-19 pandemic, the aforementioned revisions enable high school seniors enrolled during the spring 2021 semester and graduating by August 31, 2021, to substitute the following in lieu of the LEAP 2025 high school assessment requirement:

1. An ACT composite score of 17 or higher for all students; or
2. A score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or
3. An ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment; or
4. The student participates in 20 or more extended learning hours per LEAP 2025 high school assessment

subject pair for which the student has yet to achieve level 2 (approaching basic/fair) or above, with such instruction provided by a qualified teacher.

This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

**Subpart 3. Bulletin 118—Statewide Assessment
Standards and Practices**

**Chapter 68. LEAP 2025 Assessments for High School
Subchapter C. LEAP 2025 for High School
Administrative Rules**

**§6821. High School Test Cohorts
[Formerly LAC 28:CXI.1821]**

A. - B. ...

1. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all LEAP 2025 high school assessments.

- a. an ACT composite score of 17 or higher for all students; or
- b. a score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or
- c. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:
 - i. a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;
 - ii. a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and
 - iii. a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or
 - d. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.
 - i. The instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

ii. For purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:859 (July 2021).

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2318. The TOPS University Diploma

A. - B.1.c. ...

2. Students who entered traditional grade 9 in 2010–2011 through 2016–2017 are required to score level 2 (approaching basic) or above on English II or English III, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013–2014 school year may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2.

3. Students who enter traditional grade 9 during or after 2017–2018 are required to score level 2 (approaching basic) or above on English I or English II, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

i. an ACT composite score of 17 or higher for all students; or

ii. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

(a). a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

(b). a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

(c). a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

iii. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

(a). the instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

(b). a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or

has received a final COMPASS evaluation of effective: emerging or higher.

(c). for purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

B.4. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021).

§2319. The Career Diploma

A. - A.1. ...

a. For high school seniors enrolled during spring 2021 and graduating with a Career Diploma by August 31, 2021, a score of Silver or higher on ACT WorkKeys may substitute as the culminating IBC.

A.2 - B.1.c. ...

2. Students who entered traditional grade 9 in 2010–2011 through 2016–2017 are required to score level 2 (approaching basic) or above on English II or English III, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013–2014 school year may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2.

3. Students who enter traditional grade 9 during or after 2017–2018 are required to score level 2 (approaching basic) or above on English I or English II, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. For high school seniors graduating during the 2020–2021 academic year, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

i. an ACT composite score of 17 or higher for all students; or

ii. a score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or

iii. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

(a). a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

(b). a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

(c). a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

iv. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

(a). The instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above.

(b). For purposes of this section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of Effective:Emerging or higher.

B.4 - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021).

Shan N. Davis
Executive Director

2107#049

RULE

**Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs
COVID-19 Exceptions; Dual Enrollment Calculus;
Chafee Educational and Training Voucher Grade Reporting
(LAC 28:IV.703, 1809, and 2103)

The Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements COVID-19 as a circumstance for which students may request an exception to the continuous, full time, and earned annual hours

requirements for TOPS. In addition, this rulemaking adds two dual enrollment calculus courses as TOPS core curriculum equivalent courses and provides that the calculus courses will be graded on a 5.0 scale for the purpose of calculating a student's TOPS high school GPA. Finally, this rulemaking adds a provision that proprietary and cosmetology schools should report to LOSFA whether a student receiving a Chafee Educational and Training Voucher is making satisfactory academic progress rather than reporting hours attempted, hours earned, and quality points for the purpose of determining whether a student meets the continuing eligibility requirements for the program. (SG21196NI) This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards**

§703. Establishing Eligibility

A. - A.5.a.ii.(f).(iii). ...

(iv). Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math–Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

A.5.a.ii.(f).(v). - K.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:657, 664 (April 2015), LR 41:2596, 2599 (Dec. 2015), amended LR 47:861 (July 2021).

Chapter 18. Chafee Educational and Training Voucher Program

§1809. Responsibilities of Participating Institutions of Higher Education

A. - C.2. ...

D. Certification of Student Data

1. Upon request by LOSFA, and for the purpose of meeting federal audit requirements for the Chafee Grant, institutions of higher education, except cosmetology and proprietary schools, shall report the following data:

- a. admission and enrollment; and
- b. semester hours attempted; and
- c. semester hours earned; and
- d. semester quality points earned; and
- e. resignation from the institution or withdrawal from all courses.

2. Upon request by LOSFA, and for the purpose of meeting federal audit requirements for the Chafee Grant, a cosmetology or proprietary school shall report whether a student is making satisfactory academic progress in accordance with the school's federal grant aid policy.

E. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 36:2549 (November 2010), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:556 (March 2018), amended LR 47:862 (July 2021).

Chapter 21. Miscellaneous Provisions and Exceptions

§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. - E.13.c. ...

14. COVID-19

a. Definition. The student/recipient is unable to enroll in school, to maintain continuous enrollment in school, or to earn the required annual hours due to circumstances related to the COVID-19 pandemic as follows:

- i. you struggle with on-line instruction; or
- ii. full time enrollment in on-line instruction is not conducive to your major/course of study; or
- iii. you do not have the appropriate infrastructure, such as internet access, sufficient bandwidth for the number of people attending school/working from home, etc., to attend classes on-line; or
- iv. your parent(s) were unable to work, lost their employment, or worked reduced hours due to mitigation measures implemented to prevent the spread of COVID-19.

b. Certification Requirements. The student/recipient must submit the following documentation:

- i. if requesting an exception based on Section 14.a.i. above, a letter from a parent and/or a letter from an academic advisor or dean at your school stating that you struggle with on-line enrollment; or
- ii. if requesting an exception based on Section 14.a.ii. above, a letter from an academic advisor or dean at your school that full time enrollment in on-line instruction is not conducive to your major/course of study; or
- iii. if requesting an exception based on Section 14.a.iii. above, a letter from a parent or other documentation that you do not have the appropriate infrastructure at home to attend courses on-line; or
- iv. if requesting an exception based on Section 14.a.iv. above, a letter from your parent/parents as well as a letter from their employer stating that the parent/parents were unable to work, lost their employment, or worked reduced hours due to mitigation measures implemented to prevent the spread of COVID-19.

c. Length of Exception—Available for the fall semester/quarter of 2020 through the fall semester of 2021/winter quarter of 2021-2022.

F. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), amended LR 47:862 (July 2021).

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RULE
Board of Regents
Office of Student Financial Assistance

Scholarship/Grant Programs
Students Affected by 2020 Natural Disasters
(LAC 28:IV.509, 703, 705, 803, 805, 2103 and 2105)

The Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements the provisions of Act 17 of the Second Extraordinary Session of 2020 with respect to students affected by 2020 Natural Disasters. More specifically, this rulemaking provides for an extension of the ACT testing deadline for 2020 high school graduates; provides waivers of certain TOPS initial eligibility for students affected by natural disasters in 2020; and provides waivers of certain TOPS continuing eligibility requirements for students affected by natural disasters. In addition, this rulemaking provides deferments for students who are currently in repayment status for the Rockefeller State Wildlife Scholarship Program and TOPS Teacher. (SG21194NI) This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 5. Applications, Federal Grant Aid and ACT Test

§509. ACT Testing Deadline

A.1. The student must take the official ACT test (including national, international, military or special test types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

4.a. Applicable to 2020 graduates only, the final deadline for achieving a qualifying score on an official ACT test (including national, international, military or special test types) is December 31, 2020. A student may qualify for an initial award or a higher award based on such test. The award for a student who achieves a qualifying ACT score as provided in the Section shall not be reduced as set forth in §509.C.

b. The provisions of this Subsection shall apply to any student who:

i. was enrolled in a Louisiana public high school during the 2019-2020 academic year (high school);

ii. was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes during the 2019-2020 academic year (high school);

iii. resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education during the 2019-2020 academic year (high school); or

iv. resided out of state during the 2019-2020 academic year but who is able to meet the residency requirements to qualify for an award as provided for in §703.A.2.

c. A student who meets the requirements of this Subsection may request an exception to the December 31, 2020, deadline if the student provides documentation that:

i. he was registered for one or more ACT exams prior to the December 31, 2020 deadline; and

ii. one or more ACT exams for which the student was registered was cancelled due to Hurricane Laura, Hurricane Delta, or due to measures implemented to mitigate the spread of COVID-19; and

iii. he was unable to register for an ACT exam that would occur prior to December 31, 2020, that was within a reasonable distance from his home or from the location to which he/his family had been evacuated due to Hurricane Laura or Hurricane Delta.

d. The initial award or upgraded award for any student who requests and is granted an exception in accordance with the provisions of this Subsection shall be paid for the first time during the semester in which the qualifying ACT was achieved.

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 47:38 (January 2021), LR 47:863 (July 2021).

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - I.8. ...

J. 2005 Natural Disaster Initial Eligibility Requirements

J.1. - K.2.d. ...

L. 2020 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2020-2021 academic year (high school) must meet all of the requirements of §703.A-I.8 above, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2020-2021 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2020-2021 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §703.L.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §703.J.2.b below for at least the 12 months prior to October 8, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §703.L.2.a below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §703.L.2.b below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:38 (January 2021), LR 47:864 (July 2021).

§705. Maintaining Eligibility

A. - D. ...

E. 2005 Natural Disaster Maintaining Eligibility Requirements

E.1. - F.2.c. ...

G. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A-D above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6.

d. A displaced student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

e. A displaced student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

H.1.A student who successfully completes a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (TOPS), a student who successfully completes any type of

technical, vocational, or academic credential other than a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), LR 47:38 (January 2021), LR 47:865 (July 2021).

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - A-10. ...

B. 2005 Natural Disaster Initial Eligibility Requirements

B.1. - D.2.h. ...

E. 2020 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2020-2021 academic year (high school) must meet all of the requirements of §803.A, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2020-2021 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2020-2021 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an

eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.E.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §803.E.2.b below for at least the 12 months prior to October 8, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §803.E.2.a below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §803.E.2.b below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018), LR 45:1172

(September 2019), LR 47:38 (January 2021), LR 47:866 (July 2021).

§805. Maintaining Eligibility

A. - C. ...

D. 2005 Natural Disaster Maintaining Eligibility Requirements

D.1. - G. ...

H. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, a displaced student must meet all of the criteria in §805.A-C above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be cancelled or reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §805.A.8.

d. A displaced student shall not be required to meet the steady academic progress requirements set forth in §805.A.6.

e. A displaced student shall not be required to meet the continuation GPA requirements set forth in §805.A.7.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781

(April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:527 (March 2018), LR 47:38 (January 2021), LR 47:867 (July 2021).

Chapter 21. Miscellaneous Provisions and Exceptions

§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. - G.5.b.iii. ...

H. 2020 Natural Disaster Exceptions

1. For the purposes of this subsection, *displaced students* are TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge recipients and students eligible for TOPS whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

2. For the purposes of this Subsection, *home of record* is:

a. the domiciliary address of a dependent student's parent or court-ordered custodian; or

b. the domiciliary address of an independent student.

3. For the 2020-2021 academic year (TOPS), displaced students are not required to enroll as full-time students, to maintain continuous enrollment, or to earn at least 24 hours during the 2020-2021 academic year (TOPS).

4. Displaced students may enroll on a part-time basis in an eligible college or university without losing TOPS eligibility.

a. Upon request of the student, the eligible college or university may bill for the TOPS award for these part-time students.

b. The terms of eligibility for a displaced student whose part-time enrollment is paid by TOPS will be reduced by one full semester (term) for each semester (term) paid.

c. Institutions must document the displaced student's request for part-time payment of TOPS under these circumstances.

d. Any grades earned by a displaced student who enrolls part-time during the 2020-2021 academic year (TOPS) will be included in the calculation of the student's cumulative grade point average.

5. Displaced students who are Rockefeller State Wildlife Scholarship recipients may enroll full-time or part-time in a college or university that does not offer a course of study leading to an undergraduate or graduate degree in wildlife, forestry or marine science.

a. Upon request of the student, the eligible college or university may bill for the Rockefeller State Wildlife Scholarship for these students.

b. The amount paid for any such semester of enrollment in accordance with this Subsection shall reduce the student's total eligibility for the Rockefeller State Wildlife Scholarship Program.

c. Institutions must document the displaced student's request for payment in accordance with this Subsection.

d. Any grades earned by a displaced student who enrolls in school during the 2020-2021 in accordance with this Subsection will be included in the calculation of the student's cumulative grade point average.

6. For the 2020-2021 academic year (TOPS), students who are not displaced students, but who, due to the effects of Hurricane Laura were unable to enroll for the first time as full time students by the applicable deadline, to enroll as full-time students, to maintain continuous enrollment in school, or to earn 24 hours during the 2020-2021 academic year (TOPS) may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), LR 47:867 (July 2021).

§2105. Repayment Obligation, Deferment, Cancellation and Reduced Payments

A. - B.9.e.iii. ...

10. 2020 Natural Disaster Deferments. For the purposes of this Subsection, *displaced students* are recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and whose Home of Record:

a. on August 26, 2020, was located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. For the purposes of this Subsection, *home of record* is the domiciliary address of the recipient who is in repayment status.

d.i. For students qualifying for deferment under the provisions of §2105.B.10.a. above, loan repayments are deferred and interest accrual is suspended for the period August 26, 2020, through August 31, 2021;

ii. For students qualifying for deferment under the provisions of §2105.B.10.b. above, loan repayments are deferred and interest accrual is suspended for the period October 8, 2020, through October 31, 2021.

e. For the period August 26, 2020, through August 31, 2021, recipients of the Rockefeller State Wildlife Scholarship or the TOPS Teacher Award who are not displaced students, but who, due to the effects of a natural disaster as provided in this Subsection, are unable to repay their loan may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

C. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3042.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), amended LR 28:775 (April 2002), LR 30:781 (April 2004), LR 30:1167, 1168 (June 2004), LR 33:442 (March 2007), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:566 (March 2018), LR 47:868 (July 2021).

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2107#010

RULE

Board of Regents Office of Student Financial Assistance

Waivers of Certain TOPS Initial Eligibility for Students Affected by Natural Disasters in 2020 (LAC 28:IV.703, 705, 803, 805, 2103, and 2105)

The Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements the provisions of Act 17 of the Second Extraordinary Session of 2020 with respect to students affected by 2020 Natural Disasters. More specifically, this rulemaking provides waivers of certain TOPS initial eligibility for students affected by natural disasters in 2020; and provides waivers of certain TOPS continuing eligibility requirements for students affected by natural disasters. In addition, this rulemaking provides deferments for students who are currently in repayment status for the Rockefeller State Wildlife Scholarship Program and TOPS Teacher. (SG21197NI) This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - L.1.b. ...

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §703.L.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §703.L.2.b below for at least the 12 months prior to October 8, 2020, or in a parish listed in §703.L.2.c below for at least the 12 months prior to October 26, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §703.L.2.a. below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §703.L.2.b. below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

iii. in §703.L.2.c. below due to Hurricane Zeta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 26, 2020.

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

c. a student who on October 26, 2020, was actually residing in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, or Terrebonne Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), amended LR 47:868 (July 2021).

§705. Maintaining Eligibility

A. - F.2.c. ...

G. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A-D above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §705.A.6..

b. A displaced student shall not be required to meet the steady academic progress requirements set forth in §705.A.7.

c. A displaced student shall not be required to meet the continuation GPA requirements set forth in §705.A.8.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. a student whose home of record on October 26, 2020, was located in, or who, on October 26, 2020, was attending a postsecondary institution located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, or Terrebonne Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

H.1.A student who successfully completes a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a graduate or professional school at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an undergraduate degree and has met the requirements for continued eligibility set forth in §705.A.6. The remaining eligibility may not be used to pursue a second undergraduate degree.

2. Beginning with the 2012-2013 academic year (TOPS), a student who successfully completes any type of technical, vocational, or academic credential other than a baccalaureate degree without having exhausted his period of award eligibility shall receive an award for the remainder of his eligibility if he enrolls in a program of study leading to a baccalaureate degree, to a vocational or technical certificate or diploma, or to a non-academic degree at an eligible college or university no later than the fall semester immediately following the first anniversary of the student's completion of an associate's degree and has met the requirements for continued eligibility set forth in §705.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), amended LR 47:869 (July 2021).

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - D.2.h. ...

E. 2020 Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2020-2021 academic year (high school) must meet all of the requirements of §803.A, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2020-2021 academic year (high school) from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the scholastic aptitude test than required for a student who graduates from an eligible Louisiana high school.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2020-2021 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during the entire 2019-2020 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during 2020-2021 academic year (high school); or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.E.2.a below for at least the 12 months prior to August 26, 2020, or in a parish listed in §803.E.2.b below for at least the 12 months prior to October 8, 2020, or in parish listed in §803.E.2.c for at least the 12 months prior to October 26, 2020.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §803.E.2.a below due to Hurricane Laura and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2020; or

ii. in §803.E.2.b below due to Hurricane Delta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 8, 2020.

iii. in §803.E.2.c below due to Hurricane Zeta and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to October 26, 2020

e. A displaced student who during the 2020-2021 academic year (high school) successfully completes at the 12th grade level a home study program approved by BESE

shall not be required to have also completed the 11th grade level of an approved home study program.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2020, was actually residing in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE; or

b. a student who on October 8, 2020, was actually residing in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

c. a student who on October 26, 2020, was actually residing in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, or Terrebonne Parish, and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018), LR 45:1172 (September 2019), amended LR 47:870 (July 2021).

§805. Maintaining Eligibility

A. - G. ...

H. 2020 Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, a displaced student must meet all of the criteria in §805.A-C above, except as follows.

a. The TOPS Award of a displaced student who enrolls as a full-time student in an eligible out-of-state college or university during the 2020-2021 academic year (TOPS) and subsequently enrolls at a Louisiana-eligible college or university shall not be cancelled or reduced due to enrollment in an eligible out-of-state institution during the 2020-2021 academic year (TOPS).

b. The period of suspension of a TOPS Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2020-2021 academic year (TOPS).

c. A displaced student shall not be required to meet the minimum academic progress requirements set forth in §805.A.8.

b. A displaced student shall not be required to meet the steady academic progress requirements set forth in §805.A.6.

c. A displaced student shall not be required to meet the continuation GPA requirements set forth in §805.A.7.

2. For the purposes of this Subsection, *displaced student* means:

a. a student whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lasalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. a student whose home of record on October 26, 2020, was located in, or who, on October 26, 2020, was attending a postsecondary institution located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, or Terrebonne Parish.

3. For the purposes of this Subsection, *home of record for a dependent student* shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007), LR 35:1489 (August 2009), LR 38:3160 (December 2012), LR 40:1002 (May 2014), LR 41:666 (April 2015), LR 41:2598 (December 2015), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:527 (March 2018), amended LR 47:871 (July 2021).

Chapter 21. Miscellaneous Provisions and Exceptions

§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. - G.5.b.iii. ...

H. 2020 Natural Disaster Exceptions

1. For the purposes of this subsection, *displaced students* are TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge recipients and students eligible for TOPS whose home of record on August 26, 2020, was located in, or who, on August 26, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. a student whose home of record on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. a student whose home of record on October 26, 2020, was located in, or who, on October 26, 2020, was attending a postsecondary institution located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, or Terrebonne Parish.

2. For the purposes of this Subsection, *home of record* is:

a. the domiciliary address of a dependent student's parent or court-ordered custodian; or

b. the domiciliary address of an independent student.

3. For the 2020-2021 academic year (TOPS), displaced students are not required to enroll as full-time students, to maintain continuous enrollment, or to earn at least 24 hours during the 2020-2021 academic year (TOPS).

4. Displaced students may enroll on a part-time basis in an eligible college or university without losing TOPS eligibility.

a. Upon request of the student, the eligible college or university may bill for the TOPS award for these part-time students.

b. The terms of eligibility for a displaced student whose part-time enrollment is paid by TOPS will be reduced by one full semester (term) for each semester (term) paid.

c. Institutions must document the displaced student's request for part-time payment of TOPS under these circumstances.

d. Any grades earned by a displaced student who enrolls part-time during the 2020-2021 academic year (TOPS) will be included in the calculation of the student's cumulative grade point average.

5. Displaced students who are Rockefeller State Wildlife Scholarship recipients may enroll full-time or part-time in a college or university that does not offer a course of study leading to an undergraduate or graduate degree in wildlife, forestry or marine science.

a. Upon request of the student, the eligible college or university may bill for the Rockefeller State Wildlife Scholarship for these students.

b. The amount paid for any such semester of enrollment in accordance with this Subsection shall reduce the student's total eligibility for the Rockefeller State Wildlife Scholarship Program.

c. Institutions must document the displaced student's request for payment in accordance with this Subsection.

d. Any grades earned by a displaced student who enrolls in school during the 2020-2021 in accordance with this Subsection will be included in the calculation of the student's cumulative grade point average.

6. For the 2020-2021 academic year (TOPS), students who are not *displaced students*, but who, due to the effects of Hurricane Laura were unable to enroll for the first time as full time students by the applicable deadline, to enroll as full-time students, to maintain continuous enrollment in school, or to earn 24 hours during the 2020-2021 academic year (TOPS) may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), amended LR 47:871 (July 2021).

§2105. Repayment Obligation, Deferment, Cancellation and Reduced Payments

A. - B.9.e.iii. ...

10. 2020 Natural Disaster Deferments. For the purposes of this Subsection, *displaced students* are recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and whose Home of Record:

a. on August 26, 2020, was located in Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn Parish: or

b. on October 8, 2020, was located in, or who, on October 8, 2020, was attending a postsecondary institution located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, or Vermilion Parish.

c. on October 26, 2020, was located in, or who, on October 26, 2020, was attending a postsecondary institution located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, or Terrebonne Parish.

d. For the purposes of this Subsection, *home of record* is the domiciliary address of the recipient who is in repayment status.

e.i. For students qualifying for deferment under the provisions of §2105.B.10.a. above, loan repayments are deferred and interest accrual is suspended for the period August 26, 2020, through August 31, 2021; ii. For

students qualifying for deferment under the provisions of §2105.B.10.b. above, loan repayments are deferred and interest accrual is suspended for the period October 8, 2020, through October 31, 2021.

iii. For students qualifying for deferment under the provisions of §2105.B.10.c. above, loan repayments are deferred and interest accrual is suspended for the period October 26, 2020, through October 31, 2021.

f. For the period August 26, 2020, through October 31, 2021, recipients of the Rockefeller State Wildlife Scholarship or the TOPS Teacher Award who are not *displaced students*, but who, due to the effects of a natural disaster as provided in this Subsection, are unable to repay their loan may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

C. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3042.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), amended LR 28:775 (April 2002), LR 30:781 (April 2004), LR 30:1167, 1168 (June 2004), LR 33:442 (March 2007), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:566 (March 2018), amended LR 47:872 (July 2021).

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2107#012

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Brownfields Cleanup Revolving Loan Fund Program (LAC 33:VI.Chapter 11)(IA06)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation regulations, LAC 33:VI.1103, 1107, 1109, 1111, and 1113 (IA06).

A brownfields site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Such property may also be referred to as a brownfields or as brownfields property.

Currently, only brownfields sites enrolled in the LDEQ Voluntary Remediation Program qualify for the LDEQ Brownfields Cleanup Revolving Loan Fund. The proposed Rule will remove the requirement that only sites enrolled in the LDEQ Voluntary Remediation Program are eligible for funding from the LDEQ Brownfields Cleanup Revolving Loan Fund. The proposed Rule change allows LDEQ to financially expand the LDEQ Brownfields Cleanup Revolving Loan Fund to a wider base of properties, and therefore cleanup and redevelop a larger number of brownfields properties. The basis and rationale for this proposed Rule change are to expand the use of the LDEQ Brownfields Cleanup Revolving Loan Fund by increasing the number of brownfields projects eligible for funding. This Rule meets an exception listed in R.S. 30:2019(D)(2) and

R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substances Site Remediation

Chapter 11. Brownfields Cleanup Revolving Loan Fund Program

§1103. Authority

A. - B. ...

C. Act 612 of the 2018 Regular Session of the Louisiana Legislature amended R.S. 30:2552 to repeal the Brownfields Cleanup Revolving Loan Fund Program, effective July 1, 2020. However, Act 91 of the 2020 Regular Session of the Louisiana Legislature repealed the provisions of Act 612 on June 5, 2020, prior to the effective date of Act 612. As such, the Brownfields Cleanup Revolving Loan Fund Program was reinstated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:873 (July 2021).

§1107. Eligibility for Participation in the Program

A. - B.1. ...

2. The nature and extent of contamination to be remediated at the site using loan funds must be defined and documented in a department-approved Risk Evaluation / Corrective Action Program (RECAP) investigation report, voluntary remediation investigation report as provided in LAC 33:VI.Chapter 9, and/or other applicable report, such as a lead and asbestos containing materials survey. A site cleanup plan shall be submitted to the department's brownfields coordinator within 120 days of the execution of the loan agreement, unless an extension is granted by the administrative authority. The cleanup must be conducted with department oversight to remain eligible for the loan program. All application and oversight fees associated with the remediation shall be paid in a timely fashion in accordance with applicable regulations.

3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:873 (July 2021).

§1109. Ineligible and Eligible Costs

A. - A.11. ...

B. Eligible Costs. Loan funds may be used for:

1. programmatic costs that are integral to achieving the purposes of the loan as described in the terms and conditions of the applicable federal cooperative agreement funding the loan;

2. preparation of cleanup planning documents such as:
a. a voluntary remediation application, including development of the voluntary remedial action plan, as described in LAC 33:VI.911.B;

- b. a Risk Evaluation/Corrective Action Program (RECAP) compliant corrective action plan;
 - c. a department-approved remedial action plan;
 - d. a Quality Assurance Project Plan (QAPP) for data collection activities to be conducted during the remedial action;
 - e. a community relations plan; and
 - f. an Analysis of Brownfields Cleanup Alternatives (ABCA) to meet federal grant requirements;
3. remediation of an eligible site pursuant to and in conformance with department oversight and approval;
 4. preparation of a remedial action report, as detailed in the approved loan agreement;
 5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:873 (July 2021).

§1111. Loan Requirements

A. The maximum loan amount shall be \$500,000 per brownfields site and shall not exceed the estimated cost of the project. Under special circumstances this maximum loan amount may be increased by the department. The department may award loans that are less than the total project cost for a brownfields site. Loan amounts cannot be increased after the loan award due to cost overruns or other reasons. The borrower must apply for another loan to get additional funds.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:874 (July 2021).

§1113. Loan Application Process

A. - B.4. ...

5. a department-approved remedial investigation report;

6. - 11. ...

12. an appraisal of the estimated value of the property after the remedial action is complete;

B.13. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:874 (July 2021).

Courtney J. Burdette
General Counsel

2107#006

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

Lead-Based Paint Activities—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities (LAC 33:III.2803 and 2811)(AQ390FT)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended Air regulations, LAC 33:III.2803 and 2811 (Log #AQ390FT).

This Rule is identical to federal regulations found in 40 CFR Part 745 which is applicable in Louisiana. For more information regarding the federal requirement, contact Deidra Johnson at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

Chapter 28, Lead-Based Paint Activities: Recognition, Accreditation, Licensure and Standards for Conducting Lead-Based Paint Activities outlines the requirements for persons who disturb lead-based paint in target housing and child-occupied facilities. The Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) adopted new dust-lead hazard standards and dust-lead clearance levels for surface dust and windowsills in target housing and child-occupied facilities effective January 6, 2020, and March 8, 2021. As an EPA-authorized state, LDEQ is required to adopt the new standards within two years of federal promulgation. The basis and rationale for this Rule are to mirror the federal regulations. As an EPA-authorized state for lead-based paint activities, we are required to adopt revisions to the federal Rule, in this case, the lead-dust hazard standards and dust-lead clearance levels. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 28. Lead-Based Paint Activities—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities

§2803. Definitions

A. ...

* * *

Clearance Levels—values that indicate the maximum amount of lead permitted in soil or dust on a surface following completion of an abatement activity. Clearance

levels that are appropriate for the purposes of this Chapter are listed in LAC 33:III.2811.A.4. To achieve clearance when dust sampling is required, values below these levels must be achieved.

* * *

Dust-Lead Hazard—surface dust in a residential building or child-occupied facility, or their exteriors, that contains a mass-per-area concentration of lead equal to or exceeding 10 micrograms per square foot on floors or 100 micrograms per square foot on window sills based on wipe samples.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1663 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:2335 (November 2002), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), amended by the Office of the Secretary, Legal Division, LR 39:1466 (June 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:874 (July 2021).

§2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities

A. - A.3c. ...

i. in a residential dwelling or child-occupied facility on floors and interior window sills where the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are 10 micrograms per square foot or greater for floors and 100 micrograms per square foot or greater for interior window sills, respectively;

c.ii. - d.ii. ...

4. Clearance levels that are appropriate for the purposes of this Section are listed as follows:

a. dust wipes from floors/carpets: less than 10 micrograms per square foot;

b. dust wipes on window sills: less than 100 micrograms per square foot;

c. dust wipes on window troughs: less than 400 micrograms per square foot;

d. dust wipes from exterior surfaces: less than 400 micrograms per square foot;

A.4.e. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1672 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), repromulgated LR 27:39 (January 2001), amended LR 28:2338 (November 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 33:644 (April 2007), LR 33:2092 (October 2007), amended by the Office of the Secretary, Legal Division, LR 39:1467 (June 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:875 (July 2021).

Courtney J. Burdette
General Counsel

2107#005

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Requirements for Credits
(LAC 33:IX.2619)(WQ109)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.2619.H (WQ109).

The Rule will include a revision to the Water Quality Trading (WQT) program at LAC 33:IX.2619.H to allow eligibility consideration of water quality benefits obtained from public conservation funds. This rulemaking is necessary to provide credit eligibility consideration of water quality benefits from public conservation funded projects in the WQT program unless otherwise prohibited by the terms and conditions of the public funded project. In LAC 33:IX.2619.H, eligibility to generate credits with public conservation funds, even when it is allowed by the funding source, is not currently considered. The use of public conservation funding sources can be critical to implementing larger projects and broader watershed improvement strategies, thereby increasing the potential for improved water quality. Eligibility of credits generated with public conservation funds, when allowed by the funding source, encourages participation in the WQT program and remains consistent with the goal of water quality improvement. The basis and rationale for this Rule are to incorporate eligibility considerations for public conservation funded projects. This has the potential to support WQT on a broader scale, thereby accelerating efforts to restore and improve water quality. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

**Subpart 2. The Louisiana Pollutant Discharge
Elimination System (LPDES) Program**

Chapter 26. Water Quality Trading

§2619. Requirements for Credits

A. - G. ...

H. Credit-generating projects may include water quality benefits obtained with public conservation funds unless otherwise prohibited by the terms and conditions of the public funded project. Funding in part by prohibited public conservation funds shall be prorated based on the ratio of nonprohibited funding used to generate credits.

I. - M.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and

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General Counsel

2107#008

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

Water Pollution Control
(LAC 33:IX.1109 and 1123)(WQ108)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.1109 and 1123 Table 3 (WQ108).

Late in the rulemaking process for WQ097, items were found requiring a cleanup Rule to rectify them including a deleted “use”, an extraneous “are” and two inaccurate subsegment boundary descriptions. Republishing WQ097 to include these items would have extended the finalization of the Rule past its regulatory expiration date. The basis and rationale for this Rule are to make regulatory language clear and provide accurate subsegment descriptions. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception classification, compliance schedules, variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. - B.5. ...

C. Water Body Exception Classification. Some water bodies may qualify for a water body exception classification. This classification will be made on a case-by-case basis.

Whenever data indicate that a water body exception classification is warranted, the department will recommend the exception to the administrative authority for approval. In all cases where exceptions are proposed, the concurrence of EPA must be obtained and the opportunity for public participation must be provided during the exceptions review process. The general criteria of these standards shall apply to all water bodies classified as a water body exception except where a particular water body is specifically exempted. A use attainability analysis shall be conducted to justify a water body exception classification if an accompanying downgrade of a 101(a)(2) use and application of less stringent criteria is being proposed. Exceptions are allowed for the following three classifications of water bodies.

1. - 2.d. ...

3. Naturally Dystrophic Waters

a. Naturally dystrophic waters include waters that receive large amounts of natural organic material largely of terrestrial plant origin, are commonly stained by the decomposition of such organic material, and are low in dissolved oxygen because of natural conditions. Only those water bodies primarily affected by nonanthropogenic sources of oxygen-demanding substances or naturally occurring cycles of oxygen depletion will be considered for classification as naturally dystrophic waters. These water bodies typically include or are surrounded by wetlands (e.g., bottomland hardwood forests, freshwater swamps and marshes, or intermediate, brackish, or saline marshes) and have sluggish, low-gradient flows most of the year. Naturally dystrophic water bodies, though seasonally deficient in dissolved oxygen, may fully support fish and wildlife propagation and other water uses. Low dissolved oxygen concentrations (less than 5 mg/l) may occur seasonally during the warmer months of the year in naturally dystrophic water bodies.

C.3.b. - K.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 46:1546 (November 2020), LR 47:876 (July 2021).

§1123. Numeric Criteria and Designated Uses

A. - E. ...

Table 3. Numeric Criteria and Designated Uses							
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish and Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters							
Code	Stream Description	Designated Uses	Numeric Criteria				
			CL	SO ₄	DO	pH	BAC
Atchafalaya River Basin (01)							

Barataria Basin (02)							

Calcasieu River Basin (03)							

Table 3. Numeric Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish and Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numeric Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
031002	Intracoastal Waterway—From West Calcasieu River Basin boundary to Calcasieu Lock (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
* * *									
Lake Pontchartrain Basin (04)									
* * *									
041901	Mississippi River Gulf Outlet (MRGO)—From ICWW to Breton Sound at MRGO mile 30	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
* * *									
Mermentau River Basin (05)									
* * *									
Vermilion-Teche River Basin (06)									
* * *									
Mississippi River Basin (07)									
* * *									
Ouachita River Basin (08)									
* * *									
Pearl River Basin (09)									
* * *									
Red River Basin (10)									
* * *									
Sabine River Basin (11)									
* * *									
Terrebonne Basin (12)									
* * *									

ENDNOTES:

[1]. - [25]. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009), amended LR 36:2276 (October 2010) amended by the Office of the Secretary, Legal Division, LR 41:2603 (December 2015), LR 42:737 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 44:1178 (September 2019), LR 46:1087 (August 2020), LR 46:1555 (November 2020), LR 47:876 (July 2021).

Courtney J. Burdette
General Counsel

2107#007

RULE

**Office of the Governor
Board of River Port Pilot Commissioners for the Port of
New Orleans**

River Port Pilots (LAC 46:LXX Chapter 31)

In accordance with the Louisiana Administrative Procedure Act R.S. 49:950 et seq., and pursuant to the authority vested in the Board of River Port Pilot Commissioners for the Port of New Orleans R.S. 34:991, the board has amended its rules governing River Port Pilots by adding a mission statement, amending the recency requirements, amending the deadlines for application to the apprenticeship application process, defining the duties deputy pilot restrictions, defining pilot duties and requirements and allowing the commission to use committee and hearing officers to assist the board in the performance of its duties. To facilitate a full understanding of the regulations to be amended the board is revoking and re-enacting its regulations. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXX. River Pilots

Subpart 2. Board of River Port Pilot Commissioners

Chapter 31. General Provisions

§3101. Mission Statement

A. The mission of the Board of River Port Pilot Commissioners for the Port of New Orleans is to protect the health and welfare of the citizens and property in the state of Louisiana. Navigation on the Mississippi River is a hazardous endeavor. Safe and efficient navigation on the Mississippi River is essential to the prosperity of the nation and the state of Louisiana.

B. State pilots are the only maritime professionals whose exclusive duty is to protect the interests of Louisiana and its citizens. Pilots must manage and mitigate risk to enhance commerce and prosperity. Pilots must balance the commercial interests with safety and the interests of the citizens and property in the state to develop and encourage commerce.

C. Acknowledging that economic interests, environmental interests, and social policy are often in conflict, the board and the pilots collaborate with public interests, professional mariners, and users of the Mississippi River to balance these conflicting interests. The goal is to promote prosperity and safety while achieving environmental and commercial viability and to continue to develop and encourage such commerce.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 47:878 (July 2021).

§3103. Definitions

A. The following terms shall have the following meaning as used in these rules.

Applicant—one who submits an application to become a river port pilot apprentice.

Apprentice—an applicant who has been selected to become a river port pilot pending successful completion of the apprenticeship program.

Apprentice Candidate—an applicant whose application has been certified by the board.

Apprentice Duties—any activity or requirement of the apprenticeship program as required by the commission.

Board—the Board of River Port Pilot Commissioners as defined in R.S. 34:991.

Commission—the appointment by the governor authorizing one to perform the duties of a river port pilot.

Commissioner—a member of the Board of River Port Pilots Commissioners for the Port of New Orleans as appointed and serving in accordance with state law.

Conviction—having been found guilty by judgment or by plea and includes cases of deferred adjudication (no contest, adjudication withheld, etc.) or where the court requires a person to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forgo appeal of a trial court finding. Expunged convictions must be reported unless the expungement was based upon a showing that the court's earlier conviction was in error.

Deputy Pilot—a commissioned river port pilot who is piloting subject to restrictions as set forth in these regulations

Drug—all controlled dangerous substances as defined in R.S. 40:961(7).

Marine Incident—a personal injury, loss of life, discharge of pollution, collision and/or allision, wave wash or suction resulting in an injury or damage, or hard grounding in which the vessel is damaged or needs assistance to be re-floated.

Pilot—river port pilots as defined in R.S. 34:992 or any person performing duties pursuant to a River Port Pilot Commission.

Prescription Medication—medication which can only be distributed by the authorization of a licensed physician as defined in R.S. 40:961(30).

Second Pilot—when a ship movement requires two pilots, the second pilot is to support and act as a resource to the first pilot.

Turn—a turn, for the purposes of recency only, shall be any pilotage of any vessel for 20 miles or any pilotage on a vessel that docks, undocks, anchors, un anchors or turns around in the river.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2068 (October 2003), amended LR 35:1882 (September 2009), LR 38:2369 (September 2012), LR 47:878 (July 2021).

§3105. Board of River Port Pilot Commissioners for the Port of New Orleans

A. The duties of the board are established pursuant to R.S. 34:991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2069 (October 2003), amended LR 35:1882 (September 2009), LR 47:878 (July 2021).

§3107. Application

A. Any person wishing to submit an application to become an apprentice candidate must submit a written request for an application to the board at its address or by email. The board's current address is:

Board of River Port Pilot Commissioners
c/o Application Request
2728 Athania Pky.
Metairie, LA 70002
brppc@cox.net

B. All applications to become an apprentice candidate must be in writing, must be signed by the applicant, and presented to the board. All applications must be notarized and accompanied by satisfactory evidence of compliance with the board's requirements.

C. The board will issue a notice, that it will accept applications for the subsequent calendar year for selection into the River Port Pilot Apprenticeship Program.

D. The board will accept applications for selection into the River Port Pilot Apprenticeship Program from January 1 to October 31 of each year.

E. After October 31, the board will review the applications, schedule physicals, have background checks on the applicant, and certify that the applicants meet the criteria

set forth by the board. Upon request, the board may allow the applicant to submit to a physical before October 31.

F. On or about January 1 the board will prepare a list of apprentice candidates eligible to be selected. The list shall remain in place until December 31 at which time the list will be withdrawn and a new list will be prepared in accordance with these regulations.

G. Any applicant who submits an application with false or misleading information or false, misleading, forged, or altered supporting documents will have their application deemed void. The board, in its discretion, may prohibit the applicant from submitting an application in the future. Nothing in this paragraph will affect the enforcement of state and federal laws regarding the submission of false information and documents to a state board.

H. When the pilots notify the board that there is a necessity for pilots, the board will submit to the pilots the list of eligible apprentice candidates as described in §3107.F, and pursuant to RS 34:993. The pilots will select the apprentice candidates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2069 (October 2003), amended LR 35:1882 (September 2009), LR 47:878 (July 2021).

Chapter 32. Licensing, Qualifications, and Apprenticeship

§3201. General Qualifications

A. Applicant must be of good moral character. Evidence of a clear police record will be considered, but the board reserves the right to examine other sources of information as to the applicant's character.

B. Applicant is and has been a voter of the state of Louisiana continuously for at least two years before December 31 of the year the application is submitted.

C. Applicant must not have reached the age of forty prior to the first day of balloting on apprentices by the pilots.

D. Applicant shall not have been convicted of a felony offense involving either drugs or the personal consumption of alcohol for 60 months prior to December 31st of the year the application is submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3) and R.S. 34:993.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2069 (October 2003), amended LR 35:1883 (September 2009), LR 47:879 (July 2021).

§3203. Licensing Qualifications

A. Each applicant must meet the below listed requirements.

1. Each applicant must hold a United States Coast Guard First Class Pilot License of Steam or Motor Vessel of any gross tons for the Mississippi River from Southport to the Head of Passes and for the Inner Harbor Navigation Canal (Industrial Canal) from the Mississippi River to Lake Pontchartrain. In the event the Inner Harbor Navigation Canal is closed and or navigation on the canal is severely restricted. The board in its discretion may waive the requirement of a first class pilot license on all or part of the Inner Harbor Navigation Canal.

2. Each applicant must meet one of the following requirements:

a. a United States Coast Guard Master of Steam or Motor Vessels of less than 1600 gross registered tons or any upgrade thereof upon Inland Waters, Rivers or Lakes; or

b. a United States Coast Guard second mate's license (or any upgrade thereof) of steam or motor vessels of any gross tons upon oceans.

3. Each applicant must have held one of the licenses described in §3203.A.1, A.2.a, or A.2.b for a period of one year prior to December 31st of the year the application is submitted to become an apprentice candidate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2069 (October 2003), amended LR 35:1883 (September 2009), LR 47:879 (July 2021).

§3205. Education Qualifications

A. In addition to the requirements described herein, the Applicant must have a bachelor's degree or diploma granted by a college or university accredited by one of the regional accreditation agencies recognized by the United States Department of Education for the accreditation of degree-granting institutions of higher education.

B. Applicants shall document the aforementioned requirements by providing the board with an official transcript of the mandatory educational requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2069 (October 2003), amended LR 35:1833 (September 2009), LR 38:2369 (September 2012), LR 47:879 (July 2021).

§3207. Physical Qualifications

A. The applicant, when requested, must be examined by a physician, clinic, or group of physicians of the board's choosing to determine the applicant's physical condition. The examination report must reflect to the board's satisfaction that the applicant's physical condition is satisfactory and commensurate with the work and responsibilities of a pilot, and will enable the applicant to safely perform the duties of pilotage. The board shall have no responsibilities for the examinations or their results. The applicant submitting to such examinations will hold the board harmless from any responsibility for any injury or loss, including attorneys' fees and the costs of defense, incurred as a result of the examination or the reliance by the board or any others on the results of such examination.

B. The applicant, when requested, shall submit to an examination by a mental health professional or group composed of such mental health professionals of the board's choosing. The report of this examination must reflect, to the board's satisfaction, that the applicant's mental condition and aptitude is satisfactory and commensurate with the work and responsibilities of a pilot, and will enable the applicant to safely perform the duties of pilotage. The board shall have no responsibility for the examinations or their results. The applicant submitting to such examinations will hold the board harmless from any responsibility for any injury or loss, including attorneys' fees and the costs of defense,

incurred as a result of the examination or the reliance by the board or any others on the results of such examination.

C. The applicants shall submit to drug and alcohol screening as directed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2070 (October 2003), amended LR 35:1883 (September 2009), LR 38:2369 (September 2012), LR 47:879 (July 2021).

§3209. Apprenticeship

A. The apprentice must serve a minimum of 12 months of apprenticeship. The apprentice will handle deep draft vessels over the operating territory under the tutelage of not less than 50 percent of the pilots. The apprentice must perform the duties of an apprentice in a professional, courteous, and prudent fashion. At all times the apprentice must be fit for duty, free from any substance that may adversely affect the apprentice's ability to perform apprentice duties. The apprentice must set forth in detail the names of the vessels handled, dates handled, draft, tonnage, between what points so moved, and the names of the supervising pilots. No apprentice shall be permitted to be examined for commissioning who has not fulfilled the requirements set forth by the board. The apprenticeship work must be certified by the board during the apprenticeship program. The board reserves the right to substitute work requirements, require satisfactory completion of additional trips, extended the apprenticeship, or terminate the apprenticeship when deemed necessary.

B. In compliance with R.S. 34:993, the board shall hold examinations of the apprentices as to their knowledge of pilotage and their proficiency and capability to serve as pilots. These examinations shall be given in such manner and shall take such form as the board may, in its discretion from time to time, elect.

C. The board shall certify for the governor's consideration those apprentices who satisfactorily complete all requirements established by state law and these rules and who complete and pass any examinations given by the board.

D. Should the apprentice fail any examination, violate any rule or regulation of the board, fail to fulfill the duties of an apprentice or engage in any conduct or activity that is unsafe, unprofessional and/or demonstrates a lack of judgment, the board, in its discretion, may terminate the apprenticeship, or may designate additional apprenticeship requirements to be satisfied by the apprentice before the apprentice may again petition the board for examination.

E. If an apprentice fails to successfully satisfy the requirements of the apprenticeship program within 24 months as determined by the board, the apprenticeship may be terminated at the board's discretion.

F. The apprentice shall submit to drug and alcohol screening as determined by the board in its discretion.

G. The apprentice shall report to the board any change in their physical or mental condition that may, in any way, affect their performance as an apprentice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2070 (October 2003), amended LR 35:1883 (September 2009), LR 38:2369 (September 2012), LR 47:880 (July 2021).

§3211. Age Restrictions

A. A pilot shall be required to resign their pilot commission in the calendar year the pilot attains the age of 70.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2070 (October 2003), amended LR 35:1884 (September 2009), LR 47:880 (July 2021).

Chapter 33. Deputy Pilots

§3301. Restricted Duties Guidelines

A. The deputy pilot development program is a mandatory program administered by the board to develop pilot skill after the pilot receives a pilot commission or license.

B. The deputy pilots shall adhere to the guidelines and restrictions established by the board which may factor the following considerations:

1. length of the vessel;
2. cargo carried by the vessel;
3. draft of the vessel;
4. river stage;
5. visibility restrictions;
6. designating the deputy pilot to serve as a second pilot;
7. restrict the deputy pilot from performing certain pilot services during the deputy period;
8. any restrictions the board may seem appropriate.

C. The deputy pilot shall be subject to restrictions until the board removes the restrictions.

D. The failure of the deputy pilot to adhere to these guidelines may subject the deputy pilot to disciplinary action at the board's discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2070 (October 2003), amended LR 35:1884 (September 2009), LR 38:2369 (September 2012), LR 47:880 (July 2021).

Chapter 34. Drug and Alcohol Policy

§3401. Drug Use

A. Pilots and apprentices shall be free of the use of any drug as defined in §3103, excluding prescription medication as defined in §3103 so long as the use of such prescription medication does not impair the physical competence of the pilot.

B. The board shall designate a testing agency or agencies to perform scientific test or tests to screen for the presence of drugs. These drug tests shall be conducted at random, post incident, and for reasonable suspicion at the discretion of the board.

C. All pilots and apprentices shall submit to scientific testing and screening for drugs when directed by the board.

D. The results of drug testing and screening shall be confidential and disclosed only to the Board and the pilot tested, except that:

1. the board may report the results to the governor, the Board of Directors of the Crescent River Port Pilot Association, and the United States Coast Guard;

2. in the event that the board determines that a hearing is required, there shall be no requirement of confidentiality in connection with the hearing.

E. Any pilot or apprentice testing positive for drugs or any residual thereof shall be suspended from performing the duties of a pilot pending a hearing.

F. Any pilot or apprentice who refuses to submit to scientific testing or screening for drugs fails to cooperate fully with the testing procedures, or in any way tries to alter the test results shall be suspended pending a hearing. Such refusal shall be considered as a positive test.

G. Any pilots found to be in violation of this Section may be reprimanded, fined, evaluated, and/or treated for drug use and/or have their commission suspended or revoked. Any apprentice found in violation of this Section is subject to immediate termination of their participation in the apprenticeship program.

H. Any pilot required to undergo an evaluation and/or treatment shall do so at their own expense and responsibility; the physician, as well as the evaluation and treatment facility must be approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2071 (October 2003), amended LR 35:1884 (September 2009), LR 47:880 (July 2021).

§3403. Alcohol Use

A. No pilot shall consume any alcohol of any nature whatsoever within six hours before, or during, the performance of pilotage duties.

B. No pilots shall perform their duties when their blood alcohol content is 0.04 or greater.

C. Any pilots who believe they would be in violation of any of these rules if he were to perform their duties is obligated to remove themselves from duty. The pilot is the absolute insurer of their state of mind, physical abilities, and overall well-being.

D. The board may require a pilot to submit to a blood alcohol test upon complaint or reasonable suspicion that a pilot is performing under the influence of alcohol while piloting.

E. Any pilot who refuses to submit to scientific testing or screening for alcohol fails to cooperate fully with the testing procedures, or in any way tries to alter the test results shall be suspended from performing the duties of a pilot pending a hearing. Such refusal to cooperate will be considered as a positive test.

F. Any pilot found to be in violation of this Section may be reprimanded, fined, evaluated and/or treated for alcoholism and/or have their commission suspended or revoked.

G. Any pilot who is required to undergo an evaluation and/or treatment shall do so at their own expense and responsibility; the physician, as well as the evaluation and treatment facility must be approved by the board.

H. The board reserves the right to set a stricter standard of alcohol use for apprentices. Any apprentice who in violation of this regulation or the higher standard established in the apprenticeship program is subject to immediate termination of their participation in the apprenticeship program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2071 (October 2003), amended LR 35:1885 (September 2009), LR 47:881 (July 2021).

Chapter 35. Continuing Education

§3501. Continuing Professional Education

A. Every pilot seeking to maintain a pilot's commission must attend 40 hours of professional education classes and programs every five-year cycle as defined by the board.

B. In addition, the pilot must attend a man model ship training program every five years.

C. Professional education classes and programs must be approved by the board.

D. It shall be the responsibility of the pilot to attend the professional education approved by the board.

E. It shall be the responsibility of the pilot to file with the board proof that the pilot has attended the required professional education.

F. Any pilot who fails to attend the required professional may be reprimanded, fined, and/or suspended until the pilot complies with this Section.

G. The board, for good cause shown, may grant a waiver or extend the time for a pilot to complete the continuing professional education requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2072 (October 2003), amended LR 35:1885 (September 2009), LR 47:881 (July 2021).

Chapter 36. Investigation, Competence, Complaints and Criminal Convictions

§3601. Marine Incident Investigation

A. Any pilot piloting a vessel involved or allegedly involved in a marine incident shall, as soon as practical, notify the board of the incident by telephone. However, said notice must occur within two hours of the incident.

B. The pilot shall provide the board a written report on the form provided by the board within two days after the marine incident was first reported.

C. The pilot shall be available to the board and cooperate with the board during the board's investigation of the marine incident.

D. The pilot shall provide the board a detailed written statement of the marine incident if requested by the board. The report shall be provided to the board with 10 days of the board's request. The board, in its discretion, may grant an extension.

E. A pilot failing to comply with these regulations may be reprimanded, fined, and/or suspended.

F. After its investigation of the marine incident, the board may render a findings and conclusions. The findings and conclusions is solely and exclusively the opinion of the board relative to the conduct of the pilot and is not intended to be introduced as evidence in legal proceedings. Pursuant

to R.S. 34:1005 all communications between the pilot and the board are deemed confidential, and the findings and conclusions of the board shall not be deemed discoverable or relevant in any civil proceeding.

G. The board may, under the procedure herein set out, examine such cases of dereliction of duty of a 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 pilot may elect to consent to such corrective or remedial steps as may be suggested by the board under the circumstances, waiving executive review. All violations of the regulations of any governmental agency by a pilot shall come within the purview of this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2072 (October 2003), amended LR 35:1885 (September 2009), LR 47:881 (July 2021).

§3603. Competence

A. All pilots shall complete at least 60 turns each calendar year.

B. Any pilot who has not piloted at least 60 turns in a calendar year shall be required to report the said absence to the board. Prior to returning to the duties of a pilot, the pilot must satisfy the return to duty requirements set forth by the board.

C. Any pilot or apprentice who for any reason becomes physically or mentally incompetent to perform the duties of a pilot is required to immediately notify the board.

D. Pilots are the absolute insurer of their state of mind, physical abilities, and overall well-being.

E. Any pilot who lacks the competency to perform the duties of a pilot shall be suspended from performing the duties of a pilot pending a hearing.

F. Pilots found to be incompetent may be evaluated and/or have their commission suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2072 (October 2003), amended LR 35:1886 (September 2009), LR 47:882 (July 2021).

§3605. Complaints

A. Any person having cause to file a complaint against a pilot may file such complaint with the board.

B. The complaint may be sent to the board at its address.

Board of River Port Pilot Commissioners
2728 Athania Pky
Metairie, LA 70002
brppc@cox.net

C. The board shall investigate all complaints and take all appropriate action based on the nature of the complaint.

D. The board shall review all anonymous complaints and shall investigate and if necessary take appropriate action on complaints with merit in the board's discretion.

E. Any person wishing to make an anonymous complaint against a pilot may do so by calling the board at (504) 218-7477 or by forwarding an anonymous letter to the above address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2072 (October 2003), amended LR 35:1886 (September 2009), LR 47:882 (July 2021).

§3607. Criminal Convictions

A. Any pilot or apprentice convicted of the following must notify the board prior to returning to duty as a pilot:

1. a felony;

2. any offense in which the use of drugs or alcohol is involved.

B. The board shall conduct a hearing to review the competency of any pilot who has been convicted of any offense described in §3607.A. The board, in its discretion, may find the pilot by virtue of the conviction incompetent.

C. Any pilot or apprentice who fails to comply with these regulations may be reprimanded, fined, and/or suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2073 (October 2003), amended LR 35:1886 (September 2009), LR 47:882 (July 2021).

Chapter 37. Duty of the Pilot

§3701. Duty of the Pilot

A. The pilot's duties and responsibilities are particular to a pilotage area. A pilot is required to inform a vessel's navigators of the local conditions in the pilotage area. The pilot is required to possess qualities of expertise and knowledge in the territory of the pilotage waters.

B. The pilot is required to perform this service with the necessary skill and without neglect. The pilot is not the insurer of the vessel's safety. The vessel's master and the ship owner are responsible for the sufficiency of the ship and its equipment, the competence of the master, and the crew and their duty to appropriately respond to the advice provided by the pilot.

C. Notwithstanding the responsibility of the pilot to keep the vessel's crew apprised of the local conditions, the master or designee remains in command of the vessel and must intervene in the vessel's navigation if the master deems it is appropriate.

D. The pilot is required to maintain a current telephone number, text number, email, and address with the board in the manner prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 47:882 (July 2021).

Chapter 38. Pilotage Required

§3801. Pilot Required

A. A pilot is required on every vessel subject to pilotage any time the vessel is moved or relocated or if it is the intent to move or relocate the vessel.

B. A pilot is required on any vessel that cannot maintain safe moorings or maintain its proper position at anchor.

C. The board shall enforce pilot laws pursuant to the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 47:882 (July 2021).

Chapter 39. Hearings and Committees

§3901. Hearings

A. The board may conduct hearings to perform its duties. The board in its discretion may appoint a hearing officer to conduct investigations. The hearing officer shall not be a member of the board. The hearing officer shall timely conduct investigations subject to the hearing procedure established by the board. Upon the completion of the hearing, the hearing officer shall timely file a “report of hearing” with the board. The board in its discretion may accept, modify, or reject the report and conduct an independent hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 47:883 (July 2021).

§3905. Committees

A. The board may create committees to assist the board in the performance of its duties.

B. The committee will be chaired by a member of the board and will report to the board.

C. The size and members of the committee shall be designated by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 47:883 (July 2021).

Captain Jack Anderson
President

2107#001

RULE

**Department of Health,
Board of Medical Examiners**

Rules of Procedure; Complaint Disposition Guidelines
(LAC 46:XLV.9716)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board has amended its rules governing adjudication, by inserting a new Section (§9716), dealing with the complaint disposition guidelines. The amendments are set forth below. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XLV. Medical Professions
Subpart 5. Rules of Procedure**

Chapter 97. Complaints and Investigations

§9716. Complaint Disposition Guidelines

A. These complaint disposition guidelines are designed to:

1. provide guidance to the board in assessing administrative disciplinary dispositions for violations of the Louisiana Medical Practice Act and the various practice acts governing allied healthcare practitioners regulated by the board; and

2. promote consistency in administrative disciplinary dispositions for similar violations.

B. In the event that the practice act or rules administered by the board for a category of allied healthcare providers do not contain the exact charges identified below, but instead refer to *unprofessional conduct* or a violation of the code of ethics of a national or professional organization, such violations will to the extent applicable be addressed by the guidance set forth below.

C. Special definitions. As used in this Section the following terms shall have the meanings specified.

1. *Continuing Medical Education* or *CME*, may include, but is not limited to, one or a combination of courses on:

- a. medical ethics;
- b. professional boundaries;
- c. professionalism;
- d. proper prescribing of controlled or other substances;
- e. risk management;
- f. medical record keeping;
- g. any CME program developed by the board; and
- h. any designated CME specified by the board;

2. *Probationary Terms and Conditions* (T and C) may include, but is not limited to, any restriction, limitation, condition, requirement, stipulation, or other provision that the board may determine appropriate, probationary T and C may also include CME, a fine and payment of investigator and attorney fees and all costs of the proceeding. The duration of probationary T and C rests with the discretion of the board following consideration of aggravating and mitigating circumstances defined in §9714 of this Part.

D. The maximum administrative disciplinary disposition that may be imposed by the board is denial or revocation of a license or permit to practice medicine or the license, certificate, registration or permit to practice as an allied healthcare practitioner regulated by the board, and an administrative fine of \$5,000 as to physician and the amount, if any, specified by the act governing the allied healthcare practitioner. The board may also assess investigator and attorney fees and all costs of the proceeding in accordance with the applicable practice act.

E. The administrative disciplinary dispositions identified in this Section provide a range from *minimum* to *maximum*. Each violation constitutes a separate offense; a:

- 1. greater disciplinary disposition may be imposed based on the number of violations;
- 2. disciplinary disposition may be greater or lower based on the presence or absence of aggravating or mitigation circumstances, identified in §9714 of this Part.

F. This Section is intended to compliment, and in no event shall it be construed to limit the board's authority to make such administrative disciplinary dispositions as it may deem appropriate under the particular facts and circumstances presented and as authorized by the applicable practice act in question.

1. Conviction/plea to a felony:
 - a. minimum—suspension for period of incarceration plus supervised release. If no incarceration, suspension for the duration of the supervised release and probationary terms and conditions (T and C) for a minimum of one year;
 - b. maximum—suspension with probationary terms and conditions or revocation;
2. Conviction/plea to charge related to practice:
 - a. minimum—suspension of license for period of incarceration plus supervised release. If no incarceration, suspension for the duration of the supervised release and reprimand and CME or a fine or both;
 - b. maximum—suspension or revocation;
3. Fraud, deceit, or perjury obtaining a diploma, license, or permit:
 - a. minimum—letter of concern, resubmission of corrected application and new application fee;
 - b. maximum— if violation renders applicant/licensee ineligible for license, suspension or revocation; if violation does not render applicant/licensee ineligible for license, resubmission of corrected application, new application fee and probationary T and C;
4. Providing false testimony/information to the board:
 - a. minimum—letter of concern and CME;
 - b. maximum—probationary T and C;
5. Abuse of drugs or alcohol.
 - a. minimum—when no prior treatment, referral to Healthcare Professionals Foundation of Louisiana, Inc.; when prior treatment, probationary T and C for minimum of 1 year;
 - b. maximum—suspension, probationary T and C and/or revocation;
6. Providing controlled substances without medical justification therefor or in illegitimate manner:
 - a. minimum—letter of concern;
 - b. maximum—suspension with probationary T and C for or revocation;
7. Solicitation of patients or self-promotion that is fraudulent, false, deceptive, or misleading:
 - a. minimum—letter of concern;
 - b. maximum—suspension and/or probationary T and C;
8. currently not enforceable;
9. currently not enforceable;
10. Efforts to deceive the public:
 - a. minimum—letter of concern;
 - b. maximum—probationary T and C;
11. Making or submitting false, deceptive, or unfounded claims or reports:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C;
12. Inability to practice medicine with skill or safety:
 - a. minimum—practice restrictions, probationary T and C;
 - b. maximum—suspension with probationary T and C or revocation;
13. Unprofessional conduct:
 - a. minimum— letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
14. Medical incompetency:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
15. Immoral conduct:
 - a. minimum—reprimand and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
16. Gross overcharging for professional services:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C;
17. Abandonment of a patient:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C;
18. Assisting an unlicensed person to practice or professional association with illegal practitioner:
 - a. minimum—letter of concern and/or CME;
 - b. maximum—suspension and/or probationary T and C;
19. Soliciting or accepting, or receiving anything of economic value for referral:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
20. Violation of federal or state laws relative to control of social diseases:
 - a. minimum—letter of concern and CME;
 - b. maximum—probationary T and C;
21. Interdiction or commitment:
 - a. minimum—suspension, demonstration of competency to resume practice;
 - b. maximum—suspension and/or probationary T and C or revocation;
22. Utilizing a physician's assistant without Board registration:
 - a. minimum—letter of concern and/or CME.
 - b. maximum—reprimand and CME or a fine or both;
23. Employing a physician's assistant whose conduct includes any of the causes enumerated in this Section:
 - a. minimum—reprimand and CME or a fine or both;
 - b. maximum—probationary T and C for 1 year and fine;
24. Misrepresenting the qualifications of physician' assistant:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C.
25. Inability to practice medicine with skill or safety:
 - a. minimum—restriction/limitation of practice and CME;
 - b. maximum—suspension and/or probationary T and C or revocation;

26. Refusing to submit to evaluation:
- a. minimum—suspension and/or probationary terms and conditions;
 - b. maximum—suspension and probationary T and C;
27. Currently not enforceable;
28. Currently not enforceable;
29. Action by another state that denies, prevents or restricts practice in that state:
- a. minimum—letter of concern or probationary T and C;
 - b. maximum—suspension and/or probationary T and C or revocation;
30. Violation of rules of the board, or any provisions of the practice act:
- a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
31. Failure by a physician to self-report personal action constituting a violation of this Act within 30 days:
- a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C;
32. Holding oneself out as "board certified", without meeting required criteria:
- a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—reprimand and CME or a fine or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 47:883 (July 2021).

Vincent A. Culotta, Jr., MD
Executive Director

2107#019

RULE

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

Home and Community-Based Services Waivers
Community Choices Waiver
(LAC 50:XXI.Chapters 83 and 95)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services has amended LAC 50:XXI.Chapters 83 and 95 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

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

Subpart 7. Community Choices Waiver

Chapter 83. Covered Services

§8307. Personal Assistance Services

A. - A.6.b. ...

B. PAS is provided in the participant's home or in another location outside of the home if the provision of these services allows the participant to participate in normal life activities pertaining to the ADLs and IADLs cited in the POC. IADLs may not be performed in the participant's home when the participant is absent from the home unless it is approved by OAAS or its designee on a case-by-case basis. There shall be no duplication of services. PAS may not be provided while the participant is admitted to or attending a program which provides in-home assistance with ADLs or IADLs or while attending or admitted to a program or setting where such assistance is provided.

C. - D.8. ...

E. PAS may be provided by one worker for up to three waiver participants who live together and who have a common direct service provider. Waiver participants may share PAS staff when agreed to by the participants and as long as the health and welfare of each participant can be reasonably assured. Shared PAS is to be reflected in the POC of each participant. Reimbursement rates shall be adjusted accordingly.

F. - I.6. ...

J. Participants are not permitted to receive PAS while living in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long-term care services and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of their direct support worker unless the direct support worker is related to, and it is the choice of, the participant.

J.1. - K. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:320 (February 2013), LR 39:1778 (July 2013), LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018), LR 47:885 (July 2021).

§8323. Skilled Maintenance Therapy

A. ...

B. Skilled maintenance therapy services include physical therapy, occupational therapy, and speech and language therapy.

C. Therapy services provided to participants are not necessarily tied to an episode of illness or injury and instead focus primarily on the participant's functional need for maintenance of, or reducing the decline in, the participant's ability to carry out activities of daily living.

D. - F.3.i. ...

4. - 4.g. Repealed.

G. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3522 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1899 (October 2018), LR 47:885 (July 2021).

Chapter 95. Reimbursement

§9501. Reimbursement and Rate Requirements

A. - F. ...

G. The minimum hourly rate paid to direct support professionals shall be at least the current federal or state minimum hourly rate.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508, 508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018), LR 47:886 (July 2021).

§9503. Direct Support Professionals Wage Enhancement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:323 (February 2013), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 47:886 (July 2021).

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

Dr. Courtney N. Phillips
Secretary

2107#057

RULE

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

Home and Community-Based Services Waivers
Support Coordination Standards for Participation
(LAC 50:XXI.501)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services have

amended LAC 50:XXI.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services**

Subpart 1. General Provisions

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

Subchapter A. General Provisions

§501. Introduction

A. The Department of Health (LDH) establishes these minimum standards for participation which provides the core requirements for support coordination services provided under home and community-based services waiver programs administered by the Office of Aging and Adult Services (OAAS). OAAS must determine the adequacy of quality and protection of waiver participants in accordance with the provisions of these standards.

B. - C. ...

D. If, in the judgement of OAAS, application of the requirements stated in these standards would be impractical in a specified case; such requirements may be modified by the OAAS assistant secretary to allow alternative arrangements that will secure as nearly equivalent provision of services as is practical. In no case will the modification afford less quality or protection, in the judgement of OAAS, than that which would be provided with compliance of the provisions contained in these standards.

1. Requirement modifications may be reviewed by the OAAS assistant secretary and either continued or canceled.

E. If a support coordination agency fails to comply with their requirements as a certified support coordination agency and/or requests assistance from OAAS, OAAS may temporarily perform the mandatory duties of the support coordination agency to ensure the continuity of the participants' services and the participants' health and welfare. The support coordination agency shall not be reimbursed for support coordination duties performed by OAAS.

1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3086 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 47:886 (July 2021).

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

Dr. Courtney N. Phillips
Secretary

2107#058

RULE

**Department of Health
Bureau of Health Services Financing**

Reimbursement for Vaccine Administration during a
Declared Public Health Emergency
(LAC 50:IX.8305, 8505, 15113 and XXIX.Chapter 9)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:IX.8305, §8505, §15113, and XXIX.Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 7. Immunizations

Chapter 83. Children’s Immunizations

§8305. Reimbursement Methodology

A. - C.1. ...

D. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:49 (January 2021), LR 47:887 (July 2021).

Chapter 85. Adult Immunizations

§8505. Reimbursement Methodology

A. - C. ...

D. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:50 (January 2021), LR 47:887 (July 2021).

Chapter 151. Reimbursement Methodology

Subchapter B. Physician Services

§15113. Reimbursement Methodology

A. - N. ...

O. Administration of treatments related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:887 (July 2021).

Part XXIX. Pharmacy

Chapter 9. Methods of Payment

Subchapter H. Vaccines

§991. Vaccine Administration Fees

A. ...

B. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, then the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 40:82 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1555 (August 2017), LR 46:345 (March 2020), LR 47:887 (July 2021).

§993. Vaccine Reimbursement

A. Vaccines for beneficiaries aged 19 and over shall be reimbursed at wholesale acquisition cost (WAC) or billed charges, whichever is the lesser amount.

B. Vaccines related to a declared public health emergency shall not be reimbursed if furnished at no cost to providers. When providers are responsible for purchasing the vaccine, the Medicaid Program shall reimburse.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:82 (January 2014), amended LR 46:345 (March 2020), amended by the Department of Health, Bureau of Health Services Financing, LR 47:887 (July 2021).

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

Dr. Courtney N. Phillips
Secretary

2107#059

RULE

**Department of Health
Licensed Professional Counselors Board of Examiners**

Consulting with Medical Practitioners (LAC 46:LX.2109)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Louisiana Licensed Professional Counselors Board of Examiners has repealed §2109.A.2.e which requires consulting with Medical Practitioners. During the 2017 legislative session, Act 235 removed the requirement to consult with Medical Practitioners when diagnosing for Serious Mental Illness. This Rule is hereby adopted on the date of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS REVISED**

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

**Chapter 21. Code of Conduct for Licensed
Professional Counselors**

§2109. Relationships with Other Professionals

- A. - A.2.d. ...
- e. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 15:625 (August 1989), amended LR 24:443 (March 1998), LR 29:146 (February 2003), LR 39:1800 (July 2013), LR 41:732 (April 2015), amended LR 47:888 (July 2021).

Jamie S. Doming
Executive Director

2107#018

RULE

**Department of Public Safety and Corrections
Corrections Services**

Access to and Release of Active
and Inactive Offender Records
(LAC 22:I.101)

In accordance with the provisions of the Administrative Procedure Act (R.S.49:950), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of Section 101 Access to and Release of Active and Inactive Offender Records. Pursuant to 2020 Act No. 108 and R.S. 15:714, the Department of Public Safety and Corrections-Corrections Services shall issue upon request a "letter of incarceration" to an offender or to an ex-offender, which letter provides to the requesting offender or ex-offender documentation, verification, or proof of the offender's or ex-offender's confinement in a prison, jail, work release facility, or correctional institution or supervision while on probation or parole. This amendment

incorporates the new statute and provides the process and procedure for issuing a letter of incarceration upon the request for one by an offender or an ex-offender. Also included in the amendment are minor language and punctuation changes. This Rule is hereby adopted on the day of promulgation.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 1. Secretary's Office

**§101. Access to and Release of Active and Inactive
Offender Records**

A. Purpose. This department regulation establishes the secretary's policy and procedures for access to and release of active and inactive offender records.

B. Applicability. Deputy Secretary, Chief of Operations, Undersecretary, Assistant Secretary, Regional Wardens, Wardens, Director of Probation and Parole and Director of Prison Enterprises. Each unit head shall ensure appropriate unit written policies and procedures are in place to comply with the provisions of this regulation and for conveying its contents to all affected people.

C. Policy. The secretary's policy is access to and release of active and inactive offender records shall be governed in accordance with federal and state laws and by the procedures contained within this department regulation.

D. Definitions

Incarceration Verification (Letter of Incarceration)—a standardized form used to fulfill requests for letters of incarceration, pursuant to R.S. 15:714. The incarceration verification shall contain, at a minimum, the offender's or ex-offender's name, the dates of incarceration or supervision, the admission date, the release date, and the last location of incarceration. The incarceration verification is not to be used as a comprehensive criminal history record. The incarceration verification verifies the period of time an offender/ex-offender was incarcerated or on supervision and is related to the most recent felony charges recorded in the DPS and C system-of-record as of the date of the form's completion. The document is intended to support an individual's successful transition from incarceration or supervision as it relates to employment, healthcare, housing, transportation, or family reunification.

Law Enforcement Agencies—those agencies designed to enforce federal, state or municipal laws and who receive public funds as their primary source for operation, for example: sheriffs' offices, local police departments, and state police, departments of corrections, U.S. attorneys, district attorneys and the Federal Bureau of Investigation (FBI.)

Offender/Ex-Offender—anyone in the physical custody of the Department of Public Safety and Corrections (DPS and C) or under the supervision of the Division of Probation and Parole. For the purpose of this regulation, ex-offenders are those offenders who are no longer in the physical custody of the DPS&C or no longer under the supervision of the Division of Probation and Parole.

E. Release of Information and Records

1. The presentence investigation report, the pre-parole report, the clemency report, the information and data gathered by the staffs of the Board of Pardons and Committee on Parole, the prison record, and any other

information obtained by the boards or the department, in the discharge of official duties, shall be confidential, shall not be subject to public inspection, and shall not be disclosed directly or indirectly to anyone, except as in accordance with this regulation.

2. All information pertaining to an offender's misconduct while incarcerated, statistical information, information pertaining to disposition of criminal charges and incarcerations, and information of a general nature (including an individual's age, offense, date of conviction, length of sentence, any correspondence by a public official which requests, or may be determined to be in support of, or in opposition to, the parole or pardon of an offender, and discharge date) shall be released to the general public at any time upon proper request.

NOTE: This provision shall not apply to any public official correspondence which requests, or may be determined to be in support of, or in opposition to, the parole or pardon of an offender which was received prior to August 15, 1997.

3. Except as noted below, any communication with the Committee on Parole or Board of Pardons urging parole, pardon, clemency, commutation of sentence, or otherwise regarding an offender shall be deemed a public record and subject to public inspection.

EXCEPTION: Any letter written by, or on behalf of, any victim of a crime committed by an offender under consideration for parole, pardon, clemency, or commutation of sentence, or any letter written in opposition to parole, pardon, clemency, or commutation of sentence shall be confidential and shall not be deemed a public record and subject to public inspection.

This exception shall not apply to letters written by any elected or appointed public official, meaning: these letters are not confidential and may be released in accordance with Paragraph E.2 of this Section.

4. Information on a particular offender may be released without special authorization, subject to other restrictions that may be imposed by federal law or by other provisions of state law, to the following:

- a. Committee on Parole;
- b. Board of Pardons;
- c. governor;
- d. sentencing judge;
- e. district attorneys;
- f. law enforcement agencies;
- g. DPS and C personnel, including legal representatives and student workers;
- h. appropriate governmental agencies or public officials, when access to such information is imperative for the discharge of the responsibilities of the requesting agency, official, or court officer and the information is not reasonably available through any other means; and
- i. court officers with court orders specifying the information requested.

5. Fingerprints, photographs, and information pertaining to arrests and disposition of criminal charges, as well as information regarding escapes, may be released to law enforcement agencies without special authorization.

6. The unit head or designee may approve the reading but not copying, of confidential information by the following:

- a. social service agencies assisting in the treatment of the offender or ex-offender; or

b. approved researchers who have guaranteed in writing anonymity of all subjects.

NOTE: No information shall be given or shall be allowed to be read without the offender's or ex-offender's written consent to the release of the information.

7. The unit head or designee may approve the selective reading (but not copying) of information by a private citizen or organization aiding in the rehabilitation of, or directly involved in the hiring of, the offender or ex-offender under the following conditions:

- a. It appears the withholding of the information would be to the offender's or ex-offender's disadvantage;
- b. The requested information is necessary to further the rehabilitation or the likelihood of hiring the offender or ex-offender;
- c. The requested information is not reasonably available through other means.

NOTE: No information shall be given or shall be allowed to be read without the offender's or ex-offender's written consent to the release of the information.

8. Each unit head or designee shall utilize a consent to release information for the purpose of releasing information pursuant to Paragraphs E.6 and 7 of this Section, and a copy shall be placed in the offender's master prison record.

F. Release of Information Regarding Registered Crime Victims

1. Both the information contained in a Victim Notice and Registration and the fact that a notification request exists are confidential. Any questions from outside the department about whether or not particular individuals have requested notification or whether or not there has been a notification request for particular offenders shall be referred to the Crime Victims Services Bureau.

2. See established policy and procedures for additional information.

G. Subpoenaed Records

1. Whenever records of an offender or ex-offender are subpoenaed, they shall be submitted to the appropriate court for a ruling to determine whether or not the information should be turned over to the party who caused the subpoena to be issued. The court shall make this determinate in camera. If the court makes any one of the following determinations, the information shall be withheld:

- a. the information is not relevant to the proceedings; or
- b. the information was derived from communications which were obviously made in the confidence that they would not be disclosed; or
- c. the confidentiality is essential to the future useful relations between the source and the recorder of the information.

2. Should the court authorize disclosure of the records in accordance with the subpoena, the party who caused the subpoena to be issued shall pay a fee for the cost of production of the records in accordance with R.S. 39:241, unless the court determines that the party has been granted pauper status in accordance with law. (See established policy and procedures for additional information.)

H. Records Not Subpoenaed Submitted to the Courts for Review

1. The department reserves the right to submit any record to the appropriate court for a ruling as to whether or

not the information should be provided to the party requesting the information.

I. Access and Release of Medical Records

1. R.S. 44:7 and established policy and procedures shall govern access to and release of offender medical records.

J. Department's Access to Information and Records of Other Agencies

1. During the course of any investigation which the department is legally authorized to conduct, or for the purpose of rehabilitation of offenders or ex-offenders, the department shall have access to information and records under the control of any state or local agencies which records are reasonably related to the investigation or rehabilitation of the offender.

K. Offender Access to Records

1. Information contained in the offender's record shall be confidential and shall not be released to the offender except in accordance with this regulation.

2. An offender may have access to his master prison record, a sentence computation worksheet, any court documents that are related to the term of his instant incarceration, non-confidential unusual occurrence reports, disciplinary reports, and information related to educational achievements and participation.

3. Letter of Incarceration. An offender or ex-offender who was or is confined to any Louisiana prisons, jail, work release facility, or correctional institution or who was or is under probation or parole supervision is entitled to receive, upon request, a Letter of Incarceration, which document shall provide documentation, verification, or proof the offender's or ex-offender's confinement in the prison, jail, work release facility, or correctional institution or supervision while on probation or parole.

a. Within seven days of receipt of a request, the offender or ex-offender shall be provided with a letter of incarceration, utilizing the Incarceration Verification.

b. The warden at each facility shall designate personnel responsible for completing the form for those individuals who are incarcerated at, or who release from, their respective facilities.

c. The probation and parole director shall designate personnel responsible for completing the form for those individuals who are on active supervision or who have completed supervision by the Division of Probation and Parole.

d. The chief of operations shall designate personnel responsible for completing the form for those individuals who are incarcerated at, or who release from, local-level basic jail guidelines (BJG) facilities.

e. If a releasing offender requests an Incarceration Verification, it shall be included in the transition document envelope for individuals releasing with them from secure custody, in accordance with established policy and procedures.

4. An offender may view and make notes of his State Police and/or FBI rap sheet, but shall not be given a copy.

5. An offender shall not have access to another offender's active or inactive records.

6. The following is a non-exhaustive list of additional information which shall not be accessible to the offender:

- a. presentence reports;

- b. post-sentence reports;
- c. pre-parole reports;
- d. clemency investigations;
- e. information revealing or tending to reveal the identity of confidential informants;
- f. admission summary;
- g. correspondence from any non-departmental source directed solely to institutional officials;
- h. correspondence or inquiries originated by institutional personnel;
- i. investigations conducted by non-departmental agencies, for example: District Attorney, State Police, FBI, etc.;
- j. investigations conducted by Corrections Services;
- k. non-disciplinary, court-related institutional investigations; and
- l. correspondence from victims or witnesses, including Victim Notice and Registration.

NOTE: Each unit head shall ensure written procedures are established for offenders to follow when requesting copies of documents from their records and the fees charged for such copies as stated in Subsection K. of this Section.

L. Information Requests

1. Verbal requests for information are acceptable to the extent a verbal request complies with this regulation. However, the unit head or designee shall reserve the right to require a written request before releasing any information. In that case, the individual or entity making the request shall certify in writing that they shall not release the information to any other individual or entity.

M. Fees

1. The fee schedule for copies of public records is set in accordance with established policy and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:7, 15:540-542, 15:546-548, 15:549(C), 15:574.12, 15:840.1, C.Cr.P. Art. 877 and 894.1

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of the Director, LR 2:107 (April 1976), amended by the Department of Public Safety and Corrections, Corrections Services, LR 30:75 (January 2004), repromulgated LR 30:264 (February 2004), repromulgated LR 30:264 (February 2004), amended by the Department of Public Safety and Corrections, Corrections Services, amended LR 35:85 (January 2009), LR 47:888 (July 2021).

James M. Le Blanc
Secretary

2107#020

RULE

**Department of Public Safety and Corrections
Corrections Services**

Restoration of Good Time (LAC 22:I.319)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of §319, Restoration of Good Time. R.S. 15:571.4 requires the Secretary of the Department of Public Safety and Corrections to determine whether or not an offender earned good time or credits toward the reduction of

the projected good time parole supervision date within the good time or credits set by statute and limits the circumstances by which an offender forfeits earned good time or credits. The statute also permits the secretary to restore forfeited good time or credits under the circumstances and limits set by the statute. The proposed amendment reorganizes the Rule and makes minor language changes to make the Rule easier to understand and apply. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult Services

§319. Restoration of Good Time

A. Purpose—this department regulation states the secretary's policy regarding the restoration of previously forfeited good time for disciplinary violations for offenders who have demonstrated satisfactory progress in faithfully observing the disciplinary rules and procedures for adult offenders.

B. Applicability—deputy secretary, chief of operations, regional wardens, wardens, the sheriff or administrator of local jail facilities and the director of the office of information services. Each unit head is responsible for ensuring that appropriate unit written policies and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary's policy to strengthen the department's commitment to an offender's successful reentry efforts by implementing positive rewards for offenders who have demonstrated improved institutional behavior.

D. Definitions

ARDC Supervisor/Manager—a member of the records section staff, whether employed at a state correctional facility or in the office of adult services at headquarters.

Major Rule Violation—an offense identified as a schedule B offense in 341 of this Part.

Minor Rule Violation—an offense identified as a schedule A offense in in 341 of this Part.

Unit Head—the head of an operational unit, specifically, the warden or sheriff or administrator of a local jail facility or transitional work program.

E. General Procedures

1. Any offender who has received a forfeiture of good time as a result of disciplinary action shall be eligible to be considered for restoration of previously forfeited good time when the following requirements are met:

a. The offender has not been found guilty of a major rule violation for a period of at least 24 consecutive months since the last date of forfeiture; and

b. The offender has not been found guilty of a minor rule violation for a period of at least six consecutive months since the last date of forfeiture; and

c. The forfeited good time was not result of a violation of Rule #8, Escape or Attempted to Escape, (see §341.I of this Part) or from any rule violation imposed as a result of battery of an employee, visitor, guest, or their families.

2. Restoration of previously forfeited good time may be in part or in full, but shall not exceed 540 days during an offender's instant term of incarceration nor the total amount

of good time forfeited during an offender's instant term of incarceration.

3. Revocation from Supervision: The amount of good time that may be restored to offenders previously released on parole or good time parole supervision and then subsequently returned to custody as a parole violator, shall be limited to the amount of good time earned during the instant term of incarceration and shall not exceed 540 days. Time spent in custody prior to release on parole or good time parole supervision shall not apply toward the 24 consecutive month period required for the review of major rule violations or to the six consecutive month period required for the review of minor rule violations.

4. In addition to the ordinary evaluation procedures, the consideration of the restoration of good time previously forfeited due a Rule #1 and/or Rule #21 violation(s) (see §341.I of this Part) shall include a thorough evaluation of the underlying circumstances which lead to the Rule #1 and/or Rule #21 violation(s) (see §341.I of this Part).

5. At any time during the offender's instant incarceration, the Department may void or adjust the amount of good time restored during the offender's instant incarceration if the restoration calculation was either inaccurate or inconsistent with the provision in the regulation.

6. Under no circumstances shall an offender's restoration of previously forfeited good time, restored under the provisions of this regulation, cause an offender to be considered overdue for release at the time of approval of the restoration of good time.

7. If an offender's application for restoration of good time is denied or approved in part, the offender may reapply for reconsideration six months from the date of the original application, unless the offender has already received the maximum amount of good time restoration allowable under the provisions of this regulation.

8. Decisions regarding applications for restoration of good time are final and cannot be appealed through the department's administrative remedy procedure.

F. Review and Outcome Process

1. State Correctional Facilities

a. Offenders housed in state correctional facilities who meet the eligibility requirements for consideration in Subsection E of this Section may complete an application for restoration of good time and submit the application to the facility's records office.

b. The ARDC supervisor/manager or designee shall review the offender's application and disciplinary record to verify the offender's eligibility for restoration of forfeited good time. (If the offender is ineligible for restoration of forfeited good time, the ARDC supervisor/manager shall indicate the reason for ineligibility on the application form and return a copy to the offender. The original application shall be filed in the offender's master record.) If the offender is eligible for restoration of forfeited good time, ARDC supervisor/manager shall indicate the number of days eligible for restoration on the application for restoration of good time. Upon completion, the ARDC supervisor/manager shall forward the offender's application to the warden or designee for consideration.

c. The warden or designee (warden's designee shall be an assistant warden or higher) shall review the offender's

application and verification of eligibility. The warden or designee may deny, approve in full, or approve in part the offender's application for restoration of good time. When reviewing the application, the warden or designee shall consider the offender's participation or failure to participate in rehabilitative programs, if such programs are available and warranted. If approved, the ARDC supervisor/manager or designee shall restore the amount of good time approved by the warden subject to the requirements set forth in Paragraph E.3. of this Section. A copy of the approved application, as well as a copy of the revised master prison record shall be sent to the offender. The originals shall be filed in the offender's master record.

d. If the application is denied, the ARDC supervisor/manager or designee shall provide a written reason on the application for restoration of good time and provide a copy to the offender (including the justification(s) for denial). The original application shall be filed in the offender's master record.

2. Local Jail Facilities

a. The office of adult services shall ensure that an application for restoration of good time provided by the basic jail guidelines team leaders to the sheriff or administrator of each local jail facility within their region on an annual basis.

b. Offenders housed in local jail facilities who meet the eligibility requirements stated in Subsection E of this Section, who wish to apply for restoration of previously forfeited good time, shall complete an application for restoration of good time and submit it to the sheriff or administrator of the jail where the offender is housed, who shall forward all completed applications to the chief of operations at headquarters. The sheriff or administrator of the jail shall verify that the offender meets the requirements to apply and, if so, shall forward the completed application to the chief of operations at headquarters.

c. The chief of operations shall designate OAS staff to review the offender's application and disciplinary record to verify the offender's eligibility for restoration of forfeited good time. (If the offender is ineligible for restoration of forfeited good time, the reviewing staff member shall indicate the reason(s) for ineligibility on the application form and return a copy to the sheriff or administrator of the local jail facility; and the sheriff or administrator shall notify the offender. The original application shall be filed in the offender's master record). If the offender is eligible for restoration of good time, the number of days to be restored shall include consideration of the offender's participation or failure to participate in rehabilitative programs (if available at the local jail facility). If the offender is eligible for restoration of forfeited good time, the reviewing staff member shall indicate the number of days eligible for restoration on the application for restoration of good time. Upon completion, the reviewing staff member shall forward the offender's application to the chief of operations or designee for consideration.

d. The chief of operations or designee shall review the offender's application and verification of eligibility. The chief of operations or designee may deny, approve in full, or approve in part the offender's application for restoration of good time. When reviewing the application, the chief of operations or designee shall consider the offender's

participation or failure to participate in rehabilitative programs, if such programs are available and warranted. If approved, the ARDC supervisor/manager or designee shall restore the amount of good time approved by the warden; and a copy of the approved application, as well as the revised master prison record, shall be sent to the offender. The originals shall be filed in the offender's master record.

e. If approved, an OAS ARDC supervisor/manager or designee shall restore the amount of good time approved by the chief of operations subject to the requirements set forth in Paragraph E.3. of this Section. A copy of the approved application, as well as a copy of the revised master prison record, shall be returned to the sheriff or administrator of the local jail facility; and the sheriff or administrator shall notify the offender. The originals shall be filed in the offender's master record.

f. If the application is denied, an OAS ARDC supervisor/manager or designee shall provide a written reason(s) on the application for restoration of good time and return the application (including the justification(s) for denial) to the sheriff or administrator of the local jail facility; and the sheriff or administrator shall notify the offender. The original application shall be filed in the offender's master record.

3. The amount of good time forfeited and restored shall be displayed on the offender management system master prison record screen. In addition to the current offender management system procedures in place regarding the maintenance of the amount of good time forfeited per offender, the office of data and information systems shall track the total amount of good time restored department-wide pursuant to this regulation on an annual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services LR 36:533 (March 2010), amended LR 40:2268 (November 2014), LR 47:891 (July 2021).

James M. Le Blanc
Secretary

2107#022

RULE

Department of Revenue Policy Services Division

Installment Agreement for Payment of Tax (LAC 61.I.4919)

Under the authority of R.S. 47:105(B), 47:1511, and 47:1576.2 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61.I.4919 relative to installment agreements for the payment of tax.

R.S. 47:105(B) and 47:1576.2 authorize the payment of taxes in installments and gives the secretary authority to promulgate rules to administer the installment program. The purpose of this regulation is to clarify that a continuing guaranty agreement may be required for installment agreements requested by limited liability companies,

partnerships and limited partnerships, to extend the payment period for which an informal installment agreement is authorized, and to make technical changes. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part I. Administrative and Miscellaneous Provisions

Chapter 49. Tax Collection

§4919. Installment Agreement for Payment of Tax

A. - B.2. ...

3. The taxpayer shall file returns for all tax periods included in the installment agreement.

4. The taxpayer shall agree to waive all restrictions and delays on all liabilities not assessed for periods included in the installment agreement.

5. The taxpayer shall agree to timely file all returns and pay all taxes that become due after the periods included in the installment agreement.

6. The taxpayer may be required to pay a down payment of 20 percent and to make installment payments by automatic bank draft.

7. All installment agreement payments shall be applied to accounts, taxes, and periods as determined by the department.

8. Any and all future credits and overpayments of any tax shall be applied to outstanding liabilities covered by the installment agreement.

9. The taxpayer shall notify the department before selling, encumbering, alienating, or otherwise disposing of any of their real (immovable) or personal (movable) property.

10. Tax liens may be filed in any parish wherein the department has reason to believe the taxpayer owns immovable property.

11. A continuing guaranty agreement may be required on installment agreements requested by a corporation, limited liability company, partnership, or limited partnership.

C. - C.4. ...

D. Forms of Installment Agreements

1. Informal installment agreements shall be allowed only if the amount owed is less than \$25,000 and the payment period is 36 months or less.

2. Formal installment agreements shall be required if the amount owed is \$25,000 or more or the payment period exceeds 36 months. Information relative to the taxpayer's employment, bank account, credit, income statement, balance sheets, cash-flow data, and any other information shall be provided to the department upon request.

D.3. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:105 and R.S. 47:1576.2.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 42:281 (February 2016), amended LR 47:893 (July 2021).

Kimberly Lewis Robinson
Secretary

2107#050

RULE

**Department of Transportation and Development
Professional Engineering and Land Surveying Board**

Engineering and Land Surveying
(LAC 46:LXI.705, 709, 903, 1301, 1305, 1309,
1311, 1313, 1315, 1509, 1901, 2103,
2301, 2305, 2501, 3109, 3115 and 3117)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.705, 709, 903, 1301, 1305, 1309, 1311, 1313, 1315, 1509, 1901, 2103, 2301, 2305, 2501, 3109, 3115 and 3117.

This is a revision of existing rules under which LAPELS operates. The revision (a) makes several minor housekeeping changes, (b) incorporates the recent change made to LAPELS' licensure law dealing with requirements for professional engineer licensure, (c) updates the processes with respect to examinations, (d) provides for alternative methods of changing licensure and certification status, (e) clarifies the exemption from firm licensure for certain sole proprietorships, (f) imposes a requirement for licensees to be truthful in all communications with LAPELS and (g) clarifies several requirements with respect to continuing professional development. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXI. Professional Engineers and Land Surveyors

Chapter 7. Bylaws

§705. Meetings

A. ...

B. **Special Meetings.** The chairman or the secretary may call special meetings when considered necessary. Upon written request of at least six board members, the chairman is required to call a special meeting.

C. **Open Meetings.** Every meeting of the board shall be open to the public, unless closed as an executive session.

D. **Meeting Dates.** Written public notice of the dates, times, and places of all regular meetings shall be given at the beginning of each calendar year.

E. **Separate Notice of All Meetings.** In addition, separate written public notice of any regular, special, or rescheduled meeting shall be given no later than 24 hours before the holding of the meeting. This separate notice shall include the agenda, date, time and place of the meeting.

F. **Posting of Notice.** The written public notice discussed in §705.D and E shall include:

1. posting a copy of the notice at the office of the board; or

2. publication of the notice on the board website no less than 24 hours before the meeting.

G. Notice to Board Members. Notice of all meetings, in conformity with §705.D and E, shall be given in writing to each board member by the executive director.

H. Quorum. A simple majority of board members shall constitute a quorum for the transaction of business.

I. *Robert's Rules of Order*. *Robert's Rules of Order* shall govern the proceedings of the board at all meetings, except as otherwise provided herein or by law.

J. Location of Meetings. All meetings shall be held at the board office, unless, in the judgment of the chairman, it is necessary, convenient or preferable to meet elsewhere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1181 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004), LR 44:614 (March 2018), LR 47:893 (July 2021).

§709. Executive Director

A. - B. ...

C. Duties of the Executive Director. The executive director shall:

1. - 7. ...

8. supervise the administration of the Louisiana laws of land surveying examination;

9. - 25. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004), LR 37:2412 (August 2011), LR 38:2563 (October 2012), LR 44:614 (March 2018), LR 45:76 (January 2019), LR 47:894 (July 2021).

Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering or Land Surveying

§903. Professional Engineer Licensure

A. The requirements for licensure as a professional engineer under the alternatives provided in the licensure law are as follows:

1. ...

2. the applicant for licensure as a professional engineer shall be an individual who holds a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law and which were of a standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he/she is licensed will

accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional engineer by the board; or

3. the applicant for licensure as a professional engineer shall be a graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing who has a verifiable record of 20 years or more of progressive experience obtained subsequent to meeting the educational qualification on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the examination(s) required by the board in the principles and practice of engineering in the discipline(s) of engineering in which the applicant seeks to be listed, who was recommended for licensure by five personal references (at least three of whom must be professional engineers who have personal knowledge of the applicant's engineering experience and character and ability), who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:2564 (October 2012), LR 39:1060 (April 2013), LR 39:2801 (October 2013), LR 43:538 (March 2017), LR 43:1419 (July 2017), LR 44:616 (March 2018), LR 47:894 (July 2021).

Chapter 13. Examinations

§1301. General

A.1. Only individuals who have been authorized by NCEES will be allowed to take the fundamentals of engineering and fundamentals of land surveying examinations, and registration for these examinations must be made with NCEES.

2. Individuals who are seeking licensure as a professional engineer based on having met the educational qualifications described in §901.A.1 or §903.A.3 must obtain authorization from NCEES in order to be allowed to take the principles and practice of engineering examination, and registration for this examination must be made with NCEES.

3. Individuals who are seeking licensure as a professional engineer based on having met the educational qualifications described in §901.A.2 or §901.A.3 must obtain authorization from the board in order to be allowed to take the principles and practice of engineering examination, and registration for this examination must be made with the board.

4. Only individuals who have been authorized by the board will be allowed to take the principles and practice of land surveying and Louisiana laws of land surveying examinations, and all applications for these examinations must be timely filed with the board.

B. An individual must present appropriate documents to establish his/her eligibility and identification prior to being admitted to any examination.

C. Examinations in the fundamentals of engineering, fundamentals of land surveying, the principles and practice of engineering, the principles and practice of land surveying and the Louisiana laws of land surveying will be offered at times and places designated by the board or NCEES. Descriptions of typical content of the examinations will be made available to individuals through the board or NCEES.

D. Any individual found to have engaged in conduct which subverts or attempts to subvert the examination process may, at the discretion of the board, have his/her scores on the examination withheld and/or declared invalid, have disciplinary action taken as described in R.S. 37:698-700 and/or be subject to the imposition of other appropriate sanctions.

E. The board may require individuals who are seeking to take an examination to demonstrate their knowledge of the laws and rules of the board, and the English language. Such individuals must be able to speak and write the English language. Proficiency in English may be evidenced by possession of a baccalaureate degree taught exclusively in English, or by passage of both the TOEFL (test of English as a foreign language) paper-based exam with a score of 550 or better (213 or better on the TOEFL computer-based exam) and the TSE (test of spoken English) exam with a score of 45 or better. Individuals requesting a waiver from the TOEFL and/or TSE requirements must submit a written request and supporting reasoning to the board. A waiver from the TOEFL and/or TSE requirements may be granted by the board upon receipt of one of the following:

1. a passing score on the Graduate Record Examination (GRE); or

2. transcripts which verify the successful completion of 6 full-time semesters (6 credit hours per semester) toward a graduate engineering degree in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004), LR 35:1909 (September 2009), LR 37:2413 (August 2011), repromulgated 37:2752 (September 2011), amended LR 38:2565 (October 2012), LR 39:2282 (August 2013), LR 42:1104 (July 2016), LR 44:618 (March 2018), LR 47:894 (July 2021).

§1305. Approval to Take the Examination in the Principles and Practice of Engineering

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 11:950 (October 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), LR 40:1390 (July 2014), LR 44:619 (March 2018), repealed LR 47:895 (July 2021).

§1309. Approval to Take the Examinations in the Principles and Practice of Land Surveying and in the Louisiana Laws of Land Surveying

A. Only an individual who meets all of the other requirements for licensure as a professional land surveyor may be permitted to take the examinations in the principles and practice of land surveying and in the Louisiana laws of land surveying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), repromulgated LR 44:619 (March 2018), LR 47:895 (July 2021).

§1311. Examination for Record Purposes

A. The board provides the opportunity for professional engineers who were previously licensed in Louisiana to take the examination in the principles and practice of engineering in the discipline(s) of engineering in which they seek to be listed without affecting their current licensure status with the board. These examinations are offered at times and places designated by the board or NCEES. Each individual will be charged a fee for this service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), LR 44:619 (March 2018), LR 47:895 (July 2021).

§1313. Examination Results

A. The board or NCEES will specify the minimum passing score for all examinations for certification or licensure of individuals.

B. Individuals will be informed only as to whether they passed or failed an examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 39:2282 (August 2013), LR 44:619 (March 2018), LR 47:895 (July 2021).

§1315. Re-Examinations

A. An individual who fails an examination is eligible to apply to retake the examination.

B. After an individual has failed a principles and practice of engineering examination, principles and practice of land surveying examination or Louisiana laws of land surveying examination a minimum of three times, he/she may be required to appear before the board, or a committee of the board, for an oral interview.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for

Professional Engineers and Land Surveyors, LR 2:353 (November 1976), amended LR 4:516 (December 1978), LR 5:114 (May 1979), LR 7:647 (December 1981), LR 12:692 (October 1986), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 32:1620 (September 2006), LR 35:1909 (September 2009), LR 36:1034 (May 2010), LR 39:2283 (August 2013), LR 42:2196 (December 2016), LR 47:895 (July 2021).

Chapter 15. Experience

§1509. Experience at Time of Application

A. ...

B. For applicants for professional engineer licensure under §903.A.1 of these rules, the “verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern” must be gained by the time of application for licensure.

C. For applicants for professional engineer licensure under §903.A.3 of these rules, the “verifiable record of twenty years or more of progressive experience obtained subsequent to meeting the educational qualification” must be gained by the time of application for licensure.

D. For applicants for professional land surveyor licensure under §909.A.1 of these rules, the “verifiable record of four years or more of combined office and field experience in land surveying including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor” must be gained by the time of application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004), LR 37:2413 (August 2011), LR 38:2565 (October 2012), LR 40:1390 (July 2014), LR 42:443 (March 2016), LR 47:896 (July 2021).

Chapter 19. Disciplines of Engineering

§1901. Disciplines

A. Professional engineers will be issued licenses by the board as a professional engineer, and the board shall list a professional engineer in one or more of the disciplines of engineering approved by NCEES based on such individual having passed the examination in the principles and practice of engineering in such discipline(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:118 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004), LR 39:1061 (April 2013), LR 43:1420 (July 2017), LR 44:622 (March 2018), LR 47:896 (July 2021).

Chapter 21. Certificates of Licensure and Certification of Individuals or Firms

§2103. Licensure and Certification Status

A. The board has established the following licensure statuses for licensees.

Active Status—the licensure status which exists for a licensee of the board who has complied with all the licensure

and licensure renewal requirements of the board and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status.

Expired Status—the licensure status which exists for a licensee of the board who has either failed to properly renew licensure as required in R.S. 37:697 or otherwise received authorization from the board to be in this status. A licensee in an expired status cannot practice or offer to practice engineering or land surveying in Louisiana.

Inactive Status—the licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice engineering and/or land surveying in Louisiana and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status. A licensee in an inactive status can represent himself/herself to the public as a P.E. inactive or a P.L.S. inactive, as applicable, but cannot otherwise practice or offer to practice engineering and/or land surveying in Louisiana.

Retired Status—the licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice engineering and/or land surveying in Louisiana and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status. To qualify for the retired status, the licensee must be at least 70 years of age or have been a licensee of the board for at least 35 years. Unless the licensee is granted a waiver by the board, the renewal fee for the retired status shall be one-half of the current renewal fee for the active status. A licensee qualified for the retired status may be granted a waiver of this renewal fee if the licensee is at least 70 years of age, has been a licensee of the board for at least 35 years continuously, has never been subject to disciplinary action in any jurisdiction, has never committed any of the offenses described in R.S. 37:698(A)(3), (4) or (5), and is of good character and reputation. A licensee in a retired status can represent himself/herself to the public as a P.E. retired or a P.L.S. retired, as applicable, but cannot otherwise practice or offer to practice engineering and/or land surveying in Louisiana.

B. The board has established the following certification statuses for certificate holders.

Active Status—the certification status which exists for a certificate holder of the board who has complied with all the certification and certification renewal requirements of the board and who has either elected to be in this status on his/her biennial certification renewal form or otherwise received authorization from the board to be in this status.

Expired Status—the certification status which exists for a certificate holder of the board who has either failed to properly renew certification as required in R.S. 37:697 or otherwise received authorization from the board to be in this status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2151 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR

36:1034 (May 2010), LR 44:622 (March 2018), LR 47:896 (July 2021).

Chapter 23. Firms

§2301. General

A. - B.3. ...

C. Unless otherwise provided, sole proprietorships which are not legal entities and which bear the full name of the owner who is a licensed professional are exempt from the application of this Chapter. Such sole proprietorships are not required to be licensed as engineering or land surveying firms with the board. Sole proprietorships which are not legal entities and which do not bear the full name of the owner who is a licensed professional must be licensed with the board as an engineering or land surveying firm and must comply with all the provisions of this Chapter. For purposes of this §2301.C, *legal entities* is defined as domestic or foreign partnerships, associations, cooperatives, ventures, corporations, limited liability companies, limited liability partnerships, or other entities.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 16:774 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR 37:2414 (August 2011), LR 44:622 (March 2018), LR 47:897 (July 2021).

§2305. Supervising Professional

A.1. Each firm licensed with the board shall designate one or more supervising professionals. Each supervising professional shall be a licensed professional in an active status:

A.1.a. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:115 (May 1979), amended LR 8:191 (April 1982), LR 10:343 (April 1984), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1719 (August 2004), LR 33:2789 (December 2007), LR 35:2856 (December 2009), LR 38:1418 (June, 2012), LR 44:623 (March 2018), LR 46:1398 (October 2020), repromulgated LR 46:1695 (December 2020), LR 47:897 (July 2021).

Chapter 25. Professional Conduct

§2501. Scope; Knowledge; Definition of Licensee

A. - E. ...

F. Licensees shall be truthful in all communications with the board. Licensees shall not engage in any fraud, deceit or perjury, make any material misstatements, or submit any false or forged evidence, in connection with such communications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:299 (August 1978), amended LR 7:648 (December 1981), LR 16:776

(September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 44:623 (March 2018), LR 47:897 (July 2021).

Chapter 31. Continuing Professional Development (CPD)

§3109. Exemptions

A. A licensee may be exempt from the CPD requirements in this Chapter for any one or more of the following reasons.

1. - 3. ...

4. Licensees working in a location for more than 180 days in a calendar year where compliance with the CPD requirements is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from such requirements for said calendar year. Supporting documentation, such as a signed letter from the licensee's employer, is required. This documentation shall be on the letterhead of the employer, shall set forth both the location and the period of time in which the licensee has been working outside of the United States, and shall contain a statement by the employer as to why it was impractical for the licensee to satisfy the CPD requirements.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004), LR 42:1105 (July 2016), LR 44:630 (March 2018), LR 47:897 (July 2021).

§3115. Record Keeping

A. ...

B. All licensees are required to obtain and maintain certificates, transcripts or other proof of attendance/completion substantiating any PDHs earned. Such certificates, transcripts or other proof should include, at a minimum, the dates and titles/descriptions of the courses/activities, the names of the sponsors/providers, the licensee's name, and the number of PDHs earned.

C. All licensees are required to maintain a board-approved professional development activity log outlining all PDHs claimed during a calendar year. Licensees must complete all sections of the log and be prepared to submit the completed log and any corresponding documentation to the board upon request. Blank log forms can be obtained from the board's website.

D. Maintaining records to be used to support PDHs claimed is the responsibility of the licensee. These records must be maintained for at least six consecutive calendar years and copies may be requested by the board at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:632 (March 2018), LR 47:897 (July 2021).

§3117. Audit and Review of Records

A. ...

B. Additionally, the board will conduct random audits twice per year in connection with impending biennial licensure renewals of up to 30% of all board licensees renewing in that calendar year. A license will not be renewed and will be deemed to have expired, unless the licensee provides proof of compliance with all CPD requirements and there are no discrepancies or deficiencies discovered.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 35:2856 (December 2009), LR 44:632 (March 2018), LR 47:898 (July 2021).

Donna D. Sentell
Executive Director

2107#002

RULE

Uniform Local Sales Tax Board

**Audit Protocols for Local Sales and Use Taxes
(LAC 72:I.119)**

Act 274 of the 2017 Regular Legislative Session enacted R.S. 47:337.102 to establish the Uniform Local Sales Tax Board and define its powers and authority. R.S. 47:337.102(C)(2) authorizes the board to promulgate rules and regulations in accordance with Part H of Chapter 2-D of Subtitle II of Title 47 of the Revised Statutes of 1950. Under the authority of the Uniform Local Sales Tax Code, R.S. 47:337.1 et seq., and in accordance with the Uniform Local Sales Tax Administrative Procedure Act, R.S. 47:337.91 et seq., the Uniform Local Sales Tax Board proposes to adopt LAC 72:I.119 to establish protocols in the performance of audits for local sales and use taxes.

R.S. 47:337.35 states, "As soon as practicable after each return or report is filed ... the collector shall cause it to be examined and may make such further audit or investigation as he may deem necessary for the purpose of determining the correct amount of tax." R.S. 47:337.36 adds, "For the purpose of administering the provisions of the local ordinance and this Chapter, the collector, whenever he deems it expedient, may make or cause to be made ... an examination or investigation of the place of business, if any, the tangible personal property, and the books, records, papers, vouchers, accounts, and documents of any taxpayer." These statutes express the authority and obligation for collectors to establish audit programs, or to secure these services, to ensure the proper reporting and payment of sales and use taxes. Audits programs must adhere to specific protocols that comply with statutory requirements and ensures transparency and fairness to taxpayers and local taxing authorities. This proposed regulation identifies audit

protocols for local sales and use tax audits. This Rule is hereby adopted on the day of promulgation.

Title 72

UNIFORM LOCAL SALES TAX

Part I. General Provisions

Chapter 1. Administrative Procedures

§119. Audit Protocols for Local Sales and Use Taxes

A. Definitions. For purposes of this Section, the following terms have the meanings ascribed to them.

Collector—the single collector for a parish as defined in Article VII, Section 3 of the Constitution of Louisiana and the collector’s duly authorized representatives.

Confidential Information—information involving the reporting and payment of taxes maintained pursuant to a statute or tax ordinance, excluding ad valorem property taxes and ad valorem property tax assessment rolls.

Private Auditing Firm—a private agency or auditing firm contracted by a collector for the examination or investigation of the place of business, if any; the tangible personal property; and the books, records, papers, vouchers, accounts, and documents of any taxpayer for the purposes of enforcement and collection of any tax imposed by that taxing authority.

Public Information—sources of information available to the general public including, but not limited to, public records of an Assessor’s Office, Secretary of State, Economic Development, US Census Bureau or any other governmental agency; industry publications, press releases, news articles, or directories; researchable data of a commercial or nonprofit entity; common knowledge about a taxpayer or industry; and personal observation or experience.

Taxpayer—any person defined in R.S. 47:301(8) who is subject to audit under R.S. 47:337.35.

B. Audit Selection and Assignment

1. Collectors may identify possible accounts for audit by researching public information, confidential information contained in the collector’s records, confidential information received from other collectors under written reciprocal exchange agreements in accordance with R.S. 47:1508(B)(5) and recommendations from private auditing firms, individuals, businesses or organizations.

2. Private auditing firms that have entered into agreements with a collector under the provisions of R.S. 47:337.26 may identify potential audits on behalf of that collector by researching public information and reviewing prior audits the private auditing firm performed on behalf of that collector.

3. Private audit firms may not identify leads for or request audit assignments from collectors based on confidential information disclosed by the records of a taxpayer under audit or previously audited for a different collector under the provision of R.S. 47:337.26(C)(2)(a). However, nothing herein shall prohibit a collector from providing confidential information disclosed through an audit of the records of a taxpayer with another collector when the collectors have entered into a written reciprocal exchange agreement in accordance with R.S. 47:1508(B)(5).

4. Requests for audits submitted to a collector by private auditing firms should include the following information:

- a. the legal identity of the taxpayer;
- b. evidence of the taxpayer's nexus within the jurisdiction as such is defined in R.S. 47:301(4);
- c. a statement of assurance that the lead was developed in compliance with R.S. 47:1508 and R.S. 47:337.26(C);
- d. a description of the general nature of the business;
- e. the reason the collector might want to audit this taxpayer;
- f. an address where records are expected to be reviewed;
- g. an estimated timeline for the review of the records provided;
- h. any additional notes on known or anticipated special circumstances; and
- i. when available:
 - i. the registered account number of the legal entity being requested;
 - ii. the dates of taxable activity to determine if a waiver of prescription is necessary; and
 - iii. any previous audit findings including the audit period, tax liability and issues discovered.

5. Collectors shall establish procedures to ensure that an audit is assigned to only one private auditing firm or staff auditor for a given audit period.

C. Notice of intent to audit to the taxpayer prior to initiating the examination.

1. A notice of intent to audit shall be sent by certified mail from the collector's office. If the audit will be performed by a private auditing firm, the firm is prohibited from contacting the taxpayer before mailing of the notice of intent to audit.

2. The notice of intent to audit shall be sent in a timely manner so the taxpayer can make preparations for the audit.

3. The notice of intent to audit shall include the following items:

- a. the nature of the audit;
- b. the name, office, address and contact phone number of the auditor or the private auditing firm that will perform the audit;
- c. a summary of the remedies available to the taxpayer should the taxpayer elect to contest the audit findings; and
- d. any interest, penalties, fees or other costs for which the taxpayer may be liable if taxes are determined to be due.

4. If the audit is to be performed by a private auditing firm, the notice of intent to audit shall include the following statements:

- a. that the taxpayer may receive a copy of the audit agreement between the collector and the private auditing firm; and
- b. how the private auditing firm shall be compensated, whether contingent upon the actual collection of tax or in any other way dependent on the outcome of the audit.

D. Protocols for Performing the Examination

1. Under R.S. 47:337.36, the taxpayer shall exhibit to the collector the place of business, tangible personal property, all books, records, papers, vouchers, accounts, and documents. Because the auditor must determine the scope of

the audit and the accounts that will be reviewed, the auditor shall have access to all statewide documentation to verify that transactions are sourced to the proper jurisdictions. Statewide information may be restricted to a specific collector provided the taxpayer can substantiate to the auditor that all appropriate transactions have been presented.

2. R.S. 47:337.38 provides, wherever possible, the taxpayer must provide reports and other documents in electronic (i.e., machine-sensible) format to expedite the auditor's selection and review process. The taxpayer must provide the means to access the electronic records when standard programming or hardware to access the records is unavailable. Access may be secured by conversion of the data into a form useable by the auditor, allowing access through the taxpayer's equipment or any other reasonable method of access.

3. Sampling agreements between the collector and the taxpayer

a. Audit sampling methods must be approved by the collector (either on a case-by-case or blanket approval basis) before they are presented to the taxpayer for consideration.

b. The auditor or private auditing firm, under the authority of the collector, and taxpayer may then agree to sampling procedures that comply with the provisions of R.S. 47:337.35.

c. The auditor or private auditing firm, under the authority of the collector, shall send written notice to the taxpayer of the sampling procedure to be used, including how the tax will be computed, the population to be sampled, and the type of tax for which the tax liability will be established.

d. Claims by the taxpayer or auditor regarding non-representative transactions shall be addressed prior to submission of the work papers to the collector. If the auditor and taxpayer disagree regarding transactions disputed as non-representative of the sample, they shall be so noted in the work papers.

4. Unless otherwise agreed, the auditor's schedules shall include credits for overpayment of taxes. However, the auditor and taxpayer may agree in writing prior to the start of the field work that the taxpayer shall identify credit transactions subject to review and inclusion in the preliminary audit findings.

5. In accordance with R.S. 47:337.78, a collector may authorize the tax balance method to prepare audit schedules whenever it is determined that overpayments exist within an audit period that may be offset by a liability. The taxpayer must be notified whenever this method is used.

6. If a taxpayer fails or refuses to provide some or all of the documents requested for an audit, the following actions will be taken.

a. The collector shall determine which documentation a taxpayer is refusing or failing to provide and determine if the failure or refusal is reasonable.

b. If appropriate, the collector may contact the taxpayer to discuss the taxpayer's refusal or failure before making the determination.

c. The collector may take measures allowed by statute in order to compel the taxpayer to provide the records, including:

- i. advise the taxpayer of the requirements to maintain records in accordance with R.S. 47:337.29, the

collector's authority to determine the tax in R.S. 47:337.28 and the collector's obligation to perform an audit under R.S. 47:337.35;

ii. subpoena the records and request the appropriate court to compel the taxpayer to provide the records in accordance with R.S. 47:337.41, 42, and 43; or

iii. estimate the assessment in accordance with R.S. 47:337.28.

E. Additional Protocols for Private Auditing Firms

1. The audit staff of private auditing firms and their superiors shall comply with the provisions of Title 42, Chapter 15 of the Revised Statutes, Code of Governmental Ethics.

2. All employees, agents, and contractors of private auditing firms are subject to the provisions of R.S. 47:1508, et seq.

3. In accordance with R.S. 47:337.26(C)(4), a lead auditor of a private auditing firm performing an examination or audit function shall possess or have attained any of the following:

- a. an active certified public accountant license;
- b. a Bachelor's degree with a minimum of eighteen hours of accounting;
- b. an active tax examiner certification issued by the Louisiana Association of Tax Administrators; or
- c. a minimum of six years of experience in the field of state or local sales and use tax.

4. An auditor for a private auditing firm who does not possess or has not attained any of the requirements in Subsection E, Paragraph 3 may perform audits under the supervision of a lead auditor, supervisor, manager or director who possesses or has attained any of those criteria.

5. The retention or return of taxpayer records shall occur in accordance with R.S. 47:337.26(D)(3).

a. Upon completion of the audit or examination, all original information obtained by the private auditing firm from the taxpayer in connection with the audit or examination, whether written or in electronic form, shall be returned to the taxpayer, and the private auditing firm shall not retain any copies of such information. All taxpayer related information derived, compiled, or generated by the private auditing firm in any form whatsoever, including audit schedules, working papers, and copies of information received from the taxpayer, shall be delivered to the collector, except to the extent such information may be retained by certified public accountants in accordance with the Louisiana Accountancy Act.

b. No provision of this Section shall prohibit a private auditing firm from retaining the books and records of a taxpayer until the termination of any legal proceedings related to the audit or examination.

c. The collector and the private auditing firm may enter into a written agreement in accordance with this Subparagraph, authorizing such private auditing firm to act as agent for the storage and safekeeping of documents otherwise required to be maintained by the collector. Such documents shall be maintained in accordance with R.S. 47:1508 et seq.

6. In accordance with R.S. 47:337.26(C)(2)(a), if the audit is performed by a private auditing firm, additional

collectors cannot be solicited to participate in the audit after confidential information has been disclosed by the taxpayer. Only the taxpayer may initiate an expansion of the audit to another collector. The auditor shall avoid any appearance of soliciting audit assignments from additional collectors.

7. When requested, the private auditing firm is required to provide the taxpayer with either:

a. access to the original contract, which may be reviewed and copied by the taxpayer; or

b. a copy of the audit contract specifying the terms under which the firm was engaged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.102(C)(2).

HISTORICAL NOTE: Promulgated by the Uniform Local Sales Tax Board, LR 47:898 (July 2021).

Roger Bergeron
Executive Director

2107#032

RULE

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

**Hunting Regulations for the 2021-2023 Season
(LAC 76:XIX.Chapter 1)**

The Wildlife and Fisheries Commission has amended the general and wildlife management area rules and regulations for the 2021-2022 season, the resident game hunting season for the 2021-2023 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2022 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2021-2023 hunting season.

The new hunting rules and regulations for the 2021-2022 and 2022-2023 seasons clarify closing dates of certain hunting seasons; establish new regulations for certain wildlife management areas (WMA); changes rules regarding the preservation of evidence of the gender of harvested deer; permits the operation of all-terrain vehicles (ATV) and utility-terrain vehicles (UTV) with tracks on WMA; removes physically challenged and handicapped hunter blinds on the Russell Sage WMA; replaces a youth lottery hunt on the Atchafalaya Delta WMA with an open youth hunt; restricts the use of dogs during hunting in the Biloxi WMA; adds a woodcock hunting season on the Elbow Slough WMA; moves the opening hour for sport fishing on the Grassy Lake and the Pomme de Terre WMA during early teal season from 2:00 p.m. to 10:00 a.m.; prohibits the use of dogs during hunting on the Marsh Bayou WMA; closes waterfowl hunting for waterfowl on the Salvador/Timken WMA at 2:00 p.m.; transfers St. Tammany and Washington parishes from Turkey Hunting Area B to Turkey Hunting Area A; closes turkey hunting in East Carroll Parish; alters the timing of dove hunting season in the South Zone; and alters the timing of duck, coot, and merganser season in the West Zone. This Rule is hereby adopted on the day of promulgation.

**Title 76
WILDLIFE AND FISHERIES**

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR

26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021).

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Opens: 3rd Saturday of November Closes: Last Day of February	10	30
Rabbit and Squirrel	Opens: 1st Saturday of October Closes: Last Day of February	8	24
Squirrel*	Opens: 1st Saturday of May for 23 days	3	9
Deer 2021-2022	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2021-2022

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.
2	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: Next to last Sat. of Oct. Closes: Fri. before last Sat. of Oct. Opens: Mon. after the last day of Modern Firearm Season in Jan. Closes: After 7 days.	Opens: Last Sat. of Oct. Closes: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	Opens: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years Closes: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day	Opens: Mon. after Thanksgiving Day Closes: After 35 days
4	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
5	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) Opens: 2 nd Sat. of Nov. Closes: Fri. before 3 rd Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Bucks Only Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Fri. before 2 nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Sun. of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2 nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2 nd Sat. of Dec. Closes: Sun. after 2 nd Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas (EITHER SEX).
6	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2 nd Sat. of Nov. Closes: Fri. before 3 rd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Fri. before 2 nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec.	Opens: 2 nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. Closes: Next to last Sun. of Jan.
7	Opens: 3 rd Sat. of Sept. Closes: Jan. 15.	Opens: 2 nd Sat. of Oct. Closes: Fri. before 3 rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3 rd Sat. of Oct. Closes: Sun. after Thanksgiving	Opens: Mon. after Thanksgiving Day Closes: After 35 days
8	Opens: 3 rd Sat. of Sept. Closes: Jan. 15	Opens: 2 nd Sat. of Oct. Closes: Fri. before 3 rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3 rd Sat. of Oct. Closes: Sun. after Thanksgiving Day.	Opens: Mon. after Thanksgiving Day Closes: After 35 days
9	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2 nd Sat. of Nov. Closes: Fri. before 3 rd Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Bucks Only Closes: Last day of Jan. Bucks Only	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Fri. before 2 nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Sunday of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2 nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2 nd Sat. of Dec. Closes: Sun. after 2 nd Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas.
10	Opens: 3 rd Sat. of Sept. Closes: Jan. 15	Opens: 2 nd Sat. of Oct. Closes: Fri. before 3 rd Sat. of Oct. Opens: Mon. after last day of Modern Firearms Closes: after 7 days	Opens: 3 rd Sat. of Oct. Closes: 38 days after Thanksgiving Day	

D. Deer Hunting Schedule 2022-2023

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.
2	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: Next to last Sat. of Oct. Closes: Fri. before last Sat. of Oct. Opens: Mon. after the last day of Modern Firearm Season in Jan. Closes: After 7 days.	Opens: Last Sat. of Oct. Closes: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	Opens: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years Closes: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day	Opens: Mon. after Thanksgiving Day Closes: After 35 days
4	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.
5	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) Opens: 2 nd Sat. of Nov. Closes: Fri. before 3 rd Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Bucks Only Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Sun. of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2nd Sat. of Dec. Closes: Sun. after 2nd Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas.
6	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2nd Sat. of Nov. Closes: Fri. before 3rd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last day of Jan.	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. Closes: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	Opens: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Next to last Sun. of Jan.
7	Opens: 3 rd Sat. of Sept. Closes: Jan. 15.	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving	Opens: Mon. after Thanksgiving Day Closes: After 35 days
8	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after last day of Modern Firearm Season Closes: After 7 days	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day.	Opens: Mon. after Thanksgiving Day Closes: After 35 days

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
9	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2 nd Sat. of Nov. Closes: Fri. before 3 rd Sat. of Nov. Opens: Mon. after next to last Sun. of Jan. Closes: Last day of Jan. Bucks Only	Opens: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Fri. before 2 nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: Sat before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. Closes: Sunday of the same weekend. (EITHER SEX) Opens: Fri. after Thanksgiving Day. Closes: Sun. after Thanksgiving day. (EITHER SEX)	Opens: 2 nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. Closes: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) Opens: 2 nd Sat. of Dec. Closes: Sun. after 2 nd Sat. of Dec. (EITHER SEX) Opens: Sat. before Christmas. Closes: Sun. before Christmas
10	Opens: 3 rd Sat. of Sept. Closes: Jan. 15	Opens: 2 nd Sat. of Oct. Closes: Fri. before 3 rd Sat. of Oct. Opens: Mon. after last day of Modern Firearms Closes: After 7 days		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Atchafalaya Delta, Pass-a-Loutre and Salvador/Timken. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021).

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle, archery gear, air rifle

or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutré WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of “hunter orange” and wear a “hunter orange” cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however, crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition, an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family *Bovidae* (except the *Tribe Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

- d. Shooting hours:
 - i. white-tailed deer: same as outside;
 - ii. exotics: one-half hour before sunrise to one-half hour after sunset.
- e. Bag limit:
 - i. farm-raised white-tailed deer: same as outside;
 - ii. exotics: no limit.
- f. Hunting licenses:
 - i. white-tailed deer: same as outside;
 - ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.
- g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)(a-b)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:1.317)

1. Invertebrates		
Pink Mucket	<i>Lampsilis abrupta</i>	E
Louisiana PearlsHELL	<i>Margaritifera hembeli</i>	T
Fat Pocketbook	<i>Potamilus capax</i>	E
Inflated Heelsplitter	<i>Potamilus inflatus</i>	T
Rabbitsfoot	<i>Quadrula cylindrica</i>	T
2. Fish		
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	T
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E
Smalltooth Sawfish	<i>Pristis pectinata</i>	E
3. Amphibians		
Dusky Gopher Frog	<i>Lithobates sevosus</i>	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	<i>Caretta caretta</i>	T
Green Sea Turtle	<i>Chelonia mydas</i>	T
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E
Ringed Map Turtle	<i>Graptemys oculifera</i>	T
Gopher Tortoise	<i>Gopherus polyphemus</i>	T
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>	T
Louisiana Pinesnake	<i>Pituophis ruthveni</i>	T
5. Birds (including eggs)		
Whooping Crane	<i>Grus americana</i>	E
Piping Plover	<i>Charadrius melodus</i>	T
Red Knot	<i>Calidris canutus rufa</i>	T
Interior Least Tern	<i>Sterna antillarum athalassos</i>	E
Red-cockaded Woodpecker	<i>Picoides borealis</i>	E
6. Mammals		
West Indian Manatee	<i>Trichechus manatus</i>	T
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T
Sperm Whale	<i>Physeter macrocephalus</i>	E
Florida Panther	<i>Felis concolor coryi</i>	E
7. Plants		
American Chaffseed	<i>Schwalbea americana</i>	E
Earth-fruit	<i>Geocarpon minimum</i>	T
Louisiana Quillwort	<i>Isoetes louisianensis</i>	E
Pondberry	<i>Lindera melissifolia</i>	E

E = Endangered; T = Threatened

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters. On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition and may be taken while riding or standing in or upon a moving land vehicle.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during nighttime hours. However, no person shall be allowed to participate or be present during the nighttime hunting activities if convicted of a Class 3 or

greater wildlife violation within the previous five years or if he has any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds, nutria, or beaver under the provisions of the Paragraph, shall notify the Sheriff of the Parish in which the property is located of his intention to attempt to take outlaw quadrupeds, nutria or beaver within twenty-four hours prior to the attempted taking or immediately upon taking the animal.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. See DMAP Regulations (LAC 76:V.111) for deer management assistance tagging requirements on lands enrolled in DMAP.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until a deer has been appropriately tagged and validated, and the tag remains with the carcass, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game. Possessors of any portion of a deer or wild turkey, which has been divided in camp or field, without evidence of positive sex identification shall affix a tag in accordance with LAC 76:XIX.111.D.11 identifying the sex of the animal.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters shall validate deer by calling the validation toll free number or using the validation website.

2. 2021-2022 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge

regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

3. 2022-2023 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A dog may be used to trail and retrieve wounded or unrecovered deer. The dog must be leashed during legal hunting hours, but may be unleashed after legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to import, sell, use or possess scents or lures that contain natural deer urine or other bodily fluids, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in either the Responsible Hunting Scent

Association (RHSA) or Archery Trade Association Deer Protection Program, which has been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a Bucks Only season is in progress. In such cases, hunters must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA.

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device

specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a "hunter orange" or "blaze pink" cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a "hunter orange" or "blaze pink" cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

15. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:

i. pre DD 214 era documents (1941_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2021-2023

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

vi. Richland—all;

vii. West Carroll.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with

Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to

Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin—south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Private lands, regardless of number of parcels or size, completely within WMA boundaries (including those that are bordered by a public road or waterway) will have the same deer season dates and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; except private lands enclosed within a WMA and enrolled in DMAP may elect to hunt according to regular deer season dates and baiting regulations applicable to the Deer Area in which the lands are located. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Operation of trolling motors allowed. A *trolling motor* is defined as a self-contained unit that includes a completely submerged electric motor at the end of the shaft, propeller and controls, and is affixed to a vessel, either at the bow or stern. Vehicles prohibited November through January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-

Loutre, Pointe-aux-Chenes and Russell Sage WMAs. See WMA maps for specific locations.

r. Shooting ranges: Non-toxic shot required for all shotguns, effective January 1, 2021.

2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Additionally, a self-clearing WMA permit, detailed above, is required (available at most entrances to each WMA and electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal).

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the

remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. centerfire break-action and centerfire bolt-action handguns;
- iii. centerfire scoped handguns;
- iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs, except Floy McElroy WMA, the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas

Swamp, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except

youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five-year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by

law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is a wheeled or tracked off-road vehicle (not legal for highway use) with specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, wheeled or tracked, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires or tracks, with specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs except Bussey Brake WMA from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an

inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV or electric bicycle except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and ATV/UTV trails.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified

under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, and Pass-a-Loutre. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire handguns in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition, an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in

recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. PCHP blind hunting by reservation for Class I, III and IV PCHP permittees only.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex. PCHP blinds: Oct. 1-Oct. 7, either sex.

(b). Firearms: First Sat. of Nov. for 2 days, either sex. Mandatory Deer Check; Fri. after Thanksgiving Day for 3 days, bucks only. PCHP blinds: Fri. after Thanksgiving Day for 3 days, bucks only; 4th Sat. of Oct. for 2 days, 1st Sat. of Nov. for 2 days, Mandatory Deer Check; 2nd Sat. in Dec. for 2 days, 3rd Sat. in Dec. for 2 days, either sex.

(c). Primitive Firearms: 2nd Sat. of Oct. for 2 days. Mandatory Deer Check.

ii. Small Game: Same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: Same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed ONLY in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G. 6. Camping b. for details). Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: Except for youth deer hunting (provided for below), all other hunting activities closed from October 1 through the last day of youth deer seasons. Main Delta area closed to all hunting except for youth deer hunting during youth deer seasons.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only; no deer hunting on Wax Lake Delta.

ii. Deer Youth Shotgun (buckshot only) and Archery (either-sex): 1st Sat. of Oct. for 2 days; 2nd Sat. of Oct. for 2 days on Main Delta only; no deer hunting on Wax Lake Delta.

iii. Small Game: Same as outside except Rabbit Only:

(a). Wax Lake Delta: 1st Sat. of Oct. through last day of Feb. Beagles prohibited November through January.

(b). Main Delta: 1st day of Feb. through last day of Feb. with or without beagles. Closed October through January.

iv. Waterfowl: Same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

d. Attakapas. Area closed to all except Youth Deer Hunters when the Youth deer season is open.

i. Deer:

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3rd Saturday of January for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all except Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Either sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Primitive Firearms: 3rd Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: Last Sat. of Area B season for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

- iv. Raccoon: (Nighttime): Sept. 1st for 16 days and 1st Sat. of Jan. to the last day of Feb.
- f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office for details for lottery hunts listed below at 318-371-3050.
 - i. Deer:
 - (a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.
 - ii. Dove: Same as outside.
 - iii. Waterfowl Lottery Only: (Designated Portion)
 - (a). Lottery Youth Hunt: Same as outside youth waterfowl hunt.
 - (b). General Lottery Hunt: 2nd weekend of 1st split and 1st and 4th weekends of 2nd split of the West Zone season.
 - iv. Other Small Game: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.
 - v. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.
 - g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2nd Sat. of Dec. for 16 days, bucks only.
 - i. Deer:
 - (a). Archery only: Oct. 1-Jan. 31, either-sex.
 - ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.
 - iii. All nighttime activities prohibited.
 - h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.
 - i. Deer:
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.
 - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.
 - (d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.
 - (e). Primitive Firearms: Day after firearms bucks only season closes for 14 days.
- ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.
 - (a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.
 - iii. Small Game: Same as outside except closed during either-sex firearms seasons and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.
 - iv. Waterfowl: Same as outside except closed during either-sex modern firearms seasons.
 - v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.
 - vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.
 - vii. Commercial fishing: commercial fishing is prohibited.
 - i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: All airboats, ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited. Dogs are prohibited except retrievers allowed for waterfowl hunting. No structures may be erected including fixed or permanent blinds of any type.
 - i. Deer
 - (a). Archery (bucks only): Oct. 1-15
 - (b). Deer Archery (either-sex): Oct. 16 - Jan. 31
 - ii. Small Game and Waterfowl: Same as outside except closed to squirrel hunting during the spring season.
 - j. Bodcau. Area closed to all except Youth deer hunters during the Youth Deer Hunt on designated portion.
 - i. Deer
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth: Sat. after 2nd Fri. of Oct. for 2 days, either-sex on designated portion.
 - (c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.
 - (d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.
 - ii. Turkey
 - (a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
 - (b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4th Sat. of April for 2 days.
 - iii. Small Game and Waterfowl: Same as outside except closed during the youth deer hunt on designated portion and entire area 1st 2 days of modern firearms deer season except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles

allowed for rabbits and dogs allowed for squirrel hunting Day after firearms deer season ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon: (Nighttime) Day after firearms deer season ends to the last day of Feb.

v. Bird Dog Training Area: Permit required. Open all year except closed during WMA Turkey Season. Contact Minden Office for permits and information.

vi. Fishing: Nets and traps prohibited on Ivan Lake.

k. Boeuf. Area Closed to all south of LA 4 except Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after the close of Firearms Bucks Only for 14 days. 2nd Sat. of Nov. for 7 days.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside except closed during Deer Either-sex modern firearms season, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

l. Buckhorn. Area Closed: Last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and 2nd Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearm season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): Day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting and trapping activity. Recreational fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: Fish may be taken only by rod and reel or cane pole for recreational purposes. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited. Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be fish (5) fish, in the aggregate;

(ii). Possession limit: possession limit shall be five (5) fish while on water and ten (10) fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 16 inches, with the exception that one fish over 16 inches may be kept.

(b). Crappie (*Pomoxis spp.*)

(i). Daily limit: recreational daily limit shall be 25 fish in the aggregate;

(ii). Possession limit: possession limit shall be 25 fish while on water and 50 fish while off water, in the aggregate;

(iii). Length: the minimum total length shall be 10 inches.

(c). Bream (*Lepomis spp.*)

(i). Daily limit: recreational daily creel limit shall be 50 fish, in the aggregate;

(ii). Possession limit: possession limit shall be 50 fish while on the water and 100 while off the water in the aggregate;

(iii). Length: no minimum length.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all except Youth Deer Hunters 2nd full weekend in November.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 2nd full weekend in November, either-sex on designated portion of the WMA.

(c). Firearms Bucks Only: Dec. 26-Jan. 1.

(d). Primitive Firearms: Fri. after Thanksgiving Day for 2 days, Mandatory Deer Check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2nd Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): Last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all except Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: Next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2nd Sat. of April for 21 days.

(b). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex gun hunts and except spring squirrel season will be open 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb.

Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all except Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal. High Water Benchmark Road Closures: Hunt Road (South of the Catahoula Lake Diversion Canal) and Muddy Bayou Road east of Nolan Bayou Road will be closed when water levels at the Larto Lake gauge reaches 45.0 ft. msl, and will reopen when water levels recede to 43.0 ft. msl, and Muddy Bayou Road west of the intersection of Nolan Bayou Road and Sandy Bayou Road will be closed when water levels at the Larto Lake gauge reaches 42.0 ft. msl and will reopen when water levels recede to 40.0 ft. msl.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: Last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1st Sat. of Dec. for 2 days, 1st Sat. of Jan. for 2 days, 2nd Sat. of Jan. for 2 days, and 3rd Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2nd Sat of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct. to the 3rd Sun.

of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: Limited to 100 pounds per person per day.

vi. LARTO TRACTS: All season dates on Larto Tracts (see WMA map) same as outside, except deer hunting restricted to archery only. All vehicles, including ATVs, are prohibited.

q. Elbow Slough.

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, except by lottery only opening weekend of 1st split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfish: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. Woodcock: Same as outside.

v. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4th Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer: limit 1 deer per participant per weekend for all hunts.

(a). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec., and 2nd consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1st Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: 1st weekend in Dec. Hunt restricted to those that have successfully completed the

Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Archery Only Area, check locally at Building 2396 on 22nd St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: Refer to Fort Polk WMA Hunting Map: Small game and squirrel hunting with dogs allowed Mon. after Thanksgiving Day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: Last Sat. of Oct. for 2 days.
(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2nd Saturday of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Sport Fishing: Same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfish: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek.

i. Deer:

Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: Opening day of statewide season for 9 days, with 3 consecutive 3 day hunts.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on

Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: Closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

y. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b) Archery (either-sex): Oct. 16 - Jan. 31

ii. Waterfowl: Same as outside.

iii. Small Game: 1st day of Nov. to the last day of Feb. and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles

allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot traffic only - All vehicles restricted to Parish Roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: Open all year except closed during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: Last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, and 2nd Sat. of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2nd Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game and Waterfowl: Same as outside except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

v. Crawfish: March-July. Limit: 100 pounds per person per day. Recreational crawfishing only. No traps or nets left overnight.

bb. Loggy Bayou. Limited Use Area: Small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Small Game and Waterfowl: Same as outside except youth hunt only on opening Saturday of first split of dove season (following regulations for Youth Deer Hunt on WMAs), and except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.

cc. Manchac.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game and Waterfowl: Same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for

rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.

iv. Crabs: No crab traps allowed. Attended lift nets are allowed.

dd. Marsh Bayou.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iii. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. gage height and reopens to deer hunting when water levels recede to 2.5 ft. gage height following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters except Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

ff. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre

Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1 - Jan. 31, except allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun bucks only: second to last Sat in Oct. for 2 days.

(c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot for seven days starting the day after the closure of the first split of duck season.

ii. Small Game and Waterfowl: Same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hogs may be taken with the aid of dogs Feb. 16 - March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

gg. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of Boardwalk. All roads closed 8 p.m. - 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting south of Hwy. 90 will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters except Youth Hunters during Youth deer hunt.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game: Same as outside except closed the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: Same as outside except no hunting in Waterfowl Refuge Area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website:

<http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or

slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of “hunter orange” or “blaze pink” and wear a “hunter orange” or “blaze pink” cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: All boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of “hunter orange” or “blaze pink” and wear a “hunter orange” or “blaze pink” cap during special shotgun season for feral hogs. All Point-aux-Chenes Property except Point Farm Unit and Restricted Areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Feb. 15.

(c). Firearms (bucks only): Fri. after Thanksgiving Day for 3 days and 2nd Sat. of Dec. for 7 days.

iii. Waterfowl: Same as outside except closes at 2 pm.

iv. Small Game: Same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting Prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crab’s maximum is allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1300-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School, the Point Farm levee and the WMA boundary, and on the north by the WMA boundary, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): 1st Sat. of Oct. for 2 days, 2nd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16 – Jan. 14

(b). Waterfowl: closed

(c). Small Game: Same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until sunset, except opening day of the first split, which will be 12:00 pm (noon) until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 7 days.

ii. Turkey: 4th Sat. of April for 9 days.

(a). Youth Lottery: 3rd Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunt for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for

rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday except closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: Same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3rd and 4th Sat of Dec. except if the 4th Sat. is Christmas Day, then the hunt will be the 2nd and 3rd Sat. of Dec. and the 1st and 2nd Sat. in Jan. except when the 1st Sat. of Jan. is New Year's Day then the hunt will be the 2nd and 3rd Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: Last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2nd Saturday in December for 2 days.

ii. Turkey: Opening day of statewide season for 9 days except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 12 days,

and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Quail: Closed.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Crawfish: Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: Same as Outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons, except during early Teal Season, recreational fishing allowed after 10 a.m.

ll. Russell Sage. AREA closed: Last Sat. of Oct. for 2 days South of I-20 only to all except Youth and Physically Challenged Deer Hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1-Jan. 31 all motorized vessels prohibited 2 p.m.-4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: All season dates on Chauvin Tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e) Primitive Firearms: Mon. after Firearms either-sex season for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): 1st Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed to all activities 3rd Sat. of Oct. for 2 days to all but Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3rd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4th Sat. of Oct. for 2 days, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4th Sat. in Oct. for 7 days.

ii. Turkey

(a). General Lottery: 2nd Fri. of April for 3 days, 4th Fri. of April for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-Clearing Permits required for hunters only. Area Closed: 4th Sat. of Sept. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Same as Area 8 Deer Season except still hunt only.

(b). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: 4th Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: Same as outside except closed 4th Sat. of Sept. for 2 days and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): Day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from 3rd Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. AREA closed: During the month of

October to all activities except fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31

(b). Youth (either-sex): Last 4 Sats. of Oct. for 2 days each except when the last Sat. is the 31st in which case the season will be the 1st four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(e). Deer Primitive Firearms (either-sex): Day after Firearms Bucks Only for 7 days.

ii. Waterfowl: Same as outside, except closes at 2 p.m.

iii. Small Game: Same as outside except closed October through December. Beagles allowed for rabbits Jan. through last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind

legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters 1st Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: 1st Sat. of Nov. For 2 days, either-sex.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and 3rd Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2nd Sat. of Dec. for 7 days, 4th Sat. of Dec. for 7 days, and the 1st Sat. of Jan. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside except closed Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1st day and 2nd Sat. through end of 1st split. Closed remainder of 1st split. Second and third splits are same as outside except Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1st segment of dove season. Contact Hammond Office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed

only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the 1st lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: Last Sat. of Oct. for 2 days except to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, ALL OTHER SEASONS closed. Self-Clearing Permit.

(c). Youth Lottery: Last Sat. and Sun. of Oct., 4th Mon. of Dec., and 1st and 2nd Sun. of Jan. except no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and 2nd Fri. after Thanksgiving for 10 days, Self-Clearing Permit.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey: Mon. after 3rd Sat. of April for 3 days.

(a). General Lottery: 3rd Sat. of April for 2 days.

(b). Youth Lottery: 2nd Sat. in April

iii. Small Game: Same as outside except closed during Firearms Either-Sex Deer and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after close of 2nd firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of

beagles for rabbit and dogs for squirrel allowed June 1 – August 31.

iv. Waterfowl, Snipe, Rail, and Gallinules: Same as outside except closed during Firearms Either-Sex Deer and except hunting after 2 p.m. prohibited except no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to Lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of “South Farm.”

(a). Youth Waterfowl Lottery: Contact Lafayette Office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette Office for details and applications.

v. Quail: closed

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfish: March 15-July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol/Handgun Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

Note: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: Open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1st and 2nd segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited except:

i. Deer

(a). Archery Only, Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: 4th Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. closed until after 2 p.m. during waterfowl season.

vi. Sport Fishing: Same as outside except only allowed after 2 p.m. during waterfowl season, except during early TEAL SEASON, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: Same as outside.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: Last Sat. of Oct. for 2 days, except to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: Last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, 1st Saturday of Dec. for 9 days, and 4th Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: 2nd Saturday in November for 2 days and Monday after close of Firearms Bucks Only for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed Sat. and Sun. before opening day of statewide turkey season except youth turkey hunters and all weekends in April except turkey hunters. Area Closed: 1st Sat. of Nov. for 2 days to all except Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit, either-sex, 2nd Sat. of Dec. for 9 days, except when there are 5 Sats. in Dec. then it will open on the 3rd Sat. of Dec., the initial Sat. and Sun. either-sex and mandatory deer check, the remaining 7 days' bucks only, self-clearing permit.

ii. Turkey: Mon. after 3rd Sat. of April for 7 days.

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during Youth Deer Hunt and Primitive Firearms Deer Hunt and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3rd Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

ww. Walnut Hill.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are

allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan. to the last day of Feb.

xx. West Bay. Area Closed: Next to last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. Limited USE Area: Small game same as outside except shotgun only and deer hunting - Archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth and Physically Challenged: Next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: 2nd Sat. in November for 3 days. Restricted to scout program.

19. U.S. Forest Service Areas

a. Kisatchie National Forest (KNF)

i. Vehicles

(a). Motorized travel off designated roads and trails and outside designated areas is prohibited on the entire KNF. Motor Vehicle Use Maps (MVUM) showing designated roads and trails and associated vehicles and travel seasons are available in all Forest Service offices and on the Kisatchie website (www.fs.usda.gov/kisatchie).

(b). ATV/UTV (50" maximum width); operation is prohibited on public roads and road rights-of-ways. Use is allowed on Forest roads designated as open seasonally to ATV/UTV use. Use is prohibited in some campsites and recreation areas; see bulletin boards for additional information. (Also see MVUM)

(c). Nighttime ATV/UTV travel is prohibited. ATV/UTV travel is allowed between one hour before sunrise and one hour after sunset.

(d). Game retrieval with an ATV/UTV is only allowed within designated 300-foot corridors (see MVUM).

(e). Camping corridors for highway legal vehicles to drive within 100 feet of the road and camp are designated on the Caney District and in the National Red Dirt Wildlife Management Preserve.

ii. Firearms

(a). Hunting or discharging a firearm is prohibited as follows:

(i). In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area;

(ii). Across/on/from a National Forest System Road (NFSR) legally open to motorized use;

(iii). Across a body of water where any person/property is exposed to injury/damage as a result of such a discharge;

(iv). Hunting within 50 feet of any NFSR.

(b). It is prohibited to possess a firearm having live ammunition in the chamber, magazine, cylinder or clip (when attached to a firearm), or crossbow cocked and in the ready position in or on any type vehicle while on KNF.

(c). All deer must be tagged as required by LDWF regulations.

(d). Active and retired law enforcement officers in compliance with POST requirements, Federal Law Enforcement Officers, holders of Louisiana concealed handgun permits or permit holders from a reciprocal state, who are in compliance with all other state and federal firearms regulations, may possess firearms while on KNF lands, provided these firearms are not used for any hunting purposes.

(e). The following cannot be carried while hunting on KNF lands except during modern and primitive deer seasons.

(i). Centerfire rifles;

(ii). Break-action centerfire and bolt-action centerfire handguns;

(iii). Scoped centerfire handguns;

(iv). Shotgun slugs or shot larger than BB lead or F steel.

iii. Hunter Orange: LDWF WMA regulations for hunter orange and blaze pink apply.

iv. General: Hunting or discharging a firearm in or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, across/on a NFSR legally open to motorized use, across a body of water where any person/property is exposed to injury/damage as a result of such discharge, is prohibited.

v. Hunting General:

(a). Deer Bag Limit: 1 per day up to the statewide seasonal limit.

(b). All deer hunting is still-hunting only.

(c). All deer must be tagged as required by LDWF regulations.

(d). Hunting stand, blind, tripod, baiting, spot-lighting, etc. regulations applicable to LDWF WMAs are in effect on KNF (unless otherwise specified, refer to "Methods of Taking Game" section of the LDWF WMA Regulations)

excluding the "Bag Limit" section and "Horses and Mules" section.

(e). Hunting from a permanent stand prohibited. Placing or leaving a temporary stand limited to 24 hours.

(f). The training of deer dogs is prohibited year round.

(g). LDWF Youth Deer Hunt regulations apply for all KNF lands except that archery and open season small game hunting is allowed (excluding those portions of the Vernon Unit within Fort Polk-Vernon WMA).

vi. Archery Deer Hunting:

(a). Either-sex deer may be taken at any time by archers during the archery season except when bucks-only firearms seasons are in progress on KNF (archers must hunt only bucks during bucks-only firearm seasons).

(b). Archers must adhere to the full hunter orange requirements during any firearm season for deer.

(c). Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA): Same as outside.

(d). Catahoula (Grant and Rapides Parishes), Winn (Winn, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and Caney Range District (Webster and Claiborne Parishes): Same as outside (including Catahoula and Red Dirt National Wildlife Management Preserves).

vii. Firearms for Deer Hunting (excludes the Catahoula and Red Dirt National Wildlife Management Preserves):

(a). Catahoula (Grant and Rapides Parishes), Winn (Win, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and the Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA).

(b). Youth only, either-sex, same as outside, still hunt only; LDWF regulations for hunter orange apply.

(c). Primitive Firearms, either-sex: Next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., Sat. after close of Dec. firearms bucks only hunt for 2 days, still hunt only.

(d). Firearms, either-sex: Last Sat. of Oct. through Sun. after the last Sat. of Oct., Fri. after Thanksgiving, still hunt only.

(e). Firearms, bucks only: Sat. after the last Sat. of Oct. through Thanksgiving, Sat. after Thanksgiving through Sun. after Thanksgiving, 2nd Sat. of Dec. for 16 days, still hunt only.

viii. Caney Ranger District (Webster and Claiborne Parishes): Same as outside including Youth Hunt and Primitive Firearms (Area 2) except still hunt only. Either-sex entire season.

ix. Turkey: Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday (on all ranger districts except the Caney Ranger District); Caney Ranger District: opening day of statewide season for 16 days except season will open for 17 days when statewide season opens Good Friday.

x. Turkey Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3

days (on all Ranger Districts except Vernon Unit lands within Fort Polk-Vernon WMA).

xi. Other seasons on entire KNF (See Catahoula/Red Dirt National Wildlife Management Preserve section for additional information):

(a). Rabbit, Squirrel, Quail and Migratory Game Birds: Same dates and bag limits as outside except closed to squirrel hunting during the spring season. Youth squirrel: 4th Sat. of Sept. for 2 days.

(b). Waterfowl: Same as outside except waterfowl hunting ceases at 2 p.m. If hunting on Corney Lake (Caney Ranger District), a permit (free of charge) is required for the use of a duck blind on the lake.

(c). Feral Hogs, Coyotes, Armadillos and Beavers: May be taken during daylight hours only, on any KNF hunt by properly licensed hunters with weapons legal for that hunt.

(d). Raccoons, Opossums, Fox (chase only) (nighttime, chase only): May be hunted during daylight or nighttime from Oct. 1 through Feb. 28 unless otherwise stated. A licensed hunter may take raccoon or opossum, two per person per day, except during the trapping season when there shall be no limit. (Please see Louisiana Trapping Regulations pamphlet for additional information. Also please see "Hunting-dog usage during deer firearm seasons" section below for exceptions).

(e). Bobcat and Nutria: LDWF regulations apply.

(f). Crows, Blackbirds, Grackles and Cowbirds: May be taken Sept. 1 through Jan. 1 only.

(g). Fishing: LDWF state creel limits apply (See Louisiana Fishing Regulations pamphlet for additional information).

(h). Trapping: See LDWF Trapping Regulations pamphlet for additional information.

(i). Hunting Dog Usage: Hunting dog usage during deer firearm seasons (only for KNF areas outside the Catahoula and Red Dirt National Wildlife Management Preserves): Hunting dogs that are legal for hunting species other than deer, and that stay within voice-command distance of handler are allowed during deer gun hunts. Hunting dogs that range beyond voice-command distance of handler are prohibited during deer gun hunts. The training of deer or hog dogs is prohibited year-round. Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable.

(j). Hunting-dog training: March 1 through Sept. 30 (except all dogs prohibited during turkey hunting season), allowed only in the following circumstances: dogs are within voice-command distance of handler; dogs are participating in nighttime raccoon chases mentioned above; dogs are participating in licensed events conducted by nationally-recognized kennel clubs (KNF permit required – contact Forest Supervisor's office); dogs are under close control of hikers; and any dog on a leash. No firearms allowed while training dogs. Hunting-dog training prohibited in Catahoula and Red Dirt National Wildlife Management Preserves.

(k). Bird Dog Training Area: Only that portion of the Vernon Unit known as the "dove field". Bird dogs may be trained year round except closed during turkey season. Permit required from LDWF to use pen-raised quail.

(l). Hunting-Dog Nighttime Chase Only: (All breeds allowed, no deer dogs or hog dogs). May 1 through Sept. 30, Tuesdays and Fridays only. No firearms allowed. Nighttime ATV/UTV travel is prohibited. Hunting-dog nighttime chase is prohibited in the Catahoula and Red Dirt National Wildlife Management Preserves during this period.

xii. Catahoula and Red Dirt National Wildlife Management Preserves (NWMP). Owner: U.S. Forest Service: Catahoula NWMP – 36,000 acres in Grant and Winn Parishes; Red Dirt NWMP – 38,000 acres in Natchitoches Parish.

(a). Season Permit required for hunting, fishing and/or trapping on the preserve; for a permit or to get additional information contact the Forest Supervisor's Office, Winn, Catahoula or Kisatchie Ranger District offices or www.fs.fed.us/r8/kisatchie/hunting/index.html. In addition to the Season Permit, a Self-Clearing Daily Permit is required for all hunters during all deer gun hunts and turkey hunts. The Self-Clearing Daily Permits will be available at the main check stations, hunter-camps within the NWMPs, Kisatchie, Winn and Catahoula district offices, and at the Forest Supervisor's Office. Permits are free of charge. The Self-Clearing Permit consists of two portions: check-in and check-out. The check-in portion must be completed and put in the permit box before each hunt on the day of the hunt. The check-out portion must be carried by each person while on the NWMP and must be completed and put in the permit box immediately at the end of the day's hunt. Hunters can also check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. Note: When Mandatory Deer Checks are specified (see below), all hunters must check deer at the NWMPs main check stations.

(b). Hunting with Dogs: Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season, and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable. No training of dogs in the NWMPs outside of pertinent seasons.

(c). Select Prohibitions: Additional information and prohibitions are provided on Season Permit for the NWMPs.

(d). Deer:

(i). Archery Season: Same as Area 2. Archers are required to check harvested deer at the main check station during the mandatory deer check days, see dates below.

(ii). Youth Only Hunt, Either-Sex: Same as outside, still hunt only. Self-Clearing Daily Permit required.

(iii). Physically Challenged Hunt, Either-Sex: Second Sat. of Oct. through Sun. after the second Sat. of Oct., still hunt only, Self-Clearing Daily Permit required;

hunters must also have in possession a LDWF Physically Challenged Hunters Permit.

(iv). Primitive Firearms, Either-Sex: Next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(v). Firearms, Either-Sex: Last Sat. of Oct. through Sun. after the last Sat. of Oct., and Fri. after Thanksgiving, still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(vi). Firearms, Bucks Only: Sat. after Thanksgiving through Sun. after Thanksgiving, still-hunt only, self-clearing daily permit required.

(e). Turkey:

(i). Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday.

(ii). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

(f). Squirrel, Rabbit, Quail, Dove, Woodcock and Waterfowl (without dogs): All seasons same as outside (unless otherwise stated) except closed during deer firearm hunts. Consult LDWF hunting pamphlet for additional information. No spring squirrel season.

(g). Youth Squirrel: 4th Sat. of Sept. for 2 days.

(h). Squirrel/Rabbit (with dogs): 1st Sat. of Jan. through last day of Feb.

(i). Quail (with dogs): Same as outside.

(j). Raccoon/Opossum (non-dog season/daylight hours): May be taken by properly licensed hunter as incidental take with gear legal for the season in progress.

(k). Raccoon (nighttime, with dogs): 1st Sat. of Jan. through last day of Feb.

(l). Fishing: Closed to fishing during deer gun hunts.

20. Bayou Teche National Wildlife Refuge: Owned by U.S. Fish and Wildlife Service, 9,028 acres within St. Mary Parish

a. Deer

i. Archery: Same as outside, except closed during youth and firearms deer seasons, limit one deer per day; Franklin Unit closed.

ii. Youth Firearms: Last Sat. of Oct. for 2 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

iii. Firearms: Fri. after Thanksgiving for 3 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

b. Small Game: Same as outside, except closed during youth and firearms deer seasons; Franklin Unit closed.

c. Waterfowl: Same as outside except closed after 12:00 noon, and except closed during firearms deer season; Franklin Unit closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR

30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:904 (July 2021).

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any

turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Bossier;
- iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;
- vi. East Feliciana;
- vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- viii. Jackson;
- ix. LaSalle;

- x. Lincoln;
- xi. Livingston;
- xii. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie

National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. St. Tammany;
- xvi. Tangipahoa;
- xvii. Union;
- xviii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie

National Forest dates.

- xix. Washington;
- xx. Webster
- xxi. West Feliciana (including Raccourci Island);
- xxii. Winn.

Exception: see federal lands hunting schedule for Kisatchie

National Forest dates.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Calcasieu—north of I-10;

iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;

iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;

v. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vi. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

vii. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

viii. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

ix. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line

Exception: see federal lands hunting schedule for Kisatchie

National Forest dates.

xii. Richland—that portion south of US 80 and east of LA 17;

xiii. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

- a. All of the following parishes are open:
 - i. DeSoto;
 - ii. Red River.
- b. Portions of the following parishes are open:
 - i. Caddo—all except that portion north of I-20 from the Texas state line to I-220, west of I-220 to LA 1, west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;

3. Area C

- a. All of the following parishes are open:
 - i. Ascension;
 - ii. Concordia;
 - iii. Iberville;
 - iv. Pointe Coupee;
- b. Portions of the following parishes are open:
 - i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;
 - ii. Caldwell—all east of the Ouachita River;
 - iii. Catahoula—all of the parish except for that portion located in area A;
 - iv. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

- v. West Baton Rouge.
- vi. Iberia—east of the west Atchafalaya Basin protection levee;
- vii. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;
- viii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

- ix. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry;
- x. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

Exceptions: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

- 4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which

they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:988 (July 2020), LR 47:934 (July 2021).

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:990 (July 2020), LR 47:936 (July 2021).

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 4-Sept. 18 Oct. 16-Nov. 28 Dec. 18-Jan. 17 North Zone: Sept. 4-Sept. 26 Oct. 9-Nov. 14 Dec. 24-Jan. 22	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 11-Sept. 26	6	18
King and Clapper Rails	Sept. 11-Sept. 26 Nov. 13-Jan. 5	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 11-Sept. 26 Nov. 13-Jan. 5	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 11-Sept. 26 Nov. 13-Jan. 5	15	45
Snipe	West Zone: Nov. 2-Dec. 5 Dec. 18-Feb. 28 East Zone: Nov. 2-Dec. 5 Dec. 18-Feb. 28	8	24
Ducks, Coots and Mergansers	West Zone: Nov. 6-Nov. 7 (youth and veterans only) Nov. 13-Dec. 5 Dec. 18-Jan. 2 Jan. 10-Jan. 30 East Zone: Nov. 13 (youth and veterans only) Nov. 20-Dec. 5 Dec. 18-Jan. 30 Feb. 5 (youth and veterans only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 mottled duck, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day allowed for the remainder. Daily bag limit on coots is 15. Mergansers-The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	East Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 30 West Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 2 Jan. 10-Feb. 6	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 9.
Canada Geese	East Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 30 West Zone: Nov. 6-Dec. 5 Dec. 18-Jan. 2 Jan. 10-Feb. 6	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	East Zone: Dec. 6-Dec. 17 Jan. 31-March 6 West Zone: Dec. 6-Dec. 17 Jan. 3-Jan. 9 Feb. 7-March 6	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 2-Jan. 31	
Rails and Gallinule	Nov. 2-Jan. 31	
Ducks	Nov. 2-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours' one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to 12 p.m. (noon) on opening weekend of first split.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana border on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours' one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours' one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl and Veterans Season Regulations.

1. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

2. Veterans refers to those persons who served in the active military, naval or air service who were discharged or released under conditions other than dishonorable, and members of the Armed Forces on active duty including members of the National Guard and Reserves on active duty (other than for training). Veterans and active duty military personnel must possess a valid proof of service such as DD214 form, Active Military ID, Retired Military ID, Veterans Administration ID, or Veterans designation on their Driver's License as well as mandatory waterfowl license(s), HIP certification, and Federal duck stamp to participate on these hunt days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:991 (July 2020), LR 47:937 (July 2021).

Jack Montoucet
Secretary

2107#015

RULE

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

Waterfowl Hunting Zones (LAC 76:V.319)

The Wildlife and Fisheries Commission has repealed LAC 76:V.319.

In accordance with the federal process for promulgating waterfowl hunting regulations in 50 CFR 20 and as described in 85 FR 51854, states may change zones and splits for duck hunting every 5 years, currently for the 2021-2025 seasons. States are required to inform the U.S. Fish and Wildlife Service (USFWS) of any changes in zones and splits by May 1 of the prior year to provide sufficient time for federal approval and public comment periods before the state process for setting hunting regulations begins in January. The Louisiana Wildlife and Fisheries Commission (LWFC) considers changes to zones and splits for duck hunting in conjunction with the annual season-setting process every 5 years and conveys any changes to the USFWS by that May 1 deadline. After federal approval and public comment, zones and splits selections conveyed to the

USFWS by LWFC are then published in the Federal Register as Final Rule. Consequently, LAC 76:V.319 is not necessary. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§319. Waterfowl Hunting Zones

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:1062 (July 2001), repealed LR 47:939 (July 2021).

Jack Montoucet
Secretary

2107#016

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Charter School Fiscal Responsibilities
(LAC 28:CXXXIX.2511)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXIX (Bulletin 126). Proposed amendments better ensure alignment between BESE and local charter authorizing processes, provide for the inclusion of intentional questions requiring applicants to substantiate that the proposed school will improve outcomes for the intended student population, and reflect updated authorizing priorities aligned to national best practices

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 25. Charter School Fiscal Responsibilities

§2511. Cash Management and Investment

A. Each charter school board shall create and adopt a policy and implement procedures regarding cash management and investments of public funds. The policy shall protect public funds by minimizing the amount of unsecured funds to the extent practical.

B. Best practices identified for political subdivisions in R.S. 33:2955, Investment by Local Political Subdivisions and R.S. 39:1211, Banking Law for Political Subdivisions may be used as a guide for developing a cash management and investment policy for charter school boards. The use of any of the best practices shall not be interpreted to define charter schools as political subdivisions.

C. The cash management and investment policy shall contain procedures for determining the bank or other such entity in which public funds in an amount equal to the amount insured by the FDIC shall be deposited. The bank or other such entity shall be a stock-owned federally insured depository institution organized under the laws of this state or of any other state of the United States, or under the laws of the United States.

D. Each charter school board shall include in the policy a process for examination of the soundness of any banking institution considered as the fiscal agent or local depository prior to deposit of funds. Charter operators shall utilize the quarterly Federal Financial Institutions Examination Council's (FFIEC) Uniform Bank Performance Review (UBPR) to select an institution in which to deposit funds. Two metrics included in this report indicate the stability of a bank specifically, High Capital Ratio and Non-Current Loans Equity Capital, and shall be reviewed prior to

conducting business with this institution. Documentation shall be maintained to support the completion of this verification and made available for review if requested.

E. The policy shall contain procedures for identifying one or more methods for managing unsecured funds in order to minimize the risk of loss. Documentation shall be maintained to support the selection of one or more methods for managing unsecured funds and made available for review if requested. In order to minimize unsecured cash, the following methods for cash management and investments may be considered:

1. Collateralization of funds offered to public entities, if available;
2. Certificate of deposit laddering;
3. Deposits in the Louisiana Asset Management Pool (LAMP);
4. Deposits in the Certificate of Deposit Account Registry Service (CDARS);
5. Deposits in an Insured Cash Sweep service; and
6. Deposits in multiple banking institutions.

F. Adherence to the adopted policy shall be measured as part of the annual independent audit of the financial statements of each charter school. The audit shall note if the charter operator holds any unsecured cash as of the end of the fiscal year, as well as the amount.

G. Each charter school board shall create and adopt a policy in compliance with the aforementioned requirements no later than December 31, 2021.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3991, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 47:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 126—Charter Schools Charter School Fiscal Responsibilities**

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

There may be limited costs and increased workloads for charter schools to develop and implement a cash management and investment policy. However, these impacts are not expected to be significant.

The Internal Audit Report submitted to the Board of Elementary and Secondary Education (BESE) in Fall 2020 noted that during the review of the FY 2018-19 charter school Single Audit reports, Type 2, 4, and 5 charter schools had in excess of \$86.2 million in uninsured uncollateralized bank deposits. Loss of these funds would have a significant negative impact on charter schools, impeding their ability to provide quality education and services to their students, and also a negative financial impact on the State of Louisiana in resolving the situation.

The proposed revisions provide guidance to charter schools advising of the potential risks, and outlining resources and methods for cash management. The revisions suggest utilizing the practices prescribed in Louisiana’s investment and banking laws for political subdivisions. The revisions also outline the required elements of the policy, which must address procedures for evaluating banking institutions for use by the charter school, as well as procedures for minimizing the amount of unsecured public funds.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated impacts on directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an impact on competition and employment.

Beth Scioneaux
Deputy Superintendent
2107#034

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel
(LAC 28:CXXXI.203)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI (Bulletin 746). Proposed revisions are in response to the Educational Testing Services’ (ETS) recent discontinuation of the Middle School Science exam (5440). The current exam (5440) will not be available after March 31, 2022. The new PRAXIS Middle School Science exam

(5442) reflects expectations for teachers to be ready to engage, instruct, and support 21st century students. The new exam is aligned to Next Generation Science Standards (NGSS) and National Science Teacher Association (NSTA) standards which incorporate the Tasks of Teaching Science and the Science and Engineering Practices, in addition to input from national advisory committees and over 1000 educators.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

Chapter 2. Initial Teacher Certification

Subchapter B. Testing Required for Certification Areas

**§203. Certification Exams and Scores
(Formerly §243)**

A. - E.1.b. ...

F. Mentor Teacher and Content Leader. The mentor teacher certificate and the content leader certificate may be earned by passing the applicable Louisiana assessment series.

Certification Area	Name of Test	Number of Tests
Mentor Teacher	Louisiana Mentor Teacher Assessment Series—Elementary	2 coaching-related components
	Louisiana Mentor Teacher Assessment Series—Secondary ELA	2 coaching-related components
	Louisiana Mentor Teacher Assessment Series—Secondary Math	2 coaching-related components
	Louisiana Mentor Teacher Assessment Series—Universal	2 coaching-related components
Content Leader	Louisiana Content Leader Assessment Series	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:

Chapter 3. Teaching Authorizations and Certifications

Subchapter C. Ancillary Teaching Certificates

§350. Mentor Teacher Ancillary Certificate

A. ...

B. Provisional Certification. Individuals serving as mentors who have not successfully completed a BESE-approved mentor training program or mentor assessments will be issued a nonrenewable provisional mentor teacher ancillary certificate, which is valid for one calendar year from the date of issuance while the holder completes a

BESE-approved mentor training program or mentor assessments.

1. Eligibility requirements for the provisional mentor teacher ancillary certificate are as follows. A teacher must:

a.i. have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902, if teaching in a charter school without a valid type C, level 1 or higher certificate; and

ii. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

B.1.b. - C.3. ...

4. Individuals who currently hold or are eligible to hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the ancillary certificate, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

5. Certified CLASS[®] observers may apply for the ancillary certificate, which makes the individual eligible to serve as mentors of undergraduate or post-baccalaureate teacher residents.

D. ...

E. Renewal Guidelines. Mentor teacher ancillary certificates are valid for five years and may be renewed at the request of the employing authority.

1. Teachers in charter schools who do not hold a level 1, 2, or 3 certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902 in order to renew the mentor teacher ancillary certificate.

F. For the 2020-2021 and 2021-2022 school years, the requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the ancillary mentor teacher certificate, the ancillary provisional mentor teacher certificate, or the Supervisor of Student Teaching certificate, is waived with the following contingencies:

1. Mentor teacher waivers will be granted on a case-by-case basis through the application process established by the LDE and at no fee to the applicant, school system, or teacher preparation provider;

2. The waiver will be issued by the LDE for educators highly recommended by the mentor's principal and who possess one or more of the following qualifications:

- a. Two years of Highly Effective Compass ratings;
- b. National Board Certification;
- c. Statewide or national distinction for excellence in teaching;
- d. Experience as a TAP mentor, master teacher, executive master teacher, or certified TAP evaluator;
- e. Content leader experience, as evidenced by participation in Content Leader training or redelivery of professional development; or
- f. Master's or doctorate in education and exemplary experience hosting student teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:1460 (October 2019), LR 46:1379 (October 2020), LR 47:

Chapter 6. Endorsements to Existing Certificates Subchapter C. All Other Teaching Endorsement Areas

§675. Mentor Teacher

A. An authorization to serve as a mentor of undergraduate or post-baccalaureate teacher residents may be added to a standard teaching certificate for teachers meeting the following requirements:

1. Certification. Individuals who have completed a BESE-approved mentor teacher training program and have a passing score on the Louisiana mentor teacher assessment series will be issued a mentor teacher endorsement.

a. Eligibility requirements for the mentor teacher ancillary certificate are as follows. A teacher must:

i. hold, or be eligible to hold, a valid type C, level 1 or higher Louisiana teaching certificate;

ii. successfully complete a BESE-approved mentor teacher training program; and

iii. have a passing score on the Louisiana mentor teacher assessment series.

2. Individuals who successfully complete LDE mentor teacher training from November 1, 2017 through July 31, 2020, are eligible for the mentor teacher ancillary certificate after passing the Louisiana mentor teacher assessment series.

3. Individuals who hold National Board certification are eligible for mentor teacher ancillary certification after passing the coaching-related components of the Louisiana mentor teacher assessment series.

4. Individuals who currently hold or are eligible to hold a Louisiana Administrative or Supervisory Credential as listed in Chapter 7 of this Part may apply for the Mentor Teacher add-on endorsement, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher ancillary certificate outlined in Chapter 3 of this Part

5. Individuals who currently hold or are eligible to hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the Mentor Teacher add-on endorsement, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher ancillary certificate outlined in Chapter 3 of this Part.

6. Certified CLASS[®] observers may apply for the Mentor Teacher add-on endorsement, which makes the individual eligible to serve as mentors of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher ancillary certificate outlined in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2021, to Shan N. Davis, Executive Director, Board of Elementary and

Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

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

There will be increased state costs to the extent the proposed revisions result in an increase in mentor teachers due to the expanded eligibility criteria for receipt of a mentor teacher certification; however, this is indeterminable. Currently, mentor teachers are provided a \$1,000 stipend, funded through the Louisiana Quality Education Support Fund, or 8(g) Grants Program. To the extent the number of mentor teachers exceeds available funds, the Department of Education (LDE) will need to identify other sources of funding to maintain stipend payments. In addition, the LDE may experience an increase in workload to process waivers for mentor teachers, as well as applications for mentor teacher ancillary certifications and endorsements; however, this is indeterminable.

Per the LDE, the proposed revision to reduce the number of assessments required for mentor teachers from four to two will not affect the current cost of the assessment series of \$175. Although the LDE currently provides some funding towards assessment fees, local school districts may incur additional costs if the number of teachers taking the assessment series increases or if such funds are unavailable in future years; however, this is indeterminable.

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

There are no estimated impacts on revenue collections as a result of the proposed revisions.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed revisions will provide direct economic benefits to individuals who currently hold a National Institute for Excellence in Teaching (NIET) Teacher Evaluation Training certification, CLASS® certification, or a Louisiana Administrative or Supervisory Credential, as these individuals will be eligible to serve as mentors without meeting the eligibility requirements for a mentor teacher ancillary certificate. Currently, mentor teachers are provided a \$1,000 stipend, funded through the Louisiana Quality Education Support Fund, or 8(g) Grants Program.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed revisions may increase the number of mentor teachers, as the mentor teacher ancillary certificate is more accessible to educators.

Beth Scioneaux
Deputy Superintendent
2107#036

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566—Pupil Progression Policies and Procedures
(LAC 28:XXXIX.305)

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 has approved for advertisement amendments to Bulletin 1566—Pupil Progression Policies and Procedures. The proposed amendments clarify that a locally authorized charter operator shall have the autonomy to develop a Pupil Progression Plan (PPP) separate and apart from the local charter authorizer. The proposed revision allows locally authorized charter operators to set policies and practices regarding pupil progression, aligned with federal law, state law, and BESE policy.

Title 28

EDUCATION

**Part XXXIX. Bulletin 1566—Pupil Progression Policies
and Procedures**

**Chapter 3. General Procedure for Development;
Approval and Revision of a Pupil
Progression Plan**

§305. Submission Process

A. - A.2. ...

B. A local charter authorizer shall allow a locally authorized charter operator to submit a pupil progression plan in accordance with federal law, state law and BESE policy.

1. Following adoption of the pupil progression plan by the non-profit charter school board of directors, the plan shall not require approval or adoption from the local charter authorizer.

2. A locally authorized charter operator shall submit their Pupil Progression Plan to the local charter authorizer prior to the annual submission to the Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 27:188 (February 2001), LR 27:1517 (September 2001), LR 36:2002 (September 2010), LR 44:479 (March 2018), LR 47:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received.

Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1566—Pupil Progression Policies and Procedures

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

The proposed revisions will not have a fiscal impact on state or local governmental units.

The proposed revisions would allow a locally authorized charter operator to develop a Pupil Progression Plan (PPP) separate and apart from the local charter authorizer.

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

The proposed revisions will have no impact on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an impact on competition and employment.

Beth Scioneaux
Deputy Superintendent
2107#037

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

School Food Service
(LAC 28.LXXIX.1903 and CXV.2103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:LXXIX in Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators*; and LAC 28: CXV in Bulletin 741—*Louisiana Handbook for School Administrators*. The aforementioned revisions align state policy with state law to clarify the types of organizations eligible to participate in federal child nutrition programs; define "nutrition programs," and define and specify the responsibilities of a "governing authority of a nutrition program provider."

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 21. Support Services

§2103. School Food Service

A. "Nutrition program" means a program under which meals or snacks are served by any governing authority of a

nutrition program provider in this state on a nonprofit basis to individuals in attendance, including any such program under which a nutrition program provider receives assistance out of the funds appropriated by the Congress of the United States. The USDA Child Nutrition Programs include the National School Lunch Program, the School Breakfast Program, the Summer Food Service Program, the Child and Adult Care Food Program, and any other nutrition program that may be included in the agreement between the governing authority of a nutrition program provider and the state Department of Education.

B. "Governing authority of a nutrition program provider" means any authority which has executed an agreement or contract with the state Department of Education to participate in a nutrition program. This includes schools, government entities, religious organizations, for profit and non-profit organizations, and any other organization approved under agreement with the LDE to participate in any nutrition program.

C. A recognized governing authority of a nutrition program provider shall be eligible to participate in the nutrition programs administered by the LDE, provided that all requirements set forth in the agreement with the state Department of Education are met and maintained. Approvals for participation, any adverse actions, and terminations, shall be in accordance with the signed agreement between the LDE and the governing authority of a nutrition program provider and in accordance with the federal regulations for the nutrition programs.

D. Reimbursement payment shall be made only for approved sites operating under an agreement between the governing authority of a nutrition program provider and the LDE.

1. Agreements shall be signed by the designated representative of each governing authority of a nutrition program provider.

E. Participating schools or other approved facilities shall adhere to the conditions of the agreement, all applicable federal and state laws, and all United States Department of Agriculture (USDA) regulations and policies governing the USDA Child Nutrition Programs under the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:82 and R.S. 17:191 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1287 (June 2005), amended LR 38:3135 (December 2012), LR 39:2212 (August 2013), LR 47:

Title 28 EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Chapter 19. Support Services §1903. School Food Service

A. "Nutrition program" means a program under which meals or snacks are served by any governing authority of a nutrition program provider in this state on a nonprofit basis to individuals in attendance, including any such program under which a nutrition program provider receives assistance out of the funds appropriated by the Congress of the United States. The USDA Child Nutrition Programs include the National School Lunch Program, the School Breakfast

Program, the Summer Food Service Program, the Child and Adult Care Food Program, and any other nutrition program that may be included in the agreement between the governing authority of a nutrition program provider and the state Department of Education.

B. "Governing authority of a nutrition program provider" means any authority which has executed an agreement or contract with the state Department of Education to participate in a nutrition program. This includes schools, government entities, religious organizations, for profit and non-profit organizations, and any other organization approved under agreement with the LDE to participate in any nutrition program.

C. A recognized governing authority of a nutrition program provider shall be eligible to participate in the nutrition programs administered by the LDE, provided that all requirements set forth in the agreement with the state Department of Education are met and maintained. Approvals for participation, any adverse actions, and terminations, shall be in accordance with the signed agreement between the LDE and the governing authority of a nutrition program provider and in accordance with the federal regulations for the nutrition programs.

D. Reimbursement payment shall be made only for approved sites operating under an agreement between the governing authority of a nutrition program provider and the LDE.

1. Agreements shall be signed by the designated representative of each governing authority of a nutrition program provider.

E. Participating schools or other approved facilities shall adhere to the conditions of the agreement, all applicable federal and state laws, and all United States Department of Agriculture (USDA) regulations and policies governing the USDA Child Nutrition Programs under the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), 17:82, 17:191, R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3080 (December 2005), LR 39:1443 (June 2013), LR 47:

Family Impact Statement

In accordance with sections 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with sections 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Food Service—Bulletin 741—Louisiana Handbook for School Administrators—Bulletin 741—Louisiana Handbook for Nonpublic School Administrators

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

The proposed revisions will not have a fiscal impact on state or local governmental units.

This revision will align BESE policy with current law which allows organizations other than school boards to serve as a governing authority of a nutrition provider, including schools, government entities, religious organizations, for-profit and non-profit organizations and any other organization approved under agreement with LDOE to participate in any nutrition program.

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

There are no impacts on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an impact on competition and employment.

Beth Scioneaux
Deputy Superintendent
2107#035

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Pardons

Notification and Request for Reconsideration of Decision (LAC 22:XI.504 and 705)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), and pursuant to R.S. 15:573.1, the Board of Pardons hereby gives notice of its intent to amend LAC XI.504 and 705. The amendment to §504 changes who notifies the board if an offender needs to be rescinded. The amendments to §705 increase the waiting period for an offender to request reconsideration of a parole decision after receiving a disciplinary write up.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XI. Committee on Parole

Chapter 5. Meetings and Hearings of the Committee on Parole

§504. General Procedures

A. - J.2. ...

K. Upon notification by DOC or staff of the housing facility that an offender has violated the terms of the decision granted by the committee or has engaged in misconduct prior to the inmate's release, the committee may

rescind its decision to grant parole. In such cases, the inmate shall promptly receive another parole hearing.

1. The board may choose to automatically rescind and change the decision for granting of parole under the below conditions:

- a. offender has received a disciplinary report prior or subsequent to the hearing, but prior to parole release;
- b. time calculation adjustments by the Department of Corrections that changes the parole eligibility date, causing the offender to become ineligible for parole or pushing his parole eligibility dates beyond the allowed time frame for parole release or rescheduling;
- c. refusing to comply with post and/or prior to release conditions set forth by the panel.

2. If it is determined prior to an offender's parole release that proper notification requirements were not met, the board may rescind its decision to grant parole.

- a. If the board rescinds its decision to grant parole, the offender shall promptly receive another parole hearing.
- b. In the event that the offender has been granted parole, the board may rescind its decision and promptly schedule a hearing in accordance with §510.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, Committee on Parole, LR 41:44 (January 2015), amended LR 45:1063 (August 2019), amended LR 46:42 (January 2020), LR 47:360 (March 2021), LR 47:

Chapter 7. Parole Decisions

§705. Application for Parole Rehearing or Request for Reconsideration of Decision

A. - B. ...

1. The offender must not have had a major (schedule B) disciplinary misconduct report in the nine months prior to the reapplication request;

2. The offender must not have been in disciplinary lockdown status for a period of six months prior to the reapplication request.

3. If both criteria in §705.C.1 and 2 are met, an offender may apply to the committee for a rehearing at the following intervals.

Type of Crime	Initial Request for Rehearing	Subsequent request for Rehearing ¹
Nonviolent, except as otherwise restricted	6 mos after original date of denial	6 mos after date of most recent denial
Crime of Violence enumerated in R.S. 14:2(B)	1 yr after original date of denial	Every 2 yrs after date of most recent denial
Crime Against Person enumerated in R.S. 14:29-47	1 yr after original date of denial	Every 2 yrs after date of most recent denial
Sex Offense as defined in §903	2 yrs after original date of denial	Every 2 yrs after date of most recent denial
Murder, 1st or 2nd degree	2 yrs after original date of denial	Every 2 yrs after date of most recent denial
Manslaughter	2 yrs after original date of denial	Every 2 yrs after date of most recent denial

¹ Subsequent request for rehearing may be submitted if initial request for rehearing was denied.

D. Reconsideration. An offender may request that the committee reconsider its decision to deny parole as outlined herein. However, this process does not establish a formal appeal process as parole is an administrative discretionary decision that is not subject to appeal.

1. A parole panel may reconsider a decision of any parole panel at the request of the board chairman.

2. An offender whose parole is denied or rescinded, or whose parole supervision is revoked may request reconsideration by the committee.

a. The request for reconsideration shall be made in writing by the offender (or the offender's authorized legal representative) and shall be postmarked no later than 21 calendar days from the date of the hearing during which the parole panel action was taken.

b. If the request for reconsideration is not postmarked within 21 calendar days, it shall be denied.

c. Reconsideration review shall be at the discretion of the committee and shall not be available except for the following reasons:

- i. if there is an allegation of misconduct by a committee member that is substantiated by the record;
- ii. if there is a significant procedural error by a committee member; or
- iii. if there is significant new evidence that was not available when the hearing was conducted. A request based on the availability of new evidence or information shall be accompanied by adequate documentation.

d. A request based on an allegation of misconduct or significant procedural error shall clearly indicate the specific misconduct or procedural error being alleged.

e. A written request for reconsideration postmarked within the time period set forth in §705.D.2.a. shall be screened by the chairman or designee to determine whether the request for reconsideration raises substantial grounds to believe that one or more of the reasons for reconsideration set forth in §705.D.2.c. may be present. The request for reconsideration shall be denied by the chairman or designee, if in his or her discretion, it is determined that the request does not raise adequate grounds to believe that one or more of the reasons for reconsideration set forth in §705.D.2.c. are present.

3. If the chairman or designee determines upon screening that a request for reconsideration raises adequate grounds to believe that one or more of the reasons for reconsideration set forth in §705.D.2.c are present.

a. The case shall be set for administrative review at the next available parole panel hearing date. The review shall be conducted from the record of the first hearing. The appearance of the offender shall not be necessary.

- b. The reviewing panel may vote to:
 - i. grant a new parole hearing and staff will make every attempt to schedule the hearing with a different parole panel than that which rendered the original decision; or
 - ii. affirm the original decision.

c. The applicant shall be advised, in writing, of the results of the review.

4. If the chairman or designee determine there is no basis to grant the request for reconsideration, the applicant will be advised in writing.

E. Disciplinary Removals

1. If the Offender has one or more major (Schedule B) Disciplinary Report(s) in the 12 months prior to their parole eligibility date, they will generally not be considered a good risk for early release and will, therefore, not be given parole consideration until such time as the offender has been disciplinary report free for 12 consecutive months. Offenders may be removed from a parole docket if they receive a Schedule B Disciplinary Report during the investigation period. The offender will be notified if they are not considered for placement on or removed from a docket.

a. The offender may request reconsideration of this decision in writing in accordance with the process outlined in this policy. Such request must include any mitigating factors that the offender wishes be considered during the review process.

b. The offender is responsible for notifying the board in writing when they are disciplinary report free for 12 consecutive months to be reconsidered for scheduling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2301 (December 1998), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 39:2266 (August 2013), amended by the Office of the Governor, Board of Pardons, LR 40:58 (January 2014), LR 45:1065 (August 2019), LR 47:363 (March 2021), LR 47:

Family Impact Statement

This amendment to the rules has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relations to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Elizabeth Traylor, Executive Management Officer, Board of Pardons and Parole, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on August 10, 2021.

Sheryl M. Ranatza
Board Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Notification and Request for Reconsideration of Decision

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

There is no impact on expenditures of the Department of Public Safety and Corrections (DPS&C) or local governmental units as a result of the proposed rules. The proposed rules revise general procedures regarding parole hearings and applications for parole rehearing or request for reconsideration.

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 as a result of the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham, III
Undersecretary
2107#029

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Peace Officer Training (LAC 22:III.4762)

In accordance with the provision of R.S. 40:2401, et. seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et. seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council hereby gives notice of its intent to promulgate rules and regulations relative to the training of peace officers. The proposed rules set forth additional training requirements for all peace officers as defined in R.S. 40:2402(3)(a) pursuant to Act 495 of the 2018 Regular Session.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 4. Peace Officers

Chapter 47. Standards and Training

§4761. Advanced Training

A. - B.3.a. ...

C. Domestic Violence Awareness Training

1. On and after January 1, 2016, each peace officer, as defined in R.S. 40:2402(3)(a) shall complete a domestic violence awareness training program as provided by the council pursuant to R.S. 40:2405.8(E). The training program

shall be implemented through a series of learning modules developed for this purpose.

D. Communication with the Deaf and Hard of Hearing Individuals

1. On and after January 1, 2019, each peace officer, as defined in R.S. 40:2402(3)(a) shall complete an interactive training module as provided by the council on communicating with deaf and hard of hearing individuals pursuant to R.S.40:2405.8(F)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it outlines the implementation of sexual assault awareness training for peace officers and training for communications with the deaf and hard of hearing.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on: (1) the effect on household income, assets, and financial security; (2) the effect on early childhood development and preschool through post secondary education development;; (3) the effect on employment and workforce development; (4) the effect on taxes and tax credits; (5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on: (1) the effect on the staffing level requirement or qualifications required to provide the same level of service; (2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or (3) the overall effect on the ability of the provider to the same level of service.

Public Comments

Interested persons may submit written comments on this proposed rule no later than November 8, 2021 at 5 pm to Bob Wertz, Peace Officer Standards and Training Council, Louisiana Commission on Law Enforcement, Box 3133 Baton Rouge, LA 708216.

Jim Craft
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Peace Officer Training**

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

There will be an increase in expenditures of the Louisiana Commission on Law Enforcement (LCLE) as a result of the proposed rules. The proposed rules set forth additional training

requirements for all peace officers as defined in R.S. 40:2402(3)(a) pursuant to Act 495 of the 2018 Regular Session. The proposed rules provide for domestic violence training and training for communication with the deaf and hard of hearing individuals for the 23,000 full-time certified peace officers in the state of Louisiana.

There is no anticipated fiscal impact to local governmental units as the training modules will be developed and provided by LCLE.

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

The training modules outlined in the proposed rule changes will be funded by existing federal grant dollars.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly attended persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of this proposed amendment.

Jim Craft
Executive Director
2107#028

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Dentistry**

**Continuing Education Requirements
(LAC 46:XXXIII.1615)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.1615.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.1615 to add the American Association of Dental Boards (AABD) to the list of organizations that the Board will accept for licensee continuing education credit.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

**Part XXXIII. Dental Health Profession
Chapter 16. Continuing Education Requirements
§1615. Approved Courses**

A. - A.5. ...

- 6. American Association of Dental Boards;
- 7. colleges and universities with dental programs which are accredited by the Commission on Dental Accreditation of the American Dental Association when continuing education courses are held under their auspices;
- 8. armed services and veterans' administration dental departments;
- 9. national, state and district associations and/or societies of all specialties in dentistry recognized by the board, and study clubs approved by said specialty societies;
- 10. American Heart Association as a provider of cardiopulmonary resuscitation courses (Course "C" Basic Life Support for the Health Care Provider);

11. the American Red Cross as a provider of the cardiopulmonary resuscitation course Red Cross professional rescue course;

12. the Accreditation Council for Continuing Medical Education (ACCME).

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8), and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:662 (June 1994), amended LR 22:24 (January 1996), LR 24:1118 (June 1998), LR 35:1238 (July 2009), LR 38:817 (March 2012), LR 45:1762 (December 2019), LR 47:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed rulemaking should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect of the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comment

Interested persons may submit written comments on these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

Public Hearing

A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Continuing Education Requirements

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

The proposed rule change will result in a one-time SGR expenditure of \$500 in FY 22 for the LA State Board of Dentistry (LSBD) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule change will not affect expenditures of local governmental units.

The proposed rule change adds continuing education courses approved or sponsored by the American Association of Dental Boards to the list of approved courses for providers licensed by the LSBD.

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

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will benefit persons licensed by the LA State Board of Dentistry, as they will now be allowed to receive continuing education credits for completing courses approved or sponsored by the American Association of Dental Boards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes should not impact competition or employment. However, if there is any effect on competition or employment it would be indeterminate and likely negligible.

Arthur Hickham, Jr.
Executive Director
2107#033

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Adult Residential Care Providers
Licensing Standards
(LAC 48:I.Chapter 68)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 68 as authorized by R.S. 36:254 and 40:2166.1-40:2166.8. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing standards for adult residential care providers (ARCPs) in order to: 1) establish requirements and limitations for visitation by clergy and immediate family members or other designated persons during a declared public health emergency; 2) adopt provisions governing the inactivation of the ARCP's license due to a declared or non-

declared disaster or emergency; and 3) revise the language in the administrative Rule to ensure consistency with other licensing standards.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter A. General Provisions

§6801. Introduction

A. ...

B. An ARCP serves individuals in a congregate setting and is operational 24 hours per day, seven days per week, with a coordinated array of supportive personal services, 24-hour supervision and assistance (scheduled and unscheduled), activities and health-related services that are designed to:

B.1. - D. ...

E. The Department of Health (LDH) does not require, and will not issue ARCP licenses for the provision of lodging and meals only or homeless shelters.

E.1. - H. ...

1. Upon approval of the application for renewal of licensure, an existing ARCP shall receive a new ARCP license with its level of service, pursuant to R.S. 40:2166.5.

EXAMPLE: ARCP level 1-personal care homes; ARCP level 2-shelter care homes; ARCP level 3-assisted living facilities; ARCP level 4-adult residential care provider.

2. An existing ARCP shall be required to submit to the department a written attestation which certifies that the ARCP is, and/or shall be in compliance with these provisions by August 15, 2015.

3. If an existing ARCP is electing to begin providing medication administration after August 15, 2015, the ARCP shall be required to submit to the department a written attestation which certifies that the licensing requirements to provide such services have been met.

4. Failure of an existing ARCP to submit the required attestation(s) shall be grounds for either denial of license or revocation of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1086 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6803. Definitions and Abbreviations

Cessation of Business—provider is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease, gift, or otherwise, of a licensed health care provider subject to this rule by a person, corporation, or other entity which results in a CHOW or change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity. An example of an action that constitutes a CHOW includes, but is not limited to, the leasing of the licensed entity.

1. - 4. Repealed.

Department—the Louisiana Department of Health (LDH).

HSS—the LDH, Office of the Secretary, Health Standards Section.

Level 2 ARCP—an ARCP that provides adult residential care for compensation to nine or more residents, but no more than 16, who are unrelated to the licensee or operator in a congregate living setting.

Level 3 ARCP—an ARCP that provides adult residential care for compensation to 17 or more residents who are unrelated to the licensee or operator in independent apartments equipped with kitchenettes, whether functional or rendered nonfunctional for reasons of safety.

NOTE: Kitchenettes are not required in apartments designated for the specialized dementia care program.

Level 4 ARCP—an ARCP that provides adult residential care including intermittent nursing services for compensation to 17 or more residents who are unrelated to the licensee or operator in independent apartments equipped with kitchenettes, whether functional or rendered nonfunctional for reasons of safety.

NOTE: Kitchenettes are not required in apartments designated for the specialized dementia care program.

May—Repealed.

Non-Operational—the ARCP location is not open for business operation on designated days and hours as stated on the licensing application and business location signage.

Nursing Director—a registered nurse (RN) licensed by the state of Louisiana who directs or coordinates nursing services in the ARCP.

PRN—Repealed.

Resident Representative—a person who has been authorized by the resident in writing to act upon the resident's direction regarding matters concerning the resident's health or welfare, including having access to personal records contained in the resident's file and receiving information and notices about the overall care, condition and services for the resident. No member of the governing body, administration or staff or an ARCP or any member of their family shall serve as the resident's representative unless they are related to the resident by blood or marriage.

Shall—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2166.1-2166.8 and R.S. 40:1101.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1086 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1976 (October 2017), LR 47:

§6805. Licensure Requirements

A. All ARCPs shall be licensed by LDH. The department is the only licensing authority for ARCPs in the state of Louisiana. It shall be unlawful to operate an ARCP without possessing a current, valid license issued by the department. The license shall:

1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1088 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6807. Initial Licensure Application Process

A. An initial application for licensing as an ARCP shall be obtained from the department. A completed initial license application packet for an ARCP shall be submitted to and approved by the department prior to an applicant providing ARCP services. An applicant shall submit a completed initial licensing packet to the department, which shall include:

1. - 5.b....

6. proof of general liability insurance of at least \$300,000 per occurrence;

7. proof of worker's compensation insurance as required by state law;

8. proof of professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):

a. if the ARCP is self-insured and is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate.

NOTE: The LDH/HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent).

9. if applicable, a clinical laboratory improvement amendments (CLIA) certificate or a CLIA certificate of waiver;

10. a completed disclosure of ownership and control information form;

11. a floor sketch or drawing of the premises to be licensed;

12. the days and hours of operation;

13. an FNR approval for a level 4 ARCP;

14. a copy of the letter approving architectural plans from the OSFM;

15. the organizational chart of the ARCP; and

16. any documentation or information required by the department for licensure.

B. ...

C. Once the initial licensing application packet has been approved by the department, the ARCP applicant shall notify the department of readiness for an initial licensing survey within 90 days. If an applicant fails to notify the department of readiness for an initial licensing survey within 90 days of approval, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming an ARCP must submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process subject to any FNR requirements.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

41:1088 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6809. Initial Licensing Surveys

A. - D. ...

1. The provider shall submit an acceptable plan of correction to LDH for approval, and the provider shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license. The required components of a plan of correction shall:

a. address how corrective actions were accomplished for those residents found to have been affected by the deficient practice;

b. describe how other residents that have the potential to be affected by the deficient practice will be identified; and what will be done for them;

c. include the measures that will be put in place or the system changes that will be made to ensure that the deficient practice will not recur;

d. indicate how the facility plans to monitor its performance; and

e. include dates when corrective action will be completed. This date shall not exceed 60 days from exit date of survey.

2. ...

3. If all such noncompliance or deficiencies are not corrected on the follow-up survey, or if new deficiencies are cited on the follow-up survey, the provisional license shall expire and the provider shall be required to begin the initial licensing process again by submitting a new initial license application packet, fee and any required FNR approval.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1089 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6811. Types of Licenses and Expiration Dates

A. - A.3. ...

4. Provisional License

a. The department, in its sole discretion, may issue a provisional license to an existing licensed ARCP for a period not to exceed six months, for any of the following reasons, including but not limited to:

i. the existing ARCP has more than three validated complaints in one licensed year period;

ii. the existing ARCP has been issued a deficiency that involved placing a participant at risk for serious harm or death;

iii. the existing ARCP has failed to correct deficient practices within 60 days of being cited for such deficient practices or at the time of a follow-up survey; or

iv. the existing ARCP is not in substantial compliance with all applicable federal, state, departmental, and local statutes, laws, ordinances, rules, regulations, and fees at the time of renewal of the license.

v. Repealed.

A.4.b. - B. ...

1. If a timely administrative appeal has been filed by the provider regarding the license revocation, suspension, or termination, the administrative appeal shall be suspensive, and the provider shall be allowed to continue to operate and

provide services until such time as the DAL or department issues a decision on the license revocation, suspension, or termination.

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1089 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6813. Changes in Licensee Information or Personnel

A. - B.2.g. ...

C. A CHOW of the ARCP shall be reported in writing to the department within five business days of the CHOW. The license of an ARCP is not transferable or assignable; the license of an ARCP cannot be sold. The new owner shall submit the legal CHOW document, all documents required for a new license, and the applicable licensing fee. Level 4 ARCPs shall also submit a FNR application for approval. Once all application requirements have been completed and approved by the department, a new license shall be issued to the new owner.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1090 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6815. Renewal of License

A. License Renewal Application. The ARCP shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the existing current license. The license renewal application packet shall include:

1. - 6.b....

7. proof of professional liability insurance in accordance with §6807;

8. proof of general liability insurance of at least \$300,000 per occurrence;

9. proof of worker's compensation insurance as required by state law; and

10. any other documentation required by the department.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1091 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6817. Denial of License, Revocation of License, Denial of License Renewal, Operation without License, Penalty

A. - D.15. ...

E. When a licensed ARCP receives a notice of license revocation or suspension, the ARCP shall notify its current residents and their representatives/family members (if applicable) of the license revocation or suspension action. The notice shall:

1. include the following:

a. the action taken by the department;

b. whether the facility is appealing the action; and

c. information regarding a resident's rights to select another ARCP; and

2. be posted in a conspicuous place inside the licensed premises where residents can access the notice.

F. In the event an ARCP license is revoked or renewal is denied, any owner, officer, member, manager, or director of such ARCP is prohibited from owning, managing, directing or operating another ARCP for a period of two years from the date of the final disposition of the revocation or denial action.

1. - 3. Repealed.

G. Operation Without License and Penalty

1. An ARCP shall not operate without a license issued by the department. Any such provider operating without a license shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$100 for each day of operation without a license up to a maximum of \$1,000 or imprisonment of not more than six months, or both. It shall be the responsibility of the department to inform the appropriate district attorney of the alleged violation to assure enforcement.

2. If an ARCP is operating without a license issued by the department, the department shall have the authority to issue an immediate cease and desist order to that provider. Any such provider receiving such a cease and desist order from the department shall immediately cease operations until such time as that provider is issued a license by the department.

3. The department shall seek an injunction in the Nineteenth Judicial District Court against any provider who receives a cease and desist order from the department under §6817.B and who does not cease operations immediately. Any such provider against whom an injunction is granted shall be liable to the department for attorney fees, costs, and damages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1091 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6819. Notice and Appeal of License Denial, License Revocation and Denial of License Renewal

A. - C. ...

1. The ARCP shall request the administrative appeal within 30 days of the receipt of the results of the administrative reconsideration. The ARCP may forego its rights to an administrative reconsideration, and if so, the ARCP shall request an administrative appeal within 30 days of the receipt of the notice of the license denial, license revocation, or denial of license renewal. The request for administrative appeal shall be in writing and shall be submitted to the DAL or its successor.

C.2. - E.5.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1092 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6823. Statement of Deficiencies

A. - C.3. ...

4. The request for administrative reconsideration of the deficiencies must be made to the department's HSS.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1093 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6825. Cessation of Business

A. Except as provided in §6881, §6882, and §6883 of these licensing regulations, a license shall be immediately null and void if an ARCP ceases to operate.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1094 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6829. Policy and Procedures

A. The ARCP shall have written policies and procedures approved by the governing body that, at a minimum, address the following:

1. - 15. ...

16. record-keeping including, but limited to the use of electronic signature authentication and identification for the electronic signature of a resident and/or the resident's representative in accordance with R.S. 40:1163.1 or current law;

17. infection control measures, including but not limited to the use of personal protective equipment (PPE), as appropriate;

18. fall assessment and prevention; and

19. any other area required in accordance with memorandums issued by the department's HSS.

B. - B.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1095 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1976 (October 2017), LR 47:

§6831. Visitation by Members of the Clergy During a Declared Public Health Emergency

A. For purposes of §6831 and §6832, a public health emergency (PHE) is a declaration made pursuant to the Louisiana Health Emergency Powers, R.S. 29:760 et seq.

B. For purposes of §6831 and §6832, clergy shall be defined as follows:

1. as a minister, priest, preacher, rabbi, imam, Christian Science practitioner; or

2. other similar functionary of a religious organization; or

3. an individual reasonably believed to be such a clergy member by the person consulting him.

C. For purposes of §6831 and §6832, immediate family shall mean the following in order of priority:

1. spouse;

2. natural or adoptive parent, child, or sibling;

3. stepparent, stepchild, stepbrother, or stepsister;

4. father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, or sister-in-law;

5. grandparent or grandchild; or

6. spouse of a grandparent or grandchild; or

7. legal or designated representative of the resident.

D. For purposes of §6831 and §6832, resident shall mean a resident or client of a licensed ARCP in Louisiana, or the legal or designated representative of the resident or client.

E. A licensed ARCP shall comply with any federal law, regulations, requirement, order or guideline regarding visitation in ARCPs issued by any federal government agency during a declared PHE. The provisions of the licensing rules in §6829.F-I shall be preempted by any federal statute, regulation, requirement, order or guideline from a federal government agency that requires an ARCP to restrict resident visitation in a manner that is more restrictive than the rules.

F. An ARCP facility shall comply with any Louisiana state health officer (SHO) order or emergency notice regarding visitation in ARCPs during a declared PHE.

G. An ARCP facility shall comply with any executive order or proclamation issued by the governor of the state of Louisiana regarding visitation in ARCPs during a declared PHE.

H. The provisions of this Section regarding visitation by members of the clergy shall apply to all ARCPs licensed by the Department of Health.

I. Subject to the requirements of §6831.E-G, each ARCP shall allow members of the clergy to visit residents of the ARCP during a declared PHE when a resident, or his legal or designated representative, requests a visit with a member of the clergy, subject to the following conditions and requirements:

1. Each ARCP shall have a written policy and procedure addressing visitation by members of the clergy. A copy of the written policy and procedure shall be available, without cost, to the resident and his legal or designated representative, upon request. The ARCP shall provide a link to an electronic copy of the policy and procedure to a member of the clergy, upon request.

2. An ARCP's policy and procedure regarding clergy visitation may adopt reasonable time, place, and manner restrictions, provided that such restrictions are implemented by the ARCP, in consultation with appropriate medical personnel, for the purpose of mitigating the possibility of transmission of any infectious agent or infectious disease or for the purpose of addressing the medical condition or clinical consideration of an individual resident.

3. An ARCP's policy and procedure on clergy visitation shall, at a minimum, require the following:

a. that the ARCP give special consideration and priority for clergy visitation to residents receiving end-of-life care;

b. that a clergy member will be screened for infectious agents or infectious diseases, utilizing at least the current screening or testing methods and protocols

recommended by the Centers for Disease Control and Prevention (CDC), as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods, or protocols, then the ARCP shall utilize those methods and protocols;

c. that a clergy member not be allowed to visit an ARCP resident if such clergy member has obvious signs or symptoms of an infectious agent, or infectious disease, or if such clergy member tests positive for an infectious agent, or infectious disease;

d. that a clergy member not be allowed to visit an ARCP resident if the clergy member refuses to comply with the provisions of the ARCP's policy and procedures or refuses to comply with the ARCP's reasonable time, place, and manner restrictions;

e. that a clergy member be required to wear PPE as determined appropriate by the ARCP, considering the resident's medical condition or clinical considerations; at the ARCP's discretion PPE may be made available by the ARCP to clergy members.

f. that an ARCP's policy and procedure include provisions for compliance with a Louisiana SHO order or emergency notice and with any governor's executive order or proclamation limiting visitation during a declared PHE; and

g. that an ARCP's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in ARCPs issued by any federal government agency during a declared PHE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6832. Visitation by Immediate Family Members and Other Designated Persons During a Declared Public Health Emergency

A. A licensed ARCP shall comply with any federal law, regulation, requirement, order, or guideline regarding visitation in ARCPs issued by any federal government agency during a declared PHE. The provisions of the licensing rules in §6832.B-E shall be preempted by any federal statute, regulation, requirement, order or guideline from a federal government agency that require an ARCP to restrict resident visitation in a manner that is more restrictive than the rules.

B. ARCPs shall comply with any Louisiana SHO order or emergency notice regarding visitation in ARCPs during a declared PHE.

C. ARCPs shall comply with any executive order or proclamation issued by the governor of the state of Louisiana regarding visitation in an ARCP during a declared PHE.

D. The provisions of this Section regarding visitation by immediate family members of the resident and other designated persons shall apply to all ARCPs licensed by the Department of Health.

E. Subject to the requirements of §6832.A-C, each ARCP shall allow immediate family members and other

designated persons to visit a resident of the ARCP during a declared PHE when a resident, or his legal or designated representative, requests a visit with immediate family members and other designated persons, subject to the following conditions and requirements:

1. Each ARCP shall have a written policy and procedure addressing visitation by immediate family members and other designated persons. A copy of the written policy and procedure shall be available, without cost, to the resident and his legal or designated representative, upon request. The ARCP shall provide a link to an electronic copy of the policy and procedure to immediate family members and other designated persons, upon request.

2. An ARCP's policy and procedure regarding visitation by immediate family members and other designated persons may adopt reasonable time, place, and manner restrictions, provided that such restrictions are implemented by the ARCP, in consultation with appropriate medical personnel, for the purpose of mitigating the possibility of transmission of any infectious agent or infectious disease or for the purpose of addressing the medical condition or clinical considerations of an individual resident.

3. An ARCP's policy and procedure on visitation by immediate family members and other designated persons shall, at a minimum, require the following:

a. that the ARCP give special consideration and priority for visitation by immediate family members and other designated persons to residents receiving end-of-life care;

b. that visitation by immediate family members of the residents and other designated persons will be screened for infectious agents or infectious diseases, utilizing at least the current screening or testing methods and protocols recommended by the CDC, as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods and protocols, then the ARCP shall utilize those methods and protocols;

c. that an immediate family member or other designated person not be allowed to visit an ARCP resident if such immediate family member or other designated person has obvious signs or symptoms of an infectious agent or infectious disease, or if such immediate family member or other designated person tests positive for an infectious agent or infectious disease;

d. that an immediate family member or other designated persons not be allowed to visit an ARCP resident if the immediate family member and other designated persons refuses to comply with the provisions of the ARCP's policy and procedure or refuses to comply with the provisions of the ARCP's policy and procedure or refuses to comply with the ARCP's reasonable time, place, and manner restrictions;

e. that immediate family members and other designated persons be required to wear PPE as determined appropriate by the ARCP, considering the resident's medical condition or clinical consideration; at the ARCP's discretion, PPE may be made available by the ARCP to immediate family members and other designated persons;

f. that an ARCP's policy and procedure include provisions for compliance with a Louisiana SHO order or emergency notice and with any governor's executive order or proclamation limiting visitation during a declared PHE; and

g. that an ARCP's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in ARCPs issued by any federal government agency during a declared PHE.

Subchapter C. Residency Criteria, Person-Centered Service Plans, and Residency Agreements

§6833. Pre-Residency and Continued Residency

A. - A.8. ...

B. The ARCP shall complete and maintain a pre-residency screening of the prospective resident to assess the applicant's needs and appropriateness for residency.

1. The pre-residency screening shall include:

a. the resident's physical and mental status, including but not limited to, fall risk assessment;

b. - 2. ...

C. Prohibited Health Conditions. There are individuals who are not eligible for residency in ARCPs because their conditions and care needs are beyond the scope of the ARCP's capacity to deliver services and ensure residents' health, safety, and welfare. ARCPs may not enter into agreements with residents with such conditions. These prohibited health conditions include:

1. unstageable, stage 3, or stage 4 pressure ulcers;

2. use of feeding tubes, including but not limited to, nasogastric or gastrostomy tubes;

C.3. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1095 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6835. Person-Centered Service Plan

A. - A.1. ...

2. If the resident's person-centered service plan includes staff administration of medication or intermittent nursing services, the assessment for those services shall be completed by an RN.

B. - D. ...

E. All plans, reviews, and updates shall be signed by the resident or the resident's representative, if applicable. The signature of the resident's representative on such documents may be submitted electronically in accordance with R.S. 40:1163.1 or current law pertaining to electronic signature authentication and identification, or signed in person.

F. All plans, reviews, and updates shall be signed by the ARCP staff. If the resident's PCSP includes staff administration of medication or intermittent nursing services, an RN shall also sign the plans, reviews, and updates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1096 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter D. Adult Residential Care Provider Services

§6839. General Provisions

A. - B.2. ...

3. The ARCP shall provide a sanitary environment to avoid sources and transmission of infections and communicable diseases which meet or exceed the latest criteria established by the CDC, Occupational Safety and Health Administration (OSHA), and *State Sanitary Code*.

C. Number of Residents. The maximum number of residents that an ARCP shall serve will be based upon the level and plan as approved by the OSFM and/or the department's HSS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1097 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6843. Medication Administration

A. The ARCP shall have written policies and procedures on medication administration including self-administration, assistance with self-administration, gratuitous administration or third party administration, and staff administration of medications. There shall also be policies regarding obtaining and refilling medications, storing and controlling medications, disposing of medications, documentation of medication administration, and assistance with self-administration.

B. - C.2.b.v. ...

c. Assistance with self-administration of medications shall not include:

i. - iv. ...

v. placing medications in a feeding tube;

vi. mixing medications with foods or liquids; or

vii. filling a single day or multi-day pill organizer

for the resident.

3. Staff Administration of Medication

a. - c. ...

d. The ARCP shall require pharmacists to perform a monthly review of all ordered medication regimens for possible adverse drug interactions and to advise the ARCP and the prescribing health care provider when adverse drug interactions are detected. The ARCP shall have documentation of this review and notification in the resident's record.

B.3.e. - F.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1098 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6845. Intermittent Nursing Services

A. - B.1. ...

2. The ARCP shall have written policies and procedures governing intermittent nursing services, including but not limited to the following:

a. - h. ...

i. infection control policies and procedures that meet or exceed the latest criteria established by the CDC, OSHA, and *State Sanitary Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1100 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6847. Transportation

A. - C. ...

D. When transportation services are provided by the ARCP, the ARCP shall:

1. ensure drivers are trained in cardio pulmonary resuscitation (CPR) and first aid, and in assisting residents in accordance with the individual resident's needs;

D.2 - F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1100 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6849. Meals Provided by the ARCP

A. - H. ...

I. All food preparation areas (excluding areas in residents' units) shall be maintained in accordance with LAC Title 51 *Sanitary Code*. Pets are not allowed in food preparation and serving areas.

J. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1101 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter E. Resident Protection

§6855. Resident Rights

A. ARCPs shall have a written policy on resident rights and shall post and distribute a copy of those rights. In addition to the basic civil and legal rights enjoyed by other adults, residents shall have the rights listed below. ARCP policies and procedures must be in compliance with these rights. Residents shall:

1. - 12. ...

13. be notified, along with their representative in writing by the ARCP when the ARCP's license status is modified, suspended, revoked or denied renewal and to be informed of the basis of the action and the right to select another ARCP in accordance with §6817.E.1-2;

14. - 22. ...

23. be informed of how to lodge a complaint with the HSS, the Office of Civil Rights, the Americans with Disabilities Act, the Office of the State Ombudsman, and the Advocacy Center. Contact information including telephone numbers and addresses for these entities shall be posted in a prominent location which is easily accessible to residents;

24. - 24.a. ...

b. the ARCP personnel knock before entering the apartment or room(s) and not enter without the resident's consent, except in case of an emergency or unless medically contraindicated; and

25. have the right to private and uncensored communications, including receiving and sending unopened mail.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1103 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6861. Resident Personal Property and Funds

A. - B.2. ...

3. If an ARCP offers the service of safekeeping readily accessible personal funds up to \$200, and if a resident wishes to entrust funds, the ARCP shall:

a. obtain written authorization from the resident and/or the resident's representative, if applicable, as to safekeeping of funds;

b. provide each resident with a receipt listing the amount of money the ARCP is holding in trust for the resident;

c. maintain a current balance sheet containing all financial transactions to include the signatures of staff and the resident for each transaction; and

d. afford the resident the right to examine the account during routine business hours.

4. If an ARCP offers the service of assisting with management of funds in excess of \$200, the following shall apply.

a. The ARCP shall obtain written authorization to manage the resident's funds from the resident and the representative if applicable.

b. The resident shall have access through quarterly statements and, upon request, financial records.

c. The ARCP shall keep funds received from the resident for management in an individual account in the name of the resident.

d. Unless otherwise provided by state law, upon the death of a resident, the ARCP shall provide the executor or director of the resident's estate, or the resident's representative, if applicable, with a complete accounting of all the resident's funds and personal property being held by the ARCP. The ARCP shall release the funds and property in accordance with all applicable state laws.

5. If ARCP staff is named as representative payee by Social Security or the Railroad Retirement Board or as fiduciary by the U.S. Department of Veterans Affairs, in addition to meeting the requirements of those agencies, the ARCP shall hold, safeguard, manage and account for the personal funds of the resident as follows.

a. The ARCP shall deposit any resident's personal funds in excess of \$50 in an interest bearing account (or accounts) separate from the ARCP's operating accounts, and that credits all interest earned on the resident's funds to that account. In pooled accounts, there shall be a separate accounting for each resident's share.

b. The ARCP shall maintain a resident's personal funds that do not exceed \$50 in a non-interest bearing account, interest bearing account, or petty cash fund.

c. The ARCP shall establish and maintain a system that assures a full, complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the ARCP on the resident's behalf.

i. The system shall preclude any comingling of resident funds with ARCP funds or with the funds of any person other than another resident.

ii. The individual financial record shall be available through quarterly statements and on request to resident and/or the resident's representative, if applicable.

5.d. - 6.c.ii. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1104 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter F. Requirements Related to Staff, Record-Keeping and Incident and Accident Reports

§6863. General Provisions

A. - C. ...

D. A staff member trained in the use of CPR and first aid shall be on duty at all times.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1105 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1976 (October 2017), LR 47:

§6865. Staffing Requirements

A. - A.1.b. ...

c. Director Qualifications

i. - ii.(d). ...

iii. Additionally, for level 4 ARCPs the director shall have successfully completed an adult residential care/assisted living director certification/training program consisting of, at a minimum, 12 hours of training that has been approved by any one of the following organizations:

(a). - (d). ...

(e). any of the national assisted living associations, including the:

(i). ...

(ii). Assisted Living Federation of America

(ALFA);

(iii). LeadingAge Gulf States; or

(iv). National Association of Long Term

Care Administrators Board (NAB).

A.1.c.iv. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1105 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1977 (October 2017), LR 47:

§6867. Staff Training

A. - A.3.b. ...

B. The following training topics shall be covered in orientation and annually thereafter for all staff and ARCP contracted providers having direct contact with residents:

1. - 5. ...

6. infection control, including, but not limited to PPE, as appropriate.

C. - C.5. ...

D. Continuing Education for Directors

1. All directors shall obtain 12 continuing education units per year that have been approved by any one of the following organizations:

a. - d. ...

e. any of the national assisted living associations, including:

i. - ii. ...

iii. LeadingAge Gulf States; or

f. any of the nationally recognized organizations for long term care that offers continuing education for assisted living providers, such as NAB.

D.2. - E. ...

F. Dementia Training

1. All employees shall be trained in the care of persons diagnosed with dementia and dementia-related practices that include or that are informed by evidence-based care practices. All new employees shall receive such training within 90 days from the date of hire and annually as required in accordance with §6867.F.1-10.b.

2. - 2.b.ii. ...

c. Employees who have only incidental contact with residents shall receive general written information provided by the ARCP on interacting with residents with dementia within 90 days of employment and annually.

3. ...

a. Employees who provide direct face-to-face care to residents shall be required to obtain at least two hours of dementia-specific training within 90 days of employment and annually. This training shall include the following topics:

i. - ii. ...

b. All other employees shall receive general written information provided by the ARCP on interacting with residents with dementia within 90 days of employment and annually.

4. - 10.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1106 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1977 (October 2017), LR 47:

§6869. Record Keeping

A. - B.9. ...

C. Resident Records. An ARCP shall maintain a separate record for each resident. Such record shall be current and complete and shall be maintained in the ARCP in which the resident resides and readily available to ARCP staff and department staff. Each record shall contain the information below including but not limited to:

1. - 14. ...

15. advance directives and/or Louisiana physician orders for scope of treatment (LaPOST), if any;

16. requirements for assistance in emergency evacuation; and

17. documentation of any third party services provided and documentation of any notifications provided to the resident's representative regarding services.

D. - D.4. ...

5. In the event of a CHOW, the resident records shall remain with the ARCP.

D.6. - E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1107 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter G. Emergency Preparedness

§6879. Notification

A. - E. ...

F. Effective immediately upon notification of an emergency declared by the Secretary, all ARCPs licensed in Louisiana shall file an electronic report with the ESF-8 Portal and its applications during a declared emergency, disaster, or a PHE.

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1111 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6881. Authority to Re-open After an Evacuation, Temporary Relocation or Temporary Cessation of Operation

A. The following applies to any ARCP that evacuates, temporarily relocates or temporarily ceases operation at its licensed location due to an emergency either declared or non-declared, in accordance with state statutes.

A.1. - G.2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1112 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6882. Inactivation of License Due to a Declared Disaster or Emergency

A. An ARCP licensed in a parish which is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766, may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the licensed provider shall submit written notification to the HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the ARCP has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the licensed ARCP intends to resume operation as an ARCP in the same service area;

c. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

d. includes an attestation that all residents have been properly discharged or transferred to another provider; and

e. provides a list of each resident and where that resident is discharged or transferred to;

2. the licensed ARCP resumes operating as an ARCP in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

3. the licensed ARCP continues to pay all fees and cost due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties; and

4. the licensed ARCP continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an ARCP license, the department shall issue a notice of inactivation of license to the ARCP.

C. Upon completion of repairs, renovations, rebuilding or replacement, an ARCP which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met.

1. The ARCP shall submit a written license reinstatement request to the licensing agency of the department 60 days prior to the anticipated date of reopening.

a. The license reinstatement request shall inform the department of the anticipated date of opening, and shall request scheduling of a licensing survey.

b. The license reinstatement request shall include a completed licensing application with appropriate licensing fees.

2. The provider resumes operating as an ARCP in the same service area within one year.

D. Upon receiving a completed written request to reinstate an ARCP license, the department shall conduct a licensing survey. If the ARCP meets the requirements for licensure and the requirements under this Section, the department shall issue a notice of reinstatement of the ARCP license.

1. The licensed capacity of the reinstated license shall not exceed the licensed capacity of the ARCP at the time of the request to inactivate the license.

E. No CHOW in the ARCP shall occur until such ARCP has completed repairs, renovations, rebuilding or replacement construction, and has resumed operations as an ARCP.

F. The provisions of this Section shall not apply to an ARCP which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the ARCP license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6883. Inactivation of License Due to a Non-Declared Disaster or Emergency

A. A licensed ARCP in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the licensed ARCP shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the ARCP has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the licensed ARCP intends to resume operation as an ARCP provider in the same service area;

c. the licensed ARCP attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the licensed ARCP's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding or replacement of the facility.

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for the initiation of request may be granted at the discretion of the department.

2. the licensed ARCP continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fee and outstanding civil monetary penalties and/or civil fines; and

3. the licensed ARCP continues to submit required documentation and information to the department, including, but not limited to cost reports.

B. Upon receiving a completed written request to temporarily inactivate an ARCP license, the department shall issue a notice of inactivation of license to the ARCP.

C. Upon the facility's receipt of the department's approval of request to inactivate the facility's license, the facility shall have 90 days to submit plans for the repairs, renovations, rebuilding or replacement of the facility, if applicable, to the OSFM and the OPH as required.

D. The licensed ARCP shall resume operating as an ARCP in the same service area within two years of the approval renovations/construction plans by the OSFM and the OPH as required.

EXCEPTION: If the facility requires an extension of this timeframe due to circumstances beyond the facility's control, the department will consider an extended time period to complete construction or repairs. Such written requests for extension shall show facility's active efforts to complete construction or repairs and the reasons for request for extension of facility's inactive license. Any approval for extension is at the sole discretion of the department.

E. Upon completion of repairs, renovations, rebuilding or replacement of the facility, an ARCP which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the ARCP shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey, where applicable; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate an ARCP license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the facility has met the requirements for licensure including the requirements of this Subsection.

G. No CHOW in the ARCP shall occur until such ARCP has completed repairs, renovations, rebuilding or replacement construction and has resumed operations as an ARCP.

H. The provisions of this Subsection shall not apply to an ARCP which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of these provisions of this Subsection shall be deemed a voluntary surrender of the ARCP license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter H. Physical Environment

§6885. General Requirements and Authority

A. - B. ...

C. Design Criteria. The project shall be designed in accordance with the following criteria:

1. - 2.

3. the current department licensing regulations for ARCPs.

D. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1113 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6889. Resident Dining and Common Areas

A. - J. ...

K. Adult Residential Care Providers in Shared Businesses

1. ...

2. Entrance. If more than one business occupies the same building, premises, or physical location, the ARCP shall have its own entrance. This separate entrance shall have appropriate signage and shall be clearly identifiable as belonging to the ARCP.

3. Nothing in this Section shall prohibit a health care provider occupying the same building, premises, or physical location as another health care provider from utilizing the entrance, hallways, stairs, elevators, or escalators of another health care provider to provide access to its separate entrance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1115 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§6891. Resident Personal Space

A. - C.9. ...

D. Requirements for Resident Apartments in levels 3 and 4

1. All apartments in levels 3 and 4 shall be independent and shall contain at a minimum the following areas:

a. - b. ...

c. a kitchenette that can be distinguished by sight from other areas in the apartment;

NOTE: Kitchenettes are not required in apartments designated for the specialized dementia care program.

d. - e. ...

2. Square Footage in Level 3 and 4 ARCPs

a. Efficiency/studio apartments shall have a minimum of 200 net square feet of floor space, excluding bathrooms and closets and/or wardrobes.

b. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1115 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1977 (October 2017), LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by allowing clergy and immediate family members, or other designated persons to visit ARCP residents during a declared public health emergency.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The

deadline for submitting written comments is at 4:30 p.m. on August 29, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 26, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Adult Residential Care Providers Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$5,340 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule amends the provisions governing the licensing standards for adult residential care providers (ARCPs) in order to: 1) establish requirements and limitations for visitation by clergy and immediate family members or other designated persons during a declared public health emergency; 2) adopt provisions governing the inactivation of the ARCP's license due to a declared or non-declared disaster or emergency; and 3) revise the language in the administrative Rule to ensure consistency with other licensing standards. This proposed Rule will be beneficial to the residents of ARCP by allowing visits by family and clergy during a PHE. It is anticipated that implementation of this proposed Rule will not result in costs to adult residential care providers in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by establishing standards for visitation during a PHE and inactivation of

license due to a declared or non-declared disaster or emergency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2107#053

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Free-Standing Birth Centers
Licensing Standards
(LAC 48:I.Chapter 67)

The Department of Health, Bureau of Health Services Financing proposes to repeal and replace the provisions of LAC 48:I.Chapter 67 as authorized by R.S. 36:254. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 332 of the 2019 Regular Session of the Louisiana Legislature authorized the Department of Health to promulgate Rules relative to the licensing of free-standing birth centers (FSBCs). In compliance with Act 332, the Department of Health, Bureau of Health Services Financing proposes to repeal the existing LAC 48:I.Chapter 67 governing the licensing of hospitals in its entirety as these provisions are incorporated elsewhere in the *Louisiana Administrative Code* and replace it with provisions governing the licensing of FSBCs.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 67. Free-Standing Birth Centers

Subchapter A. General Provisions

§6701. Introduction

A. These regulations contain the minimum licensing standards for free-standing birth centers (FSBCs). Free-standing birth centers are established for the purpose of rendering birthing procedures to its clients outside of a traditional hospital.

B. The care and services to be provided by an FSBC shall include:

1. birth-related procedures;
2. criteria for admission to, continuation in, and transfer out of, the birth center;
3. medications as needed for clinical procedures rendered;
4. services necessary to provide for the physical and emotional well-being of the clients served;
5. established consultation, assessment of emergency conditions, and transfer as needed; and
6. organized administrative structure and support services.

C. Each entity that meets the definition of free-standing birth center shall submit an initial licensing application and the required fee to the department within 90 days of the

promulgation of these initial rules, regulations, and licensing standards. If the entity is not licensed within 120 days after submission of its initial licensing application and fee, the entity shall cease operations until such time as it is licensed as a free-standing birth center by the department.

D. FSBCs that apply for their initial FSBC license or receive plan review approval for initial construction or major renovations, or change their geographic address after the effective date of the promulgation of this Rule, shall be required to comply with all of the provisions herein.

E. Recognized FSBCs in existence on the effective date of the promulgation of this rule, shall be exempt only from the provisions of §6701.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services and Financing, LR 47:

§6703. Definitions

Active Labor—contractions resulting in progressive effacement and dilation of the cervix.

Administrator—the person responsible for the on-site, daily implementation and supervision of the overall free-standing birth center's operation commensurate with the authority conferred by the governing body.

Apgar Score—an accepted and convenient method for reporting the status of the newborn infant immediately after birth and the response to resuscitation if it is needed.

Board—the Louisiana State Board of Medical Examiners (LSMBE).

Certified Nurse Midwife (CNM)—an advanced practice registered nurse educated in the disciplines of nursing and midwifery and certified according to a nationally recognized certifying body, such as the American College of Nurse Midwives Certification Council, as approved by the Louisiana State Board of Nursing (LSBN) and who is authorized to manage the nurse midwifery care of newborns and women in the antepartum, intrapartum, postpartum and/or gynecological periods pursuant to LAC 46:XLVII.4503.B.1. et seq.

Cessation of Business—center is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease gift, or otherwise, of a licensed health care provider subject to this rule by a person, corporation, or other entity, which results in a CHOW or change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity. An example of an action that constitutes a CHOW includes, but is not limited to, the leasing of the licensed entity.

Client—an individual who is receiving services from a licensed free-standing birth center (FSBC).

Department—the Louisiana Department of Health (LDH) or any of its sections, bureaus, offices or its contracted designee.

Division of Administrative Law (DAL)—the agency authorized to conduct fair hearings and take actions on appeals of departmental decisions as provided for in the Administrative Procedure Act, or its successor.

Employed—performance of a job or task for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position.

Family—individuals selected by the pregnant woman to be present and/or in attendance during her admission to the free-standing birth center.

Free-Standing Birth Center (FSBC)—a facility, place, center, agency, person, institution, corporation, partnership, unincorporated association, group, or other legal entity which provides free-standing birth center services and at which a person is anticipated to have an uncomplicated vaginal delivery following a low-risk pregnancy. A free-standing birth center does not include a hospital licensed pursuant to R.S. 40:2100 et seq., nor does it include the place of residence of the person giving birth.

Free-Standing Birth Center Services—peripartum care, including prenatal, labor, delivery, and postpartum, and services for people with low-risk pregnancies provided at free-standing birth centers. This includes any ancillary ambulatory service provided to a person at low risk for pregnancy complications, if such services are within the scope of practice of the individual providing the service.

Governing Body—the individual or group of individuals who are legally responsible for the operation of the FSBC, including management, control, conduct and functioning of the FSBC, also known as the governing authority.

Health Standards Section (HSS)—Department of Health, Office of the Secretary, Health Standards Section.

Intrapartum—the period beginning with active labor to the expulsion of the placenta.

Licensed Midwife—an individual who has completed all the requirements of R.S. 37:3247, 3253, and 3255, has successfully completed the examination process, is certified as a midwife by the North American Registry of Midwives (NARM), is licensed by the board, and is not a licensed physician or a licensed CNM.

Licensed Practitioner—a licensed physician and/or a CNM, or a licensed midwife.

Lochia—the normal discharge from the uterus after childbirth occurring three to ten days after delivery.

Low-Risk Pregnancy—a normal, uncomplicated, singleton pregnancy that has vertex presentation and is at low risk for development of complications during labor and birth, absent of any maternal, fetal or obstetric complications, including active labor less than 16 to 20 hours, as determined from an evaluation and examination conducted by a physician or other practitioner or individual acting within the scope of his or her practice.

Miscarried Child—the fetal remains resulting from a spontaneous fetal death that does not require compulsory registration pursuant to the provisions of R.S. 40:47.

Non-Operational—when the FSBC is not open for business operations on designated days and hours as stated on the licensing application.

Office of the State Fire Marshal (OSFM)—an agency of the Department of Public Safety responsible for architectural and licensing plan review and inspections for life safety codes.

Other Qualified Licensed Professional Practitioner—a CNM, advanced practice registered nurse (ARPN), or licensed physician's assistant (PA).

Perineal Laceration—a tear of the skin and other soft tissue structures which, in women, separate the vagina from the anus. Perineal tears mainly occur in women as a result of vaginal childbirth and vary in severity.

Physician—an individual licensed to practice medicine in this state who is actively engaged in a clinical obstetrical practice and has hospital privileges in obstetrics in a hospital accredited by the Joint Commission.

Physician Evaluation and Examination—physician evaluation and examination as provided in R.S. 37:3244 to determine whether, at the time of such evaluation and examination, the individual is at low or normal risk of developing complications during pregnancy and childbirth.

Postmature—gestational age of greater than 42 weeks.

Postpartum—the period beginning immediately after childbirth in accordance with current standards of practice.

Practice of Midwifery—holding oneself out to the public as being engaged in the business of attending, assisting, or advising a woman during the various phases of the interconceptional and childbearing periods.

Prenatal Care (Antepartum Care)—occurring or existing before birth. The prenatal period (also known as antenatal care) refers to the regular care recommended for women during pregnancy. Prenatal care is preventative care with the goal of providing regular check-ups that allow licensed health care practitioners to treat and prevent potential health problems throughout the course of pregnancy.

Preterm—prior to the thirty-seventh week of gestation.

Qualified Personnel—means that the individual is trained and competent in the services which he or she provides and is licensed or certified when required by statute or professional standard.

Scope of Practice—licensed midwives may provide care in hospitals, birth centers, clinics, offices and home birth settings, only to low risk clients determined by physician evaluation and examination to be normal for pregnancy and childbirth, and at low risk for the development of medical complications. Such care includes:

1. prenatal supervision and counseling;
2. preparation for childbirth;
3. supervision and care during labor and delivery and care of the mother and the newborn in the immediate postpartum period, if progress meets criteria generally accepted as normal as defined by the board; and
4. referral or consultation with a physician when a client's medical condition deviates from normal.

Secretary—the secretary of LDH, or designee.

Standards—policies, procedures, rules, guidelines, and standards of current practice contained in this Part in addition to those rules and standards promulgated by LDH for the licensing and operation of free-standing birth centers.

Term—gestational age of greater or equal to 37 weeks but less than 42 weeks.

Transfer Agreement—arrangements made with at least one receiving hospital in the community and with a local ambulance service for the timely transport of emergency clients to a licensed hospital that will provide obstetric/newborn acute care should an emergency arise which would necessitate hospital care and services.

Uterine Atony—a loss of tone in the uterine musculature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2180.21-2180.28, R.S. 37:1270 and R.S. 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR:

§6705. General Requirements

A. All FSBCs shall be licensed by LDH. No facility, place, center, agency, person, institution, corporation, partnership, unincorporated association, group, or other legal entity providing free-standing birth center services shall be established or operated unless licensed as a FSBC by the department to perform such services.

B. A license issued to a FSBC shall be valid for one geographic location and issued to the entity or person and premises named in the license application.

C. A license issued pursuant to these regulations shall be valid for 12 months unless revoked or otherwise suspended prior to that date, commencing with the month of issuance.

D. Unless otherwise renewed or stayed in the rules promulgated by the department, a license issued pursuant to this Part shall expire on the last day of the twelfth month after the date of issuance.

E. A license issued pursuant to this Part shall be on a form prescribed by the department.

F. A license issued pursuant to this Part shall not be transferable or assignable.

G. A license issued to a FSBC shall be posted in a conspicuous place on the licensed premises.

H. Each FSBC shall be located within a 20 minutes' transport time from a general acute care hospital providing obstetric services which allows for an emergency cesarean delivery to begin within 30 minutes of the decision by a licensed OB/GYN physician in the receiving facility that a cesarean delivery is necessary.

I. Each FSBC shall have agreements or written policies and procedures with other agencies, institutions, or individuals, for services to clients including, but not limited to:

1. laboratory and diagnostic services;
2. obstetric consultation services;
3. pediatric consultation services;
4. transport services;
5. obstetric/newborn acute care in hospitals; and
6. pharmaceutical services.

J. Each FSBC shall have an established consultation, collaboration, or referral system, for both emergency and non-emergency circumstances, that fall outside the scope of birth center practice, to meet the needs of a mother or the newborn infant.

K. Each FSBC shall have requirements and protocols for assessing, transferring, and transporting clients to a licensed hospital and arrangements with a local ambulance service for the transport of emergency clients to a licensed hospital.

L. Each FSBC shall have requirements for documentation of adequate prenatal care and for documentation and evidence that the delivery is expected to be low risk, singleton birth, and vertex presentation.

M. Each FSBC shall meet the national standards for birth centers published or established by the American Association of Birth Centers, as well as requirements for accreditation published by the Commission for Accreditation of Birth Centers.

N. The FSBC staff shall not administer general or epidural anesthesia services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6707. Licensing

A. The LDH HSS is the only licensing authority for FSBCs in the state of Louisiana.

B. Each FSBC license shall:

1. be issued only to the person or entity named in the license application;

2. be valid only for the FSBC to which it is issued and only for the specific geographic address of that FSBC;

3. be valid for one year from the date of issuance, unless revoked, suspended, modified or terminated prior to that date, or unless a provisional license is issued:

a. a provisional license shall be valid for a period not to exceed six months if the department determines that there is no immediate and serious threat to the health and safety of clients;

4. expire on the last day of the twelfth month after the date of issuance, unless timely renewed by the FSBC;

5. not be subject to sale, assignment, donation, or other transfer, whether voluntary or involuntary; and

6. be posted in a conspicuous place on the licensed premises at all times.

C. The FSBC shall abide by and adhere to any federal, state, and local laws, rules, policies, procedures, manuals, or memorandums applicable to such facilities.

D. A separately licensed FSBC shall not use a name which is the same as the name of another such FSBC licensed by the department as determined by the secretary of state.

E. Each existing entity that meets the definition of FSBC as defined in this Chapter shall submit an initial licensing application and fee to the department within 90 days of the promulgation of the initial rules, regulations, and licensing standards. If the existing entity is not licensed within 120 days after submission of its initial licensing application and fee, the existing entity shall cease operations until such time as it is licensed as a free-standing birth center by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6709. Initial Licensure Application Process

A. An initial application for licensing as an FSBC shall be obtained from the department. A completed initial license application packet for an FSBC shall be submitted to, and approved by the department, prior to an applicant providing services.

B. The initial licensing application packet shall include:

1. a completed licensure application and the non-refundable licensing fee as established by statute;

2. a copy of the approval letter(s) of the architectural and licensing facility plans from the OSFM and any other office/entity designated by the department to review and approve the center's architectural and licensing plan review;

3. a copy of the on-site inspection report with approval for occupancy by the OSFM, if applicable;

4. a copy of the on-site health inspection report with approval for occupancy from the Office of Public Health (OPH);

5. proof of each insurance coverage as follows:
 - a. general liability insurance of at least \$300,000 per occurrence;
 - b. worker's compensation insurance as required by state law;
 - c. professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):
 - i. if the FSBC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and
 - d. the LDH HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);
 6. proof of a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$100,000;
 7. disclosure of ownership and control information;
 8. the usual and customary days and hours of operation;
 9. an organizational chart and names, including position titles, of key administrative personnel and governing body;
 10. fiscal intermediary, if applicable;
 11. secretary of state's articles of incorporation;
 12. clinical laboratory improvement amendments (CLIA) certificate or CLIA certificate of waiver, if applicable;
 13. an 8.5 by 11-inch mapped floor plan; and
 14. any other documentation or information required by the department for licensure.

C. If the initial licensing packet is incomplete, the applicant shall be notified of the missing information, and shall have 90 days from receipt of the notification to submit the additional requested information. If the additional requested information is not submitted to the department within 90 days, the application shall be closed. If an initial licensing application is closed, an applicant who is still interested in becoming an FSBC shall be required to submit a new initial licensing application packet with the required fee to start the initial licensing process.

D. Once the initial licensing application packet has been approved by the department, notification of such approval shall be forwarded to the applicant. Within 90 days of receipt of the approval of the application, the applicant shall notify the department that the FSBC is ready and is requesting an initial licensing survey. If an applicant fails to notify the department within 90 days, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a licensed FSBC shall be required to submit a new initial licensing packet with the required fee to start the initial licensing process.

E. Applicants shall be compliant with applicable federal, state, departmental or local statutes, laws, ordinances, rules, regulations and fees before the FSBC will be issued an initial license to operate.

F. Fire Protection. All FSBCs required to be licensed by the law shall comply with the rules, established fire

protection standards and enforcement policies as promulgated by the OSFM. It shall be the primary responsibility of the OSFM to determine if applicants are complying with those requirements. No license shall be issued to an applicant seeking licensure after the effective date of the promulgation of this rule or license renewed without the applicant furnishing a certificate from the OSFM stating that the applicant is complying with its provisions.

G. Sanitation and Client Safety. All FSBCs required to be licensed by the law shall comply with the Rules, *Sanitary Code* and enforcement policies as promulgated by the Office of Public Health (OPH). It shall be the primary responsibility of the OPH to determine if applicants are complying with those requirements. No initial license shall be issued to an applicant seeking licensure or license renewal after the effective date of the promulgation of this rule without the applicant furnishing a certificate from the OPH stating that the applicant is complying with its provisions.

H. For those existing facilities that get a conditional certificate from OPH/OSFM, a provisional license may be issued to the applicant if the OPH or the OSFM issues the applicant a conditional certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6711. Initial Licensing Surveys

A. Prior to the initial license being issued, an initial onsite licensing survey shall be conducted to ensure compliance with the licensing laws and standards.

1. The initial licensing survey of an FSBC shall be an announced survey.

2. Follow-up surveys to the initial licensing surveys may be announced or unannounced surveys depending on the outcome of the initial survey.

B. The FSBC shall not provide services to any client until the initial licensing survey has been performed and the FSBC has been determined to be compliant with these licensing regulations and has received written approval from the HSS.

EXCEPTION: For FSBCs in operation at the time of the promulgation of this Rule, the requirement for non-admittance of clients prior to survey does not apply.

C. If the initial licensing survey finds that the FSBC is compliant with all licensing laws, regulations, and other required statutes, laws, ordinances, rules, regulations, and fees, the department shall issue a full license to the center. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended or terminated.

D. If the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required rules or regulations that present a potential threat to the health, safety, or welfare of the clients, the department shall deny the initial license.

E. In the event that the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required rules or regulations, but the department in its sole discretion determines that the noncompliance does not present a threat to the health, safety or welfare of the clients, the department may issue a provisional initial license for a period not to exceed six

months. The FSBC shall submit a plan of correction to the department for approval and shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license.

1. If all such noncompliance or deficiencies are corrected on the follow-up survey, a full license may be issued.

2. If all such noncompliance or deficiencies are not corrected on the follow-up survey, or new deficiencies affecting the health, safety, or welfare of a client are cited, the provisional license shall expire, and the facility shall be required to begin the initial licensing process again by submitting a new initial license application packet and the required licensing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6713. Types of Licenses and Expiration Dates

A. The department shall have the authority to issue the following types of licenses.

1. Full Initial License. The department shall issue a full license to the FSBC when the initial licensing survey finds that the FSBC is compliant with all licensing laws and regulations, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

2. Provisional Initial License. The department may issue a provisional initial license for a period not to exceed six months to a FSBC when the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations or any other required statutes, laws, ordinances, rules, regulations or fees, but the department determines that the noncompliance does not present a threat to the health, safety or welfare of the clients.

3. Full Renewal License. The department may issue a full renewal license to an existing licensed FSBC that is in substantial compliance with all applicable federal, state, departmental, and local statutes, laws, ordinances, rules, regulations, and fees. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

4. Provisional License. The department, in its sole discretion, may issue a provisional license to an existing licensed FSBC for a period not to exceed six months for any of the following reasons.

a. The existing FSBC has more than five deficient practices or deficiencies cited during any one survey.

b. The existing FSBC has more than three substantiated complaints in a 12-month period.

c. The existing FSBC has been issued a deficiency that involved placing a client at risk for serious harm or death.

d. The existing FSBC has failed to correct deficient practices within 60 days of being cited for such deficient practices or at the time of a follow-up survey.

e. The existing FSBC is not in substantial compliance with all applicable federal, state, departmental

and local statutes, laws, ordinances, rules, regulations, and fees at the time of renewal of the license.

f. When the department issues a provisional license, the FSBC shall submit a plan of correction to the department for approval and shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license. The department shall conduct a follow-up survey, either on-site or by desk review, of the FSBC prior to the expiration of the provisional license.

g. If the follow-up survey determines that the FSBC has corrected the deficient practices and has maintained compliance during the period of the provisional license, the department may issue a full license for the remainder of the year until the anniversary date of the FSBC license.

h. If the follow-up survey determines that all noncompliance or deficiencies have not been corrected, or if new deficiencies that are a threat to the health, safety, or welfare of a client are cited on the follow-up survey, the provisional license shall expire, and the facility shall be required to begin the initial licensing process again.

i. If the follow-up survey determines that most but not all noncompliance or deficiencies have been corrected, or if new deficiencies that are not a threat to the health, safety, or welfare of a client are cited on the follow-up survey, a one-time extension of the provisional license may be granted at the discretion of the department.

j. The department shall issue written notice to the FSBC of the results of the follow-up survey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6715. Changes in License Information or Personnel

A. An FSBC license shall be valid only for the person or entity named in the license application and only for the specific geographic address listed on the license application.

B. Any permanent change regarding the entity FSBC's name, "doing business as" name, mailing address, telephone number, stated days and hours of operation, or any combination thereof, shall be reported in writing to the department within five business days of the change.

1. For any temporary closures of the FSBC greater than 24 hours, other than weekends or holidays, the FSBC shall notify HSS in advance.

2. At any time that the FSBC has an interruption in services or a change in the licensed location due to an emergency, the FSBC shall notify HSS no later than the next stated business day.

C. Any change regarding the FSBC's key administrative personnel shall be reported in writing to the department within 10 days of the change.

1. Key administrative personnel include the:

- a. administrator; and
- b. director of clinical midwifery services.

2. The FSBC's notice to the department shall include the individual's:

- a. name;
- b. address;
- c. hire date; and
- d. qualifications.

D. A CHOW of the FSBC shall be reported in writing to the department within five days of the change.

E. The license of an FSBC is not transferable or assignable and cannot be sold. The new owner shall submit the legal CHOW document, all documents required for a new license and the applicable licensing fee. Once all application requirements are completed and approved by the department, a new license shall be issued to the new owner.

1. An FSBC that is under license revocation, provisional licensure and/or denial of license renewal may not undergo a CHOW.

2. If the CHOW results in a change of geographic address, an on-site physical environment survey by the HSS, an on-site inspection by the OPH and the OSFM shall be required prior to issuance of the new license.

F. If the FSBC changes its name without a change in ownership, the FSBC shall report such change to the department in writing five days prior to the change. The change in the FSBC's name requires a change in the license and payment of the required fee for a name change and reissuance of a license.

G. Any request for a duplicate license shall be accompanied by the applicable required fee.

H. If the FSBC changes the physical address of its geographic location without a change in ownership, the FSBC shall report such change to the department in writing at least six weeks prior to the change. Because the license of an FSBC is valid only for the geographic location of that FSBC, and is not transferrable or assignable, the FSBC shall submit a new licensing application and the required fees, licensing inspection reports, and licensing plan reviews for the new location.

1. An on-site physical environment survey by the HSS, an on-site inspection by the OPH and the OSFM shall be required prior to the issuance of the new license.

2. The change in the FSBC's physical address results in a new anniversary date and the full licensing fee shall be paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6717. Renewal of License

A. The FSBC shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet shall include the:

1. license renewal application;
2. non-refundable license renewal fee;
3. stated days and hours of operation;
4. current State Fire Marshal report;
5. current OPH inspection report;
6. proof of each insurance coverage as follows:
 - a. general liability insurance of at least \$300,000 per occurrence;
 - b. worker's compensation insurance of at least \$100,000 as required by state law;
 - c. professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the PCF:

i. if the FSBC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate;

d. the LDH HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

7. proof of a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$100,000; and

8. any other documentation required by the department, if applicable.

B. The department may perform an on-site survey and inspection upon annual renewal of a license.

C. Failure to submit a completed license renewal application packet prior to the expiration of the current license will result in the voluntary non-renewal of the FSBC license. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the FSBC.

D. If an existing licensed FSBC has been issued a notice of license revocation, suspension or termination, and the FSBC's license is due for annual renewal, the department shall deny the license renewal application and shall not issue a renewal license.

1. Subject to the provisions in D.2 of this section, if a timely administrative appeal has been filed by the FSBC regarding the license revocation, suspension, or termination, the administrative appeal shall be suspensive, and the FSBC shall be allowed to continue to operate and provide services until such time as the administrative tribunal or department issues a decision on the license revocation, suspension, or termination.

2. If the secretary of the department determines that the violations of the FSBC pose an imminent or immediate threat to the health, welfare, or safety of a client, the imposition of such action may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the FSBC will be notified in writing.

3. The denial of the license renewal application does not affect in any manner the license revocation, suspension, or termination.

E. The renewal of a license does not in any manner affect any sanction, civil monetary penalty, or other action imposed by the department against the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6719. Deemed Status

A. A licensed FSBC may request deemed status once the center becomes accredited by an LDH authorized accreditation organization, or if the applicant has achieved accreditation prior to initial licensure and becomes licensed.

B. The department may approve the deemed status request and accept accreditation in lieu of periodic licensing surveys when the provider provides documentation to the department that shows:

1. the accreditation is current and was obtained through an LDH authorized accreditation organization;

2. all FSBC services provided under the FSBC license are accredited; and

3. the accrediting organization's findings.

C. If deemed status is approved, accreditation will be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic re-licensure surveys. Accreditation will not replace annual renewal of licensure. The FSBC shall annually apply to renew the provider license and meet licensure requirements.

D. To maintain deemed status, the center shall submit a copy of current accreditation documentation with its annual license renewal application.

E. The department may conduct unannounced complaint investigations on all FSBCs including those with deemed status.

F. The department may rescind deemed status and conduct a licensing survey for the following:

1. a valid complaint is received within the preceding 12 months;

2. the FSBC begins offering additional services;

3. a CHOW occurs;

4. a provisional license has been issued within the preceding 12-month period;

5. deficiencies have been identified within the preceding 12-month period that placed clients at risk for harm;

6. a treatment or service results in death or serious injury; or

7. a change in geographic location occurs.

G. The center shall notify HSS upon change in accreditation status within two business days.

H. The department shall rescind deemed status when the center loses its accreditation.

I. An FSBC approved for deemed status is subject to and shall comply with all provisions of this Chapter, except §6709.F and §6709.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6721. Survey Activities

A. The department may conduct periodic licensing surveys and other surveys as deemed necessary to ensure compliance with all laws, rules, and regulations governing FSBCs and to ensure client health, safety, and welfare. These surveys may be conducted on-site or by administrative review and shall be unannounced.

B. The department may require an acceptable plan of correction from the FSBC for any survey where deficiencies have been cited, regardless of whether the department takes other action against the FSBC for the deficiencies cited in the survey. The acceptable plan of correction shall be submitted for approval to the department within the prescribed timeframe.

C. A follow-up survey may be conducted for any survey where deficiencies have been cited to ensure correction of the deficient practices.

D. The department may issue appropriate sanctions for noncompliance, deficiencies and violations of law, rules, and regulations. Sanctions may include, but are not limited to:

1. civil fines;

2. directed plans of correction;

3. denial of license renewal; and/or

4. license revocation.

E. LDH surveyors and staff shall be:

1. given access to all areas of the FSBC and all relevant files and other documentation as necessary or required to conduct the survey:

a. for any records or other documentation stored onsite, such shall be provided within one to two hours of surveyor request; and

b. for any records or other documentation stored off-site, such shall be provided to the surveyor for review no later than 24 hours from the time of the surveyor's request.

2. allowed to interview any facility staff, client or other persons as necessary or required to conduct the survey; and

3. allowed to photocopy any records/files requested by surveyors during the survey process.

F. The department shall conduct complaint surveys in accordance with R.S. 40:2009.13 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6723. Statement of Deficiencies

A. Any statement of deficiencies issued by the department to an FSBC shall be available for disclosure to the public 30 days after the FSBC submits an acceptable plan of correction to the deficiencies or 90 days after the statement of deficiencies is issued to the FSBC, whichever occurs first.

B. Unless otherwise provided in statute or in these licensing provisions, the FSBC shall have the right to an informal reconsideration of any deficiencies cited as a result of a survey or investigation.

1. Correction of the violation, noncompliance, or deficiency shall not be the basis for the reconsideration.

2. The informal reconsideration of the deficiencies shall be requested in writing within 10 calendar days of receipt of the statement of deficiencies, unless otherwise provided in these standards.

3. The request for informal reconsideration of the deficiencies shall be made to HSS and will be considered timely if received by HSS within 10 calendar days of the FSBC's receipt of the statement of deficiencies.

4. If a timely request for an informal reconsideration is received, the department shall schedule and conduct the informal reconsideration. The FSBC shall be notified in writing of the results of the informal reconsideration.

5. Except as provided for complaint surveys pursuant to R.S. 40:2009.13 et seq., and as provided in these licensing provisions for initial license denials, license revocations, and denial of license renewals, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6725. Denial of Initial License, Revocation of License, Denial of License Renewal

A. The department may deny an application for an initial license or a license renewal, or the department may revoke a license in accordance with the provisions of the Administrative Procedure Act.

B. Denial of an Initial License.

1. The department shall deny an initial license if the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required statutes or regulations that present a potential threat to the health, safety or welfare of the clients.

2. The department shall deny an initial license for any of the reasons that a license may also be revoked or denied renewal pursuant to these licensing provisions.

3. If the department denies an initial license, the applicant for an FSBC license shall not render services to clients.

C. Voluntary Non-Renewal of a License. If the FSBC fails to timely renew its license, the license expires on its face and is considered voluntarily surrendered. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the facility.

D. Revocation of License or Denial of License Renewal. An FSBC license may be revoked or denied renewal for any of the following reasons, including but not limited to:

1. failure to be in substantial compliance with the FSBC licensing laws, rules, and regulations;

2. failure to be in substantial compliance with other required statutes, laws, ordinances, rules, or regulations;

3. failure to uphold client rights whereby deficient practices result in harm, injury, or death of a client;

4. failure to protect a client from a harmful act by an FSBC employee or other client on the premises including, but not limited to:

a. any action which poses a threat to client or public health and safety;

b. coercion;

c. threat or intimidation;

d. harassment;

e. abuse; or

f. neglect;

5. failure to notify the proper authorities, as required by federal or state law or regulations, of all suspected cases of the acts outlined in §6725.D.4.a-f;

6. failure to employ qualified personnel;

7. failure to submit an acceptable plan of correction for deficient practices cited during an on-site survey within the stipulated timeframes;

8. failure to submit the required fees, including but not limited to:

a. fees for address or name changes;

b. any fine assessed by the department; or

c. fee for a CHOW;

9. failure to allow entry into the FSBC or access to requested records during a survey;

10. failure to protect clients from unsafe care by an individual employed by the FSBC;

11. when the FSBC staff or owner knowingly (or with reason to know) makes a false statement of a material fact in any of the following:

a. the application for licensure;

b. data forms;

c. clinical records;

d. matters under investigation by the department;

e. information submitted for reimbursement from any payment source; or

f. advertising;

12. conviction of a felony or entering a plea of guilty or nolo contendere to a felony by an owner, administrator, or clinical director, as evidenced by a certified copy of the conviction;

13. failure to comply with all reporting requirements in a timely manner as requested by the department;

14. failure to comply with the terms and provisions of a settlement agreement with the department or an educational letter;

15. failure to repay an identified overpayment to the department or failure to enter into a payment agreement to repay such overpayment; or

16. failure to timely pay outstanding fees, fines, sanctions or other debts owed to the department.

E. In the event an FSBC license is revoked, renewal is denied, or the license is surrendered in lieu of an adverse action, any owner, officer, member, manager, director, or administrator of such FSBC is prohibited from owning, managing, directing, or operating another FSBC for a period of two years from the date of the final disposition of the revocation, denial action, or surrender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6727. Notice and Appeal of Initial License Denial, License Revocation, or Denial of License Renewal

A. Notice of an initial license denial, license revocation, or denial of license renewal shall be given to the FSBC in writing.

B. The FSBC has a right to an administrative reconsideration of the initial license denial, license revocation, or denial of license renewal. There is no right to an informal reconsideration of a voluntary non-renewal or surrender of a license by the FSBC.

1. The request for the administrative reconsideration shall be submitted within 15 days of the receipt of the notice of the initial license denial, license revocation, or denial of license renewal. The request for administrative reconsideration shall be in writing and shall be forwarded to HSS.

2. The request for administrative reconsideration shall include any documentation that demonstrates that the determination was made in error.

3. If a timely request for an administrative reconsideration is received by HSS, an administrative reconsideration shall be scheduled, and the FSBC will receive written notification of the date of the administrative reconsideration.

4. The FSBC shall have the right to appear in person at the administrative reconsideration and may be represented by counsel.

5. Correction of a violation or deficiency which is the basis for the initial license denial, revocation, or denial of license renewal shall not be a basis for reconsideration.

6. The administrative reconsideration process is not in lieu of the administrative appeals process.

7. The FSBC will be notified in writing of the results of the administrative reconsideration.

C. The FSBC has a right to an administrative appeal of the initial license denial, license revocation, or denial of license renewal. There is no right to an administrative appeal of a voluntary non-renewal or surrender of a license by the FSBC.

1. The FSBC shall request the administrative appeal within 30 days of the receipt of the results of the administrative reconsideration.

a. The FSBC may forego its rights to an administrative reconsideration, and if so, shall request the administrative appeal within 30 days of the receipt of the notice of the initial license denial, license revocation, or denial of license renewal.

2. The request for administrative appeal shall be in writing and shall be submitted to the DAL. The request shall include any documentation that demonstrates that the determination was made in error and shall include the basis and specific reasons for the appeal.

3. Subject to the provisions in C.3.a. of this Section, if a timely request for an administrative appeal is received by the DAL, the administrative appeal of the license revocation or denial of license renewal shall be suspensive, and the FSBC shall be allowed to continue to operate and provide services until such time as the department issues a final administrative decision.

a. If the secretary of the department determines that the violations of the FSBC pose an imminent or immediate threat to the health, welfare, or safety of a client, the imposition of the license revocation or denial of license renewal may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the FSBC will be notified in writing.

4. Correction of a violation or a deficiency which is the basis for the denial of initial licensure, revocation, or denial of license renewal shall not be a basis for an administrative appeal.

D. If an existing licensed FSBC has been issued a notice of license revocation, and the FSBC's license is due for annual renewal, the department shall deny the license renewal application. The denial of the license renewal application does not affect, in any manner, the license revocation.

E. If a timely administrative appeal has been filed by the FSBC on an initial license denial, denial of license renewal, or license revocation, the DAL shall conduct the hearing in accordance with the Administrative Procedure Act.

1. If the final decision is to reverse the initial license denial, denial of license renewal or license revocation, the FSBC's license will be re-instated or granted upon the payment of any licensing fees, outstanding sanctions, or other fees due to the department.

2. If the final decision is to affirm the denial of license renewal or license revocation, the FSBC shall stop rendering services to clients.

a. Within 10 days of the final decision, the FSBC shall notify HSS, in writing, of the secure and confidential location where the client records will be stored.

F. There is no right to an informal reconsideration or an administrative appeal of the issuance of a provisional initial license to a new FSBC or the issuance of a provisional license to an existing FSBC. An FSBC that has been issued a

provisional license is licensed and operational for the term of the provisional license. The issuance of a provisional license is not considered to be a denial of initial licensure, a denial of license renewal, or a license revocation.

G. An FSBC with a provisional initial license or an existing FSBC with a provisional license that expires due to noncompliance or deficiencies cited at the follow-up survey shall have the right to an informal reconsideration and the right to an administrative appeal of the validity of the deficiencies cited at the follow-up survey.

1. The correction of a violation, noncompliance, or deficiency after the follow-up survey shall not be the basis for the informal reconsideration or for the administrative appeal.

2. The informal reconsideration and the administrative appeal are limited to whether the deficiencies were properly cited at the follow-up survey.

3. The FSBC shall request the informal reconsideration in writing, which shall be received by the HSS within five calendar days of receipt of the notice of the results of the follow-up survey from the department.

4. The FSBC shall request the administrative appeal within 15 days of receipt of the notice of the results of the follow-up survey from the department. The request for administrative appeal shall be in writing and shall be submitted to the DAL.

5. An FSBC with a provisional initial license or an existing FSBC with a provisional license that expires under the provisions of this Chapter shall cease providing services to clients unless the DAL issues a stay of the expiration.

a. The stay may be granted by the DAL upon application by the FSBC at the time the administrative appeal is filed and only after a contradictory hearing is held, and the FSBC shows that there is no potential harm to the clients being served by the FSBC.

6. If a timely administrative appeal has been filed by the FSBC with a provisional initial license that has expired, or by an existing FSBC whose provisional license has expired under the provisions of this Chapter, the DAL shall conduct the hearing in accordance with the Administrative Procedure Act.

a. If the final decision is to remove all deficiencies, the FSBC's license will be re-instated upon the payment of any outstanding sanctions and licensing or other fees due to the department.

b. If the final decision is to uphold the deficiencies thereby affirming the expiration of the provisional license, the FSBC shall cease rendering services to clients.

i. Within 10 days of the final decision, the FSBC shall notify HSS in writing of the secure and confidential location where the client records will be stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6729. Cessation of Business

A. Except as provided in §6787 and §6789 of these licensing regulations, a license shall be immediately null and void if an FSBC ceases to operate.

B. A cessation of business is deemed to be effective the date on which the FSBC stopped offering or providing services to the community.

C. Upon the cessation of business, the FSBC shall immediately return the original license to the department.

D. Cessation of business is deemed to be a voluntary action on the part of the FSBC. The FSBC does not have a right to appeal a cessation of business.

E. The FSBC shall notify the department in writing 30 days prior to the effective date of the closure or cessation. In addition to the notice, the FSBC shall submit a written plan for the disposition of client clinical records for approval by the department. The plan shall include the following:

1. the effective date of the closure;
2. provisions that comply with federal and state laws on storage, maintenance, access and confidentiality of the closed provider's clients' clinical records; and
3. appointed custodian(s) who shall provide the following:
 - a. access to records and copies of records to the client or authorized representative, upon presentation of proper authorization(s); and
 - b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction;
4. public notice regarding access to records, in the newspaper with the largest circulation near the closing provider, at least 15 days prior to the effective date of closure.

F. If an FSBC fails to follow these procedures, the owners, managers, officers, directors, and administrators may be prohibited from opening, managing, directing, operating, or owning an FSBC for a period of two years.

G. Once the FSBC has ceased doing business, the center shall not provide services until the FSBC has obtained a new initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter B. Administration and Organization

§6735. Governing Body

A. An FSBC shall have an identifiable governing body with responsibility for, and authority over, the policies and activities of the FSBC, which shall include all contracts. The governing body is the ultimate governing authority of the FSBC and shall adopt bylaws which address its responsibilities. No contract or other arrangements shall limit or diminish the responsibilities of the governing body.

B. An FSBC shall have documents identifying the following information regarding the governing body:

1. names and addresses of all members;
2. terms of membership;
3. officers of the governing body; and
4. terms of office for any officers.

C. The governing body shall be comprised of one or more persons and shall hold formal meetings at least twice a year. There shall be written minutes of all formal meetings, and the bylaws shall specify the frequency of meetings and quorum requirements.

D. The governing body of an FSBC shall:

1. ensure the FSBC's continual compliance and conformity with all relevant federal, state, local, and municipal laws and regulations;
2. ensure that the FSBC is adequately funded and fiscally sound which entails:

- a. verification of sufficient assets equal to \$100,000 or the cost of three months of operation, whichever is less; or

- b. a letter of credit issued from a federally insured, licensed lending institution in the amount of at least \$100,000 or the cost of three months of operation, whichever is less;

3. review and approve the FSBC's annual budget;

4. designate a person to act as the administrator and delegate enough authority to this person to manage the day-to-day operations of the FSBC;

5. annually evaluate the administrator's performance;

6. have the authority to dismiss the administrator;

7. formulate and annually review, in consultation with the administrator, written policies and procedures concerning the FSBC's philosophy, goals, current services, personnel practices, job descriptions, fiscal management, and contracts:

- a. the FSBC's written policies and procedures shall be maintained within the FSBC and made available to all staff during hours of operation;

8. determine, in accordance with state law, which licensed practitioners are eligible candidates for appointment to the FSBC staff;

9. ensure and maintain quality of care, inclusive of a quality assurance/performance improvement process that measures client, process, and structural (e.g. system) outcome indicators to enhance client care;

10. ensure that birthing procedures shall not be performed in areas other than the birthing rooms or other designated and approved treatment rooms;

11. ensure that birthing procedures are initiated in accordance with acceptable standards of practice.

12. meet with designated representatives of the department whenever required to do so;

13. inform the department, or its designee, prior to initiating any substantial changes in the services provided by the FSBC; and

14. ensure that pursuant to R.S. 40:1191.2, prior to the final disposition of a miscarried child, but not more than 24 hours after a miscarriage occurs in an FSBC, the FSBC shall notify the client, or if the client is incapacitated, the spouse of the client, both orally and in writing, of both of the following:

- a. the parent's right to arrange for the final disposition of the miscarried child using the notice of parental rights form as provided for in R.S. 40:1191.3; and

- b. the availability of a chaplain or other counseling services concerning the death of the miscarried child, if such services are provided by the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6737. Policies and Procedures

A. An FSBC shall develop, implement, and maintain written policies and procedures governing all services rendered at the FSBC. The FSBC shall comply with all federal and state laws, rules, and regulations in the development and implementation of its policies and procedures.

B. All policies and procedures shall be reviewed at least annually and revised as needed.

C. Direct care staff shall have access to information concerning clients that is necessary for effective performance of the employee's assigned tasks.

D. The FSBC shall have written policies and procedures for the maintenance and security of records, specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released.

E. The FSBC shall allow designated representatives of the department, in the performance of their mandated duties, to:

1. inspect all aspects of an FSBC's operations which directly or indirectly impact clients; and
2. interview any staff member or client.

F. An FSBC shall make any required information or records, and any information reasonably related to assessment of compliance with these provisions, available to the department.

G. An FSBC shall, upon request by the department, make available the legal ownership documents and any other legal contracts or agreements in place.

H. The FSBC shall have written policies and procedures approved by the governing body, which shall be implemented and followed, that address, at a minimum, the following:

1. confidentiality and confidentiality agreements;
2. security of files;
3. publicity and marketing, including the prohibition of illegal or coercive inducement, solicitation, and kickbacks;
4. personnel;
5. client rights;
6. grievance procedures;
7. emergency preparedness;
8. abuse and neglect;
9. incidents and accidents, including clinical emergencies;
10. universal precautions;
11. documentation, whether electronic or in paper form;
12. admission and discharge policies and procedures, inclusive of criteria for admission to, continuation in, and transfer out, of the FSBC;
13. hours outside of stated usual and customary operation, including, but not limited to early closures, extended business hours, and holidays; and
14. conditions for coverage, if applicable.

I. An FSBC shall have written personnel policies, which shall be implemented and followed, that include:

1. written job descriptions for each staff position, including volunteers;
2. policies which provide for staff, upon offer of employment, to have a health assessment as defined by the FSBC and in accordance with LAC Title 51, *Public Health-Sanitary Code* requirements;
3. policies which verify that all clinic employees, including contracted personnel, prior to, and at the time of employment and annually thereafter, shall be free of tuberculosis in a communicable state, in accordance with the current LAC Title 51, *Public Health-Sanitary Code*;
4. an employee grievance procedure;
5. abuse reporting procedures that require all employees to report any incidents of abuse or mistreatment,

whether that abuse or mistreatment is done by another staff member, a family member, a client, or any other person;

6. a written policy to prevent discrimination; and

7. a written policy to address prohibited use of social media. The policy shall ensure that all staff, either contracted or directly employed, receive training relative to the restrictive use of social media and include, at a minimum, ensuring confidentiality of client information and preservation of client dignity and respect, including protection of client privacy and personal and property rights.

J. The FSBC shall maintain, in force at all times, the requirements for financial viability under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter C. Admissions, Transfers and Discharges **§6743. Prohibitions to Admission or Continued Care in an FSBC**

A. The FSBC shall not knowingly accept or thereafter maintain responsibility for the prenatal or intrapartum care of a woman who:

1. has had a previous cesarean section or other known uterine surgery such as hysterotomy or myomectomy;
2. has a history of difficult to control hemorrhage with previous deliveries;
3. has a history of thromboembolism, deep vein thromboembolism, or pulmonary embolism;
4. is prescribed medication for diabetes, or has hypertension, Rh disease isoimmunization with positive titer, active tuberculosis, active syphilis, active gonorrhea, HIV positive or is otherwise immunocompromised, epilepsy, hepatitis, heart disease, kidney disease, or blood dyscrasia;
5. contracts primary genital herpes simplex during the pregnancy or manifests active genital herpes during the last four weeks of pregnancy;
6. has a contracted pelvis;
7. has severe psychiatric illness or a history of severe psychiatric illness in the six-month period prior to pregnancy;
8. has been prescribed narcotics in excess of three months or is addicted to narcotics or other drugs;
9. ingests more than 2 ounces of alcohol or 24 ounces of beer a day on a regular day or participates in binge drinking;
10. smokes 20 cigarettes or more per day, and is not likely to cease in pregnancy;
11. has a multiple gestation;
12. has a fetus of less than 37 weeks gestation at the onset of labor;
13. has a gestation beyond 42 weeks by dates and examination;
14. has a fetus in any presentation other than vertex at the onset of labor;
15. is a primigravida with an unengaged fetal head in active labor, or any woman who has rupture of membranes with unengaged fetal head, with or without labor;
16. has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention;
17. has preeclampsia;
18. has a parity greater than five with poor obstetrical history;

19. is younger than 16 or a primipara older than 40;
20. has been taking medications known to cause Neonatal Abstinence Syndrome;
21. has history of congenital heart disease;
22. has history of cardiac surgery(ies);
23. has history of gastric bypass; or
24. takes any medication other than a prenatal vitamin, iron supplement, sleep aid or over the counter medication unless as prescribed by and approved for use by the licensed health care practitioner;
25. labors greater than 16-20 hours

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6745. Admissions and Assessments

A. Each FSBC shall have written admission and assessment policies and criteria in accordance with the licensed practitioner's scope of practice. The FSBC shall have policies/procedures and written criteria for the evaluation of risk status, admission, transfer, discharge, and complications requiring medical or surgical intervention. The policies and procedures and written criteria shall be developed, implemented, enforced, monitored, and reviewed annually by the clinical staff and approved by the governing body.

B. An FSBC shall ensure that each client has the appropriate pre-natal and postpartum assessments completed, inclusive of suitability for less than 23-hour timeframe of client stay, ability of the FSBC to provide services needed in the postpartum period in accordance with the prescribed plan of care, and discharge plans to home or another licensed facility setting.

C. Within 30 days prior to the estimated due date, each client shall have a comprehensive clinical history and physical assessment completed by a physician or other qualified licensed professional practitioner in accordance with applicable state health and safety laws, FSBC policies, and standards of practice.

D. The history and physical assessment prior to delivery shall specify that the client is clinically cleared for delivery in an FSBC and meets the requirements for free-standing birth center services and this Chapter pursuant to applicable state statutes.

E. Upon admission, each client shall have a perinatal assessment completed by a qualified licensed health care practitioner. The perinatal assessment shall include, at a minimum:

1. an updated clinical record entry documenting an examination for any changes in the client's condition since completion of the most recently documented clinical history and physical assessment;
2. documentation of any known allergies to drugs and/or biological agents; and
3. documentation of a standardized risk assessment for postpartum hemorrhage.

F. The client's clinical history and physical assessment shall be placed in the client's clinical record.

G. The client's postpartum condition shall be assessed and documented in the clinical record by a licensed health care practitioner in accordance with applicable state health and safety laws, FSBC policies, and standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6747. Required Newborn Care

A. Each delivery shall be attended by two staff currently trained in adult cardiopulmonary resuscitation equivalent to American Heart Association Class C Basic Life Support and Neonatal Resuscitation Program endorsed by American Academy of Pediatrics/American Heart Association.

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

C. Immediately following delivery, the midwife shall:

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

D. The midwife shall ensure that Vitamin K is available at the time of delivery and take appropriate measures designed to prevent neonatal hemorrhage.

E. The midwife is responsible for obtaining a phenylketonuria (PKU) test and all other neonatal tests required by state law, including all required metabolic newborn screens, between 24 hours and no later than 14 days after birth. If the parents object to such tests being performed on the infant, the midwife shall document this objection, notify and refer the newborn to the infant's pediatrician or primary care physician, and notify the appropriate authorities.

F. The licensed midwife shall leave clear instructions for follow-up care, including signs and symptoms of conditions that require medical evaluation, especially fever, irritability, generalized rash, and lethargy.

G. The licensed midwife is responsible for performing a glucose check for a newborn if weight is greater than nine pounds, four ounces.

H. They FSBC shall have a policy for oral glucose administration for the infant who does not respond to supplemental feedings in accordance with current standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6749. Physician Evaluation of Newborn

A. The licensed midwife shall recommend that any infant delivered by the midwife be evaluated by a pediatrician or primary care physician within three days of age or sooner if it becomes apparent that the newborn needs medical attention for problems associated with, but not limited to, congenital or other anomalies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6751. Required Physician Consultation, Postpartum Period

A. The licensed midwife shall obtain emergent medical consultation or refer for emergent medical care any woman who, during the postpartum period:

1. has a third-degree or fourth-degree perineal laceration;
2. has uterine atony;
3. bleeds in an amount greater than 300 milliliters and still continuing to bleed;
4. does not urinate or empty her genitourinary bladder within two hours of birth;
5. develops a fever greater than 100.4 degrees Fahrenheit or 38 degrees Centigrade on any two of the first 10 days postpartum, excluding the first 24 hours;
6. develops foul smelling lochia;
7. develops blood pressure below 100/50 if pulse exceeds 100, pallor, cold clammy skin, and/or weak pulse.

B. The licensed midwife shall obtain emergent medical consultation or refer for emergent medical care any infant who:

1. has an APGAR score of seven or less at five minutes;
2. has any obvious anomaly;
3. develops grunting respirations, retractions, or cyanosis;
4. has cardiac irregularities;
5. has a pale, cyanotic, or grey color;
6. develops jaundice within 48 hours of birth;
7. has an abnormal cry;
8. weighs less than 5 pounds or weighs more than 10 pounds;
9. shows signs of prematurity, dysmaturity, or post maturity;
10. has meconium staining of the placenta, cord, and/or infant with signs or symptoms of aspiration pneumonia;
11. does not urinate or pass meconium in the first 24 hours after birth;
12. is lethargic or does not feed well;
13. has edema;
14. appears weak or flaccid, has abnormal feces, or appears not to be normal in any other respect;
15. has persistent temperature below 97 degrees Fahrenheit per FSBC policy;
16. has jitteriness not resolved after feeding; or
17. has a blood glucose level of less than 45mg/dL.

C. The center shall develop, implement, and enforce written policies to provide follow-up postpartum care to the newborn and the mother either directly or by referral. Follow up care may be provided in the center, at the mother's residence, by telephone, or by a combination of these methods in accordance with accepted standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter D. Service Delivery

§6757. Perinatal Services

A. Perinatal services shall be well organized and provided in accordance with current acceptable standards of practice adopted from national associations or organizations.

B. Private areas should include pre-delivery and post-delivery care areas.

C. The FSBC shall ensure that the scheduled deliveries do not exceed the capabilities of the FSBC, including the post-delivery care area, and any length of client care does not exceed 23 hours from client admission to discharge from the FSBC.

D. At least one licensed practitioner trained in the use of emergency equipment and certified in advanced cardiac life support (ACLS) shall be immediately available whenever there is a client in the FSBC.

E. A roster of licensed practitioners, specifying the delivery privileges of each, shall be kept in the FSBC and available to all staff.

F. Approved policies shall define which delivery procedures require a qualified physician or other licensed practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certification(s).

G. A delivery room register shall be accurately maintained and kept up-to-date and complete. This register shall be maintained for a six-year period. The register shall include, at a minimum, the:

1. client's complete name;
2. client's FSBC individual identification number;
3. licensed practitioner's name;
4. date and time of the delivery; and
5. type of delivery performed.

H. There shall be enough staff assigned to the postpartum care area to meet the needs of the clients. At a minimum, one licensed and qualified staff person shall be onsite and available for the length of any client stay in the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6759. Transfer Agreements and Client Transfers

A. The FSBC shall secure a written transfer agreement with at least one receiving hospital in the community with policies and procedures for timely transport. A transfer agreement shall serve as evidence of a procedure whereby a client can be transferred to a hospital should an emergency arise which would necessitate hospital care and services.

B. The FSBC shall be located within 20 minutes' transport time to a general acute care hospital providing obstetric services 24 hours per day and 7 days a week, with which the FSBC has a written transfer agreement. The FSBC shall maintain a contractual relationship with the general acute care hospital, including a written transfer agreement, which allows for an emergency caesarian delivery to begin within 30 minutes of the decision made by a licensed obstetrician at the receiving hospital that a caesarian delivery is necessary.

C. The licensed midwife shall accompany any mother or infant requiring hospitalization to the hospital, giving any

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40: 2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6761. Discharges.

A. Each FSBC shall have written discharge policies and procedures. The written description of discharge policies shall be provided to the department upon request and made available to the client or his/her legal representative. The FSBC shall ensure that all elements of the discharge requirements are completed.

B The mother and newborn shall not be discharged less than two hours from time of delivery of the placenta.

C. The postpartum needs of each client shall be addressed and documented in the discharge notes.

D. Upon discharge, the FSBC shall:

1. provide each client with written discharge instructions, including written guidelines detailing how the client may get emergency assistance for herself and her newborn;

2. provide each client with all supplies deemed clinically necessary per the discharge orders, excluding medications;

3. coordinate care with a licensed practitioner and/or provide care and support during the immediate and no later than 36 hours of birth including, but not limited to:

- a. maternal and newborn assessments and follow-up plans;
- b. current recommended newborn screenings;
- c. breastfeeding support and referral;
- d. screening for postpartum mental health issues;
- e. psychological assessment;
- f. family planning services; and
- g. referral for ongoing health issues

4. ensure that all clients are informed, either in advance of their delivery or prior to leaving the FSBC, of the following:

- a. necessary prescriptions;
- b. postpartum instructions that includes but is not limited to the following post-birth warning signs:
 - i. *P*-pain in your chest;
 - ii. *O*-obstructed breathing or shortness of breath;
 - iii. *S*-seizures;
 - iv. *T*-thoughts of hurting yourself or your baby;
 - v. *B*-bleeding that is soaking through one pad/hour, or blood clots the size of an egg or bigger;
 - vi. *I*-incision that is not healing;
 - vii. *R*-red or swollen leg that is painful or warm to touch;
 - viii. *T*-temperature of 100.4 degrees Fahrenheit or higher; and

ix. *H*-headache that does not improve, even after taking medicine for relief, or a bad headache with vision changes; and

c. licensed practitioner(s) contact information for follow-up care of the mother and her newborn.

E. The FSBC shall ensure that each client has a discharge order signed by the licensed practitioner who performed the delivery;

F. The FSBC shall ensure and document that all clients are discharged in the company of a responsible adult, except those clients exempted by the attending licensed practitioner. Such exemptions shall be specific and documented for individual clients. Blanket exemptions are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40: 2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter E. Facility Responsibilities

§6767. General Provisions

A. FSBCs shall comply and show proof of compliance with all relevant federal, state, and local rules and regulations. It is the FSBC's responsibility to secure the necessary approvals from the following entities:

1. HSS;
2. OSFM architectural and licensing plan review;
3. OPH;
4. OSFM *Life Safety Code* inspection; and
5. the applicable local governing authority (e.g., zoning, building department or permit office).

B. The administrator, or designee, shall be accessible to FSBC staff or designated representatives of the department any time there is a client in the FSBC.

C. An FSBC shall have qualified staff sufficient in number to meet the needs of clients and to ensure provision of services.

D. The FSBC shall develop and maintain documentation of an orientation program for all employees, either contact or staff, that is of sufficient scope and duration to inform the individual about his/her responsibilities, how to fulfill them, review of policies and procedures, job descriptions, competency evaluations and performance expectations. An orientation program and documented competency evaluation and/or job expectations of assigned or reassigned duties shall be conducted prior to any assignments or reassignments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6769. Staffing Requirements

A. Administrative Staff. The following administrative staff is required for all FSBCs:

1. a qualified administrator at each licensed geographic location who shall meet the qualifications as established in these provisions;

2. other administrative staff as necessary to operate the FSBC and to properly safeguard the health, safety, and welfare of the clients receiving services; and

3. an administrative staff person on-call after routine daytime or office hours for the length of any client stay in the FSBC.

B. Administrator

1. Each FSBC shall have a qualified administrator who is a full-time on-site employee responsible for the day-to-day management, supervision, and operation of the FSBC.

2. Any current administrator employed by a licensed FSBC, at the time these licensing provisions are adopted and become effective, shall be deemed to meet the qualifications of the position of administrator as long as that individual holds his/her current position. If that individual leaves his/her current position, he/she shall be required to meet the qualifications stated in these licensing provisions to be re-employed into such a position.

3. The administrator shall meet the following qualifications:

a. possess a college degree from an accredited university; and

b. have one year of previous work experience involving administrative duties in a healthcare facility.

4. Changes in the administrator shall be reported to the department within 10 days of the change on the appropriate form designated by the department.

C. The director of clinical midwifery services shall:

1. have a current, unrestricted Louisiana license as a physician, a CNM, or a licensed midwife;

2. be in good standing with the applicable state licensing board; and

3. shall have a minimum of one-year experience in a health care setting and possess the knowledge, skills and experience consistent with the complexity and scope of delivery services provided by the FSBC;

a. the director of clinical midwifery holding dual administrative/midwifery director roles shall meet the qualifications of each role; and

b. changes in the director of clinical midwifery shall be reported in writing to the department within 10 days of the change on the appropriate form designated by the department.

D. Responsibilities of the administrator and the director of clinical midwifery. The administrator and the director of clinical midwifery shall develop, adopt, implement, and monitor the policies and procedures of the FSBC and the professional services of the staff. The staff bylaws shall be maintained within the FSBC. The bylaws and rules shall contain provisions for at least the following:

1. developing the structure of the licensed practitioner staff, including allied health professionals and categories of membership;

2. developing, implementing, and monitoring policies and procedures to review credentials, at least every two years, and to delineate and recommend approval for individual privileges;

3. developing, implementing, and monitoring policies and procedures to ensure that all licensed practitioner staff possess current and unrestricted Louisiana licenses and that each member of the licensed practitioner staff is in good standing with his/her respective licensing board;

4. providing recommendations to the governing body for membership to the licensed practitioner staff with initial appointments and reappointments not to exceed two years;

5. developing, implementing, and monitoring policies and procedures for the suspension and/or termination of membership to the licensed practitioner staff;

6. developing, implementing, and monitoring criteria and frequency for review and evaluation of past performance of its individual staff members. This process shall include monitoring and evaluation of the quality of client care provided by each individual;

7. the appointment of committees as deemed appropriate;

8. reviewing and making recommendations for revisions to all policy and procedures at least annually; and

9. meeting at least semi-annually. One of these meetings shall be designated as the official annual meeting. A record of attendance and minutes of all licensed practitioner staff meetings shall be maintained within the FSBC.

E. Licensed Practitioner Staff

1. The FSBC shall have an organized licensed practitioner staff, inclusive of one or more of the following, who shall attend each woman in labor from the time of admission through birth and the immediate postpartum period:

a. a licensed obstetrician;

b. a certified nurse midwife; or

c. a licensed midwife.

2. A physician providing birthing services within the FSBC shall:

a. hold a current, unrestricted state license issued by the LSBME;

b. be actively engaged in a clinical obstetrical practice;

c. have hospital privileges in obstetrics in a hospital accredited by the Joint Commission; and

d. practice within the scope of practice of a licensed physician in accordance with applicable state statutes and regulations.

3. A CNM providing birthing services within the FSBC shall be:

a. an advanced practice registered nurse holding a current, unrestricted state license issued by the Louisiana State Board of Nursing (LSBN);

b. educated in the disciplines of nursing and midwifery;

c. certified according to a nationally recognized certifying body, such as the American College of Nurse Midwives Certification Council, as approved by the LSBN;

d. authorized to manage the nurse midwifery care of newborns and women in the antepartum, intrapartum, and postpartum periods as well as primary care for women across their lifespan and treatment of their male partners for sexually transmitted infections (STI); and

e. practicing within the scope of practice of a CNM in accordance with applicable state statutes and regulations.

4. A licensed midwife providing birthing services within the FSBC must:

a. have passed the national certification exam through the North American Registry of Midwives;

b. hold a current, unrestricted state license with the Louisiana State Board of Medical Examiners; and

c. practice within the scope of practice of a licensed midwife in accordance with applicable state statutes and regulations and national accreditation standards.

5. All licensed practitioner staff shall be accountable to the governing body for the quality of all perinatal care provided to clients and newborn infants, and for the ethical and professional practices of its members.

6. The licensed practitioner staff shall be legally and professionally qualified for the positions to which they are appointed and for the performance of privileges granted.

7. A licensed practitioner staff shall remain within the FSBC until all clients are assessed as stable.

8. The client's attending licensed practitioner staff, or designated on-call licensed practitioner staff, shall be available by telephone for consultation and evaluation of the client, and available to be onsite within 30 minutes if needed, until the client is discharged from the FSBC.

9. Each client admitted to the FSBC shall be under the professional supervision of a member of the FSBC's licensed practitioner staff who shall assess, supervise, and evaluate the care of the client.

10. Credentialing files for each staff shall be kept current and maintained within the FSBC at all times.

F. Delivery Services Staff. The staffing pattern shall provide for sufficient personnel and for adequate supervision and direction by licensed practitioners consistent with the number of deliveries performed and throughout the length of any client stay in the FSBC.

1. Delivery services shall be under the direction of a licensed practitioner that includes a plan of administrative authority with written delineation of responsibilities and duties for each category of staff members.

2. The FSBC shall ensure that the delivery services are directed under the leadership of licensed practitioner(s) sufficient in number, and on duty at all times that the FSBC is in operation and a client is in the center, to plan, assign, supervise, and evaluate delivery services, as well as to give clients the high-quality care that requires the judgment and specialized skills of licensed practitioners.

a. There shall be sufficient staff with the appropriate qualifications to assure ongoing assessment of clients' needs and that these identified needs are addressed. The number and types of staff is determined by the volume and types of delivery the FSBC performs.

3. All professional staff employed, contracted, or working with the FSBC shall have a current, unrestricted, and valid Louisiana license to practice. Nonprofessional or unlicensed personnel employed, contracted, and performing delivery care services shall be under the supervision of a licensed practitioner.

4. There shall be, at minimum, one licensed practitioner with ACLS certification on duty, in the building, and immediately available at any time there is a client in the FSBC in accordance with national accreditation standards.

5. A formalized program on in-service training shall be developed and implemented for all categories of the FSBC staff. Training is required on a quarterly basis related to required job skills.

a. Documentation of such in-service training shall be maintained on-site in the FSBC's files. Documentation shall include the:

- i. training content;
- ii. date and time of the training;
- iii. names and signatures of personnel in attendance; and
- iv. name of the presenter(s).

6. General staffing provisions for the delivery rooms shall be the following:

- a. each delivery procedure shall be performed by a licensed practitioner; and
- b. appropriately trained practitioners may perform assistive functions during each delivery procedure.

G. General Personnel Requirements

1. All licensed practitioners and FSBC employees, including contracted personnel shall meet and comply with these personnel requirements.

2. All licensed practitioners and FSBC employees, including contracted personnel, prior to and at the time of employment and annually thereafter, shall be verified to be free of tuberculosis in a communicable state in accordance with the FSBC's policies and procedures and the current Centers for Disease Control and Prevention (CDC) and the OPH recommendations.

3. All unlicensed staff involved in direct client care and/or services shall be supervised by a licensed practitioner.

4. A personnel file shall be maintained within the FSBC on every employee, including contracted employees. Policies and procedures shall be developed to determine the contents of each personnel file. At a minimum, all personnel files shall include the following:

- a. an application;
- b. current verification of professional licensure;
- c. health care screenings as defined by the FSBC;
- d. orientation and competency verification;
- e. annual performance evaluations;
- f. criminal background checks for unlicensed staff, prior to offer of direct or contract employment, after the effective date of this Rule, as applicable and in accordance with state law. The criminal background check shall be conducted statewide by the Louisiana State Police or its authorized agent; and
- g. any other screenings required of new applicants by state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6771. Medications for Mother and Newborn Infant

A. A licensed midwife may administer the following medications under the conditions indicated:

1. oxygen for fetal or maternal distress and infant resuscitation;
2. local anesthetic, by infiltration, only for the purpose of postpartum repair of tears, lacerations, or episiotomy (no controlled substances);
3. vitamin K, by injection, for control of bleeding in the newborn;

4. oxytocin (Pitocin) by injection or methergine orally, only for postpartum control of non-emergent maternal hemorrhage;

5. intravenous fluids for maternal hydration with additional medications as provided by a physician's order or protocol for the purpose of controlling maternal hemorrhage;

6. for prophylactic treatment where the client has tested positive for group B streptococcus;

7. prenatal Rh immunoglobulin (RhIg) for Rh negative clients and post-partum for Rh positive newborns.

8. Benadryl (diphenhydramine);

9. penicillin G, unless client is allergic, then consult with the physician;

10. or other additional medications as prescribed by a licensed physician or CNM's order or protocol as approved by the facility's governing body in accordance with state law and standards of practice for the perinatal period for the newborn and/or the mother.

B. A licensed midwife may lawfully obtain and have possession of small quantities of the above-named medications and the equipment normally required for administration. Each use of medication shall be recorded by the licensed midwife in the client's chart.

C. The licensed physician and the CNM may administer and/or order medications in accordance with their scope of practice and licensing regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6773. Clinical Records

A. Each FSBC shall make provisions for securing clinical records of all media types, whether stored electronically or in paper form. The identified area or equipment shall be secured to maintain confidentiality of client records and shall be restricted to staff movement and remote from treatment and public areas.

B. All client records shall be protected from loss or damage.

C. The FSBC shall have a designated area located within the FSBC which shall provide for the proper storage, protection and security for all clinical records and documents.

D. The FSBC shall develop a unique clinical record for each client. Records may exist in hard copy, electronic format or a combination thereof.

E. The FSBC shall ensure the confidentiality of client records, including information in a computerized clinical record system, in accordance with the Health Insurance Portability and Accountability Act (HIPAA) regulations and any state laws, rules and regulations.

1. If computerized records are used, the FSBC shall develop:

a. a back-up system for retrieval of critical clinical records;

b. safeguards/firewalls to prevent unauthorized use and access to information; and

c. safeguards/firewalls to prevent alterations of electronic records.

F. A unique clinical record shall be maintained for every client admitted and/or treated.

G. The clinical record cannot become part of any other clinical record associated with another entity.

H. The following data shall be documented and included as part of each client's basic clinical record:

1. unique client identification;

2. admission and discharge date(s) and times of mother and infant;

3. clinical and social history;

4. physical examination notes of mother and infant in accordance with clinical staff bylaws, policies and procedures;

5. diagnosis(es);

6. licensed practitioner's orders;

7. clinical laboratory report(s), if any;

8. pathology report(s), if any;

9. radiological report(s), if any;

10. consultation report(s), when appropriate;

11. delivery and treatment regimen;

12. licensed practitioner's progress notes;

13. nurses' records of care provided, and medications administered, if any;

14. authorizations, consents, or releases;

15. delivery report;

16. medication record to include, but not limited to:

a. type of medication or local anesthetic, if used;

b. route of medication administered, if any;

c. person administering the medication or local anesthetic, if used; and

d. post-medication assessment, when appropriate;

17. name(s) of the treating licensed practitioner(s);

18. start and end time of the delivery/procedure and time of birth of infant;

19. a current informed consent for delivery /procedure and anesthesia that includes the following:

a. name of the client;

b. client individual identification number;

c. name of the procedure being performed;

d. reasonable and foreseeable risks and benefits;

e. name of the licensed practitioner(s) who will perform the procedure or delivery;

f. signature of client or legal guardian or individual designated as having power of attorney for clinical decisions on behalf of the client, if any;

g. date and time the consent was obtained; and

h. signature and professional discipline of the person witnessing the consent;

20. delivery/procedures report(s);

21. client education and discharge instructions; and

22. a discharge summary, including:

a. licensed practitioner progress notes; and

b. discharge notes.

J. The clinical records shall be under the custody of the FSBC and maintained in its original, electronic, microfilmed or similarly reproduced form for a minimum period of 10 years from the date a client is discharged. The FSBC shall provide a means to view or reproduce the record in whatever format it is stored.

K. Clinical records may be removed from the premises for computerized scanning for the purpose of storage. Contracts, for the specific purpose of scanning at a location other than the FSBC, shall include provisions addressing how:

1. the clinical record shall be secured from loss or theft or destruction by water, fire, etc.; and

2. confidentiality shall be maintained.

L. Clinical records may be stored off-site provided that:

1. the confidentiality and security of the clinical records are maintained; and

2. a 12-month period has lapsed since the client was last treated in the FSBC.

M. Each clinical entry and all orders shall be signed by the licensed practitioner(s) and shall include the date and time. Clinical entries and any observations made by the licensed practitioner(s) shall be signed by the licensed practitioner and shall include the date and time.

1. If electronic signatures are used, the FSBC shall develop a procedure to assure the confidentiality of each electronic signature and shall prohibit the improper or unauthorized use of any computer-generated signature.

2. Signature stamps shall not be used.

N. All pertinent observations, treatments, and medications given to a client shall be entered in the staff notes as part of the clinical record. All other notes relative to specific instructions from the licensed practitioner shall be recorded.

O. Completion of the clinical record shall be the responsibility of the admitting licensed practitioner within 30 days of client discharge.

P. All hardcopy entries into the clinical record shall be legible and accurately written in ink. The recording person shall sign the entry to the record and include the date and time of entry. If a computerized clinical records system is used, all entries shall be authenticated, dated and timed, complete, properly filed and retained, accessible and reproducible.

Q. Written orders signed by a member of the licensed practitioner staff shall be required for all medications and treatments administered to clients and shall include the date and time ordered. Verbal orders shall include read-back verification. All verbal orders shall be authenticated by the ordering licensed practitioner within 48 hours to include the signature of the ordering licensed practitioner, date and time.

R. The use of standing orders is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6774. Other Records and Reports

A. The following indexes, records and registers shall be required of the licensed FSBC:

1. a client's register;
2. a delivery room register;
3. a birth register;
4. daily census report of admissions and discharges;
5. records of reportable diseases, if any, as required by state and/or federal regulations;

6. a laboratory log denoting laboratory specimen(s) that are sent for pathology interpretation, if any, and a CLIA certificate in accordance with the type laboratory procedures conducted in the center;

a. the laboratory log shall include, at a minimum, the following information:

- i. the client's name;
- ii. the specimen site; and
- iii. the date the specimen was sent for pathology interpretation;

7. mortality records, including in the event of a miscarried child.

B. Nothing in this Chapter is intended to preclude the use of automated or centralized computer systems or any other techniques provided the regulations stated herein are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6775. Quality Assurance and Performance Improvement

A. The governing body shall ensure that there is an implemented, maintained, effective, written, data-driven, and ongoing program designed to assess and improve the quality of client care. This program shall include all services, provided directly or through contract.

B. The governing body shall ensure that it allocates sufficient staff, time, information systems, and training to implement the quality assurance and performance improvement (QAPI) program and for participation in the state perinatal quality collaborative, which is under the authority of the Louisiana Commission on Perinatal Care and Prevention on Infant Mortality, defined as reporting perinatal measures determined by the Louisiana Commission on Perinatal Care and Prevention on Infant Mortality.

C. The FSBC shall ensure there is a written quality assurance plan for assessing and improving quality of care that is focused on high risk, high volume, and problem-prone areas, and which specifies the intervals that the FSBC shall actively collect data related to the quality indicators and show participation in the state perinatal quality collaborative as required. Performance improvement activities shall consider incidence, prevalence, and severity of problems and those that can affect health outcomes, client safety, and quality of care. The plan shall describe the system for overseeing and analyzing the effectiveness of monitoring, evaluation, and sustained improvement activities. All services related to client care, including services furnished by a contractor shall be evaluated.

D. Nosocomial infections, client care outcomes, and perinatal and newborn care services performed in the FSBC shall be evaluated as they relate to appropriateness of care and services rendered.

E. The services provided by each licensed practitioner with FSBC privileges shall be periodically evaluated to determine whether they are of an acceptable level of quality and appropriateness in accordance with clinical staff bylaws/rules and regulations.

F. The QAPI program shall monitor, identify, and develop a plan for elimination of medication errors and adverse client (mother and infant) events.

G. Corrective actions to problems identified through the QAPI program, with on-going monitoring for sustained corrective action, shall be documented. All QAPI data shall be documented and remain within the FSBC. Staff education and training related to the correction of problems shall be documented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter F. Safety, Sanitization and Emergency Preparedness

§6779. General Provisions

A. The FSBC shall have policies and procedures, approved and implemented by the clinical staff and governing body, that address provisions for:

1. sanitizing, disinfecting, and sterilizing supplies, equipment, and utensils; and
2. the safe use of cleaning supplies and solutions that are to be used and the directions for use, including:
 - a. terminal cleaning of the birth rooms/suites; and
 - b. cleaning of the birth rooms/suites between delivery procedures.

B. Policies and procedures shall be developed, implemented, and approved by the FSBC's governing body for the types and numbers of sterilizing equipment and autoclaves sufficient to meet the sterilization needs of the FSBC.

1. Procedures for the proper use of sterilizing equipment for the processing of various materials and supplies shall be in writing, according to manufacturer's recommendations, and readily available to personnel responsible for the sterilizing process.

2. All sterilization monitoring logs shall be maintained within the FSBC for a minimum of 18 months.

C. All steam sterilizing equipment shall have live bacteriological spore monitoring performed at a frequency according to the manufacturer's instructions.

1. If tests are positive, a system shall be in place to recall supplies that have tested substandard in accordance with the FSBC's policies and procedures set forth by the FSBC's governing body.

D. All ethylene oxide sterilizing equipment shall have live bacteriological spore monitoring performed with each load and according to manufacturer's recommendation. There shall be ventilation of the room used for this sterilization to the outside atmosphere. There shall be a system in place to monitor trace gases of ethylene oxide with a working alert system which is tested and documented daily.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6781. Infection Control

A. The FSBC shall maintain an infection control program that minimizes infections and communicable diseases through prevention, investigation, and reporting of infections. This program shall include all contracted services.

B. The FSBC shall provide a functional and sanitary environment for the provision of delivery services by adopting and adhering to professionally accepted standards of practice. The FSBC shall have documentation that the infection control program was considered, selected, and implemented based on nationally recognized infection control guidelines.

C. The infection control program shall be under the direction of a designated and qualified professional. The FSBC shall determine that the individual selected to lead the infection control program has had documented training in the principles and methods of infection control. The individual shall maintain his/her qualifications through

ongoing education and training, which can be demonstrated by participation in infection control courses or in local and national meetings organized by a nationally recognized professional infection control society.

D. The FSBC shall develop, with the approval of the clinical director and the governing body, policies and procedures for preventing, identifying, reporting, investigating, controlling, and immediately implementing corrective actions relative to infections and communicable diseases of clients and personnel. At a minimum, the policies shall address:

1. hand sanitizers and hand hygiene;
2. use of all types of gloves and personal protective equipment, as appropriate;
3. scrub procedures;
4. linen cleaning and reuse;
5. waste management;
6. environmental cleaning;
7. reporting, investigating, and monitoring of infections;
8. sterilization and cleaning procedures and processes;
9. single use devices;
10. disinfecting procedures and processes;
11. breaches of infection control practices; and
12. utilization of clean and dirty utility areas.

E. The FSBC shall have policies and procedures developed and implemented which require immediate reporting, according to the latest criteria established by the CDC, OPH, and the Occupational Safety and Health Administration (OSHA), of the suspected or confirmed diagnosis of a communicable disease.

F. The FSBC shall maintain an infection control log of incidents related to infections. The log is to be maintained within the FSBC for a minimum of 18 months.

G. Any employee with a personal potentially contagious/or infectious illness shall report to his/her immediate supervisor and/or clinical director of midwifery services for possible reassignment or other appropriate action to prevent the disease or illness from spreading to other clients or personnel.

1. Employees with symptoms of illness that have the potential of being potentially contagious or infectious (i.e. diarrhea, skin lesions, respiratory symptoms, infections, etc.) shall be either evaluated by a physician or another qualified licensed practitioner and/or restricted from working with clients during the infectious stage.

H. Provisions for isolation of clients with a communicable or contagious disease shall be developed and implemented according to FSBC policy and procedure.

I. Provisions for transfer of clients from the FSBC shall be developed and implemented according to FSBC policy and procedure.

J. The FSBC shall develop a system by which potential complications/infections that develop after discharge of a client from the FSBC are reported, investigated, and monitored by the infection control officer.

K. Procedures for isolation techniques shall be written and implemented when applicable.

L. The FSBC shall have a written and implemented waste management program that identifies, and controls wastes and hazardous materials to prevent contamination and the spread of infection within the FSBC. The program

shall comply with all applicable laws and regulations governing wastes and hazardous materials and the safe handling of these materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6783. Laundry Handling and Sanitation

A. The FSBC shall be responsible for ensuring the proper handling, cleaning, sanitizing, and storage of linen and other washable goods, whether provided by the FSBC or provided by a contracted vendor. All linen used in the FSBC shall be of sufficient quantity to meet the needs of the clients.

B. Laundry services shall be provided either in-house or through a contracted commercial laundry service in accordance with the FSBC's policies and procedures, as set forth by the governing body.

1. Contracted Laundry Service

a. If laundry service is contracted, the FSBC shall assess the cleaning and sanitizing processes that are used by the commercial laundry service.

2. In-House Laundry Service

a. If laundry services are provided in-house, policies and procedures shall be developed which follow manufacturer's recommended guidelines for water temperature, the method for cleaning and sanitizing reusable laundry, and the type of cleaning products utilized to prevent the transmission of infection through the FSBC's multi-use of these washable goods.

b. The water temperature shall be monitored and documented on a daily use log and maintained for a minimum of 18 months.

C. Procedures shall be developed for the proper handling and distribution of linens to minimize microbial contamination from surface contact or airborne deposition.

D. Cross contamination of clean and dirty linen shall be prevented. Provisions shall be made for the separation of clean and soiled linen. All contaminated laundry shall be handled according to the FSBC's written protocols in accordance with current applicable OSHA and CDC guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6785. Emergency Preparedness and Emergency Procedures

A. Disaster and emergency plans shall be developed by the governing body, updated annually, and shall be based on a risk assessment using an all hazards approach for both internal and external occurrences. Disaster and emergency plans shall include provisions for persons with disabilities.

B. The FSBC shall develop and implement policies and procedures based on the emergency plan, risk assessment, and communication plan, which shall be reviewed and updated at least annually. Such policies shall include a system to track on duty staff and sheltered clients, if any, during the emergency.

C. The FSBC shall develop and maintain an emergency preparedness communication plan that complies with state and local laws. Client care shall be well-coordinated within

the FSBC, across health care providers, and with state and local public health departments and emergency systems.

D. The FSBC shall develop and maintain training and testing programs, including initial training in policies and procedures that demonstrate knowledge of emergency procedures. Such training shall be provided at least annually.

E. Additional Requirements

1. Each FSBC shall post exit signs and diagrams conspicuously through the facility.

2. Flashlights or battery-operated lamps for emergency use shall be available for FSBC personnel and clients in areas occupied by clients and visitors and kept in operational condition.

3. The FSBC shall ensure that emergency equipment is:

- a. immediately available and sufficient in number for use during emergency situations;
- b. appropriate for the FSBC's client population; and
- c. maintained by appropriate personnel.

4. The FSBC shall have written policies and procedures that address the availability and relevant use of the following emergency equipment in the FSBC's delivery/procedure rooms sufficient in number to handle multiple simultaneous emergencies for the clients and their newborn infants:

- a. emergency call system;
- b. oxygen;
- c. mechanical ventilatory assistance equipment, including:
 - i. airways; and
 - ii. manual breathing bag;
- d. cardiac defibrillator;
- e. cardiac monitoring equipment;
- f. suction equipment; and
- i. any other emergency medical equipment and supplies specified by the clinical staff and approved by the governing body for treatment of clients and newborn infants serviced in the FSBC.

5. The FSBC shall have battery or an operable backup generator of sufficient size to support and maintain necessary life-sustaining medical equipment, emergency lighting, fire detection and extinguishing, gas monitoring systems, and alarm and security systems to provide for the health, safety, welfare, and the well-being of persons receiving services at free-standing birth centers; and to provide for the safe operation and maintenance of free-standing birth centers.

6. The FSBC is responsible for:

a. developing and implementing policies and procedures for the safe emergency transfer of clients and/or newborn infants from the FSBC if an emergency impacts the FSBC's ability to provide services to the client and/or the newborn infants;

b. developing policies that address what types of emergency procedures, equipment and medications shall be available; and

c. providing trained staff to sustain the life of the client or newborn infant prior to the transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6787. Inactivation of License due to a Declared Disaster or Emergency

A. An FSBC licensed in a parish which is the subject of an executive order or proclamation of emergency or disaster, issued in accordance with R.S. 29:724 or R.S. 29:766, may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the FSBC shall submit written notification to the HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the FSBC has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the FSBC intends to resume operation as an FSBC in the same service area; and

c. the FSBC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services.

NOTE: Pursuant to these provisions, an extension of the 60-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the FSBC requires an extension of the timeframe to complete construction or repairs due to circumstances beyond the FSBC's control, the department will consider an extended time period to complete. The written request for extension shall show the FSBC's active efforts to complete construction or repairs and the reasons for request for extension of the FSBC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the FSBC resumes operating in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

3. the FSBC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties, if applicable; and

4. the FSBC continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an FSBC license, the department shall issue a notice of inactivation of license to the FSBC.

C. Upon completion of repairs, renovations, rebuilding, or replacement, an FSBC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met.

1. The FSBC shall submit a written license reinstatement request to HSS 60 days prior to the anticipated date of reopening.

a. The license reinstatement request shall inform the department of the anticipated date of reopening and shall request scheduling of a licensing survey.

b. The license reinstatement request shall include a completed licensing application with appropriate licensing fees.

c. The FSBC shall submit the following:

i. a copy of the approval letter of the architectural facility plans from the OSFM and any other office/entity designated by the department to review and approve the facility's architectural plans;

ii. a copy of the on-site inspection report with approval for occupancy by OSFM, if applicable; and

iii. a copy of the on-site health inspection report with approval of occupancy from OPH.

2. The FSBC resumes operating in the same service area within one year.

D. Upon receiving a completed written request to reinstate an FSBC license, the department shall conduct a licensing survey. If the FSBC meets the requirements for licensure and the requirements under this Section, the department may issue a notice of reinstatement of the FSBC license.

E. No CHOW of the FSBC shall occur until such FSBC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as an FSBC.

F. The provisions of this Section shall not apply to an FSBC which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FSBC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6789. Inactivation of License due to a Non-Declared Emergency or Disaster

A. An FSBC in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the FSBC shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the FSBC has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the facility intends to resume operation as an FSBC in the same service area;

c. the FSBC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the FSBC's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding, or replacement of the facility;

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the FSBC requires an extension of the timeframe to complete construction or repairs due to circumstances beyond the FSBC's control, the department will consider an extended time period to complete such. Written request for extension shall show the FSBC's active efforts to complete construction or repairs and the reasons for request for extension of the FSBC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the FSBC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the FSBC continues to submit required documentation and information to the department, including but not limited to, cost reports.

B. Upon receiving a completed written request to temporarily inactivate the FSBC license, the department shall issue a notice of inactivation of license to the FSBC.

C. Upon the FSBC's receipt of the department's approval of request to inactivate the license, the FSBC shall have 90 days to submit plans for the repairs, renovations, rebuilding, or replacement of the FSBC to OSFM and OPH as required.

D. The FSBC shall resume operating as an FSBC in the same service area within one year of the approval of renovation/construction plans by OSFM and OPH as required.

E. Upon completion of repairs, renovations, rebuilding, or replacement of the FSBC, an FSBC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the FSBC shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate an FSBC license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the FSBC has met the requirements for licensure including the requirements of this Subsection.

G. No CHOW of the FSBC shall occur until such FSBC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as an FSBC.

H. The provisions of this Section shall not apply to an FSBC which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FSBC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter G. Physical Environment

§6793. General Requirements

A. The standards in this Subchapter shall apply to any FSBC constructed after the effective date of this rule, or an FSBC that makes alterations, additions, or substantial rehabilitation to an existing FSBC or adaptation of an existing building to create an FSBC. Cosmetic changes to the FSBC such as painting, flooring replacement, or minor repairs shall not be considered an alteration or substantial rehabilitation.

EXCEPTION: For those applicants for FSBC licensure who received plan review approval from the OSFM before the effective date of the promulgation of this Rule, or who have

begun construction or renovation of an existing building before the effective date of the promulgation of this Rule, the physical environment requirements of §6793 shall not apply.

B. An applicant for an FSBC license shall furnish one complete set of architectural plans and specifications to the entity/office designated by the department to review and approve the facility's architectural plans and the OSFM.

1. The office designated by the department to review and approve architectural drawings and specifications and the OSFM shall review and approve the *Life Safety Code* plans before construction can begin.

2. When the plans and specifications have been reviewed and all inspections and investigations have been made, the applicant will be notified whether the plans for the proposed FSBC have been approved.

C. No alterations, other than minor alternations, shall be made to existing facilities without the prior written approval of, and in accordance with, architectural plans and specifications approved in advance by the department, or its designee, and the OSFM.

D. All new construction, additions and renovations, other than minor alterations, shall be in accordance with the specific requirements of the OSFM and the department, or its designee, who shall be responsible for the review and approval of architectural plans. Plans and specifications submitted to these offices shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

E. All designs and construction shall be in accordance with the provisions of LAC Title 51, *Public Health-Sanitary Code*.

F. Facility within a Facility

1. If more than one health care provider occupies the same building, premises, or physical location, all treatment facilities and administrative offices for each health care facility shall be clearly separated from the other by a clearly defined and recognizable boundary.

2. There shall be clearly identifiable and distinguishable signs posted inside the building as well as signs posted on the outside of the building for public identification of the FSBC. Compliance with the provisions of R.S. 40:2007 shall be required.

3. An FSBC that is located within a building that is also occupied by one or more other businesses and/or other healthcare facilities shall have all licensed spaces and rooms of the FSBC contiguous to each other and defined by cognizable boundaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

§6795. General Appearance and Space Requirements

A. The FSBC shall be constructed, arranged, and maintained to ensure the safety and well-being of the clients and the general public it serves in accordance with the current Facility Guidelines for Design and Construction of Hospitals and Outpatient Facilities approved by the OSFM.

B. The FSBC shall have a minimum of two birth rooms/suites and a minimum of one postpartum room to meet the needs of the clients being served. In addition to the birth rooms/suites and postpartum rooms, the FSBC may also have one or more treatment rooms.

C. The location of the birth rooms/suites within the FSBC, and the access to it, shall conform to professionally accepted standards of practice, particularly for infection control, with respect to the movement of people, equipment and supplies in and out of the delivery rooms.

1. The temperature and humidity of the birth rooms/suites shall be monitored and maintained in accordance with accepted standards of practice and documented on a daily use log that is maintained for a minimum of 18 months.

D. Birth Rooms/Suites

1. The birth rooms/suites shall be constructed in accordance with the current OSFM approved standards.

2. The area of the birth rooms/suites shall be in a segregated and secured section of the FSBC and shall be removed from general lines of traffic of both visitors and other FSBC personnel, and from other departments to prevent traffic through them.

3. The birth rooms/suites shall be appropriately equipped to safely provide for the needs of the client and in accordance with accepted clinical practices. The birth rooms/suites shall consist of a clear and unobstructed floor area to accommodate the equipment and personnel required, allowing for aseptic technique. Only one birth procedure can be performed in a birth room/suite.

E. Postpartum/infant Recovery Care Area

1. The postpartum/infant recovery care area, if provided and/or required, shall be constructed in accordance with the current OSFM approved standards.

F. There shall be sufficient space between and around lounge chairs/stretchers and between fixed surfaces and lounge chairs/stretchers to allow for clinical staff access to each client.

G. The FSBC shall have a separate waiting area sufficient in size to provide adequate seating space for family members and/or guests of the client.

H. The FSBC shall meet the following requirements including, but not limited to:

1. a sign shall be posted on the exterior of the FSBC that can be viewed by the public which shall contain, at a minimum, the "doing business as" name that is stated on the FSBC's license issued by the department;

2. signs or notices shall be prominently posted in the FSBC stipulating that smoking is prohibited in all areas of the FSBC;

3. policies and procedures shall be developed for maintaining a clean and sanitary environment at all times;

4. there shall be sufficient storage space for all supplies and equipment. Storage space shall be located away from foot traffic, provide for the safe separation of items, and prevent overhead and floor contamination;

5. all client care equipment shall be clean and in working order. Appropriate inspections of client care equipment shall be maintained according to manufacturer's recommendations and FSBC policies and procedures; and

6. each FSBC shall provide for a covered entrance, well-marked, and illuminated for drop off and/or pick up of clients before and after delivery services are complete. The covered entrance shall extend to provide full overhead coverage of the entire transporting automobile and/or ambulance to permit protected transfer of clients. Vehicles in the loading area should not block or restrict movement of

other vehicles in the drive or parking areas immediately adjacent to the FSBC;

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 because it will provide for the safety and welfare for those receiving these services.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Statement

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have a positive impact on small businesses, as described in R.S. 49:965.2 et seq. as it implements requirements for the licensing of free-standing birth centers.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level and qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 26, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the

Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Free-Standing Birth Center
Licensing Standards**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$12,744 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will result in additional licensing fees collected, dependent upon the number of providers that may apply to the program.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

In compliance with Act 332 of the 2019 Regular Session of the Louisiana Legislature, this proposed rule repeals the existing LAC 48:I.Chapter 67 governing the licensing of hospitals in its entirety as these provisions are incorporated elsewhere in the Louisiana Administrative Code and replaces it with provisions governing licensing of free-standing birth centers. This proposed rule will benefit patients by providing for the safety, health, welfare, and well-being of persons receiving these services. It is anticipated that implementation of this proposed rule will have economic cost for free-standing birth centers; however, the costs are indeterminable since there is no way to establish how many facilities will apply for licensure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2107#054

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Home and Community-Based Services Waivers
Residential Options Waiver
(LAC 50:XXI.Chapters 161-169)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental

Disabilities propose to amend LAC 50:XXI.Chapters 161-169 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities (OCDD) propose to amend the provisions governing the Residential Options Waiver (ROW) in order to align the language and services streamlining process (i.e., services approval, tier waiver transition, billing/same services) in the administrative Rule with other home and community-based waivers in compliance with ROW program changes approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

**Subpart 13. Residential Options Waiver
Chapter 161. General Provisions
§16101. Introduction**

A. The Residential Options Waiver (ROW), a 1915(c) home and community-based services (HCBS) waiver, is designed to assist participants in leading healthy, independent and productive lives to the fullest extent possible and promote the full exercise of their rights as citizens of the state of Louisiana. The ROW is person-centered incorporating the participant's support needs and preferences with a goal of integrating the participant into their community. The ROW provides opportunities for eligible individuals with developmental disabilities to receive HCBS services that allow them to transition to and/or remain in the community. These individuals would otherwise require an intermediate care facility for individuals with intellectual disabilities (ICF/IID) level of care.

B. The Residential Options Waiver services are provided with the goal of promoting independence through strengthening the participant's capacity for self-care, self-sufficiency and community integration utilizing a wide array of services, supports and residential options. The ROW is person-centered incorporating the participant's support needs and preferences, while supporting the dignity, quality of life, and security with the goal of integrating the participant into the community.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2154 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), LR 47:

§16103. Program Description

A. ...

B. The ROW offers an alternative to institutional care with the objectives to:

1. promote independence for participants through the provision of services meeting the highest standards of quality and national best practices, while ensuring health and safety through a comprehensive system of participant safeguards;

2. offer an alternative to institutionalization and costly comprehensive services through the provision of an array of services and supports that promote community inclusion and independence by enhancing and not replacing existing informal networks; and

3. offer access to services which would protect the health and safety of the participant.

C. ROW services are accessed through a single point of entry in the human services district or authority. All waiver participants choose their support coordination and direct service provider agencies through the freedom of choice process.

1. The plan of care (POC) shall be developed using a person-centered process coordinated by the participant's support coordinator. The initial POC is developed during this person-centered planning process and approved by the human services district or authority. Annual reassessments may be approved by the support coordination agency supervisor as allowed by Office for Citizens with Developmental Disabilities (OCDD) policy.

D. ...

E. The total expenditures available for each waiver participant is established through an assessment of individual support needs and may not exceed the approved ICF/IID Inventory for Client and Agency Planning (ICAP) rate/ROW budget level established for that individual except as approved by the OCDD assistant secretary, deputy assistant secretary, or his/her designee to prevent institutionalization. ROW acuity/budget cap level(s) are based upon each participant's ICAP assessment tool results and may change as the participant's needs change.

1. When the department determines that it is necessary to adjust the ICF/IID ICAP rate, each waiver participant's annual service budget may be adjusted to ensure that the participant's total available expenditures do not exceed the approved ICAP rate. A reassessment of the participant's ICAP level will be conducted to determine the most appropriate support level.

2. The average participant's expenditures for all waiver services shall not exceed the average Medicaid expenditures for ICF/IID services.

3. Participants may exceed assigned ROW acuity/budget cap level(s) to access defined additional support needs to prevent institutionalization on a case by case basis according to policy and as approved by the OCDD assistant secretary or his/her designee.

4. If it is determined that the ROW can no longer meet the participant's health and safety and/or support the participant, the case management agency will conduct person centered discovery activities.

5. All Medicaid service options will be explored, including ICF/IID placement, based upon the assessed need.

F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2154 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), LR 47:

§16104. Settings for Home and Community Based Services

A. ROW participants are expected to be integrated in and have full access to the greater community while receiving services, to the same extent as individuals without disabilities. Providers shall meet the requirements of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) home and community-based setting requirements for home and community-based services (HCBS) waivers as delineated in LAC 50:XXI.901 or any superseding rule.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), amended LR 47:

§16105. Participant Qualifications

A. In order to qualify for Residential Options Waiver (ROW), individuals of all ages must meet all of the following criteria:

1. - 2. ...

3. be on the intellectual/developmental disabilities (IDD) request for services registry (RFSR), unless otherwise specified through programmatic allocation in §16107 of this Chapter;

4. meet the requirements for an ICF/IID level of care which requires active treatment for developmental disabilities under the supervision of a qualified developmental disabilities professional;

5. ...

6. have justification based on a uniform needs-based assessment and a person-centered planning discussion that the ROW is the OCDD waiver that will meet the needs of the individual;

7. be a resident of Louisiana;

8. be a citizen of the United States or a qualified alien; and

9. have assurance that health and welfare of the individual can be maintained in the community with the provision of the ROW services.

B. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1764 (December 2019), LR 47:

§16106. Money Follows the Person Rebalancing Demonstration

A. The Money Follows the Person (MFP) Rebalancing Demonstration is a federal demonstration grant awarded by the Centers for Medicare and Medicaid Services to the

Department of Health. The MFP demonstration is a transition program that targets individuals using qualified institutional services and moves them to home and community-based long-term care services. The MFP rebalancing demonstration will stop allocation of opportunities when the demonstration expires.

1. For the purposes of these provisions, a qualified institution is a nursing facility, hospital, or Medicaid enrolled intermediate care facility for individuals with intellectual disabilities (ICF/IID).

B. Individuals must meet the following criteria for participation in the MFP Rebalancing Demonstration.

1. Individuals with a developmental disability must:

a. occupy a licensed, approved Medicaid enrolled nursing facility, hospital or ICF/IID bed for at least three consecutive months; and

b. be Medicaid eligible, eligible for state developmental disability services, and meet an ICF/IID level of care.

2. ...

C. Individuals in the demonstration are not required to have a protected date on the developmental disabilities request for services registry (RFSR).

D. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

§16107. Programmatic Allocation of Waiver Opportunities

A. The intellectual/developmental disabilities request for services registry, hereafter referred to as "the registry," shall be used to identify individuals with intellectual and/or developmental disabilities who are waiting for an OCDD waiver opportunity. Individuals who are found eligible for developmental disabilities services using standardized tools, and who request waiver services will be added to the registry. The request for services registry (RFSR) is arranged by urgency of need and date of application for developmentally disabled (DD) waiver services.

B. The ROW serves eligible individuals in the following populations and is based on the following priorities:

1. Priority 1. The one-time transition of persons eligible for developmental disability (DD) services in either OAAS Community Choices Waiver (CCW) or OAAS Adult Day Health Care (ADHC) Waiver to the ROW.

2. Priority 2. Individuals living at Pinecrest Supports and Services Center or in a publicly operated ICF/IID when it was transitioned to a private ICF/IID through a cooperative endeavor agreement (CEA facility), or their alternates. Alternates are defined as individuals living in a private ICF/IID who will give up the private ICF/IID bed to an individual living at Pinecrest or to an individual who was living in a publicly operated ICF/IID when it was transitioned to a private ICF/IID through a cooperative endeavor agreement. Individuals requesting to transition from Pinecrest are awarded a slot when one is requested and their health and safety can be assured in an OCDD waiver. This also applies to individuals who were residing in a state

operated facility at the time the facility was privatized and became a CEA facility.

3. Priority 3. Individuals on the registry who have the highest level of need and the earliest registry date shall be notified in writing when a funded OCDD waiver opportunity is available and that he/she is next in line to be evaluated for a possible waiver assignment, and the ROW shall have justification based on a uniform needs-based assessment and a person-centered planning that the ROW is the OCDD waiver that will best meet the needs of the individual.

4. Priority 4. Individuals transitioning from ICF/IID facilities utilizing ROW conversion.

C. OCDD has the responsibility to monitor the utilization of ROW opportunities. At the discretion of OCDD, specifically allocated waiver opportunities may be reallocated to better meet the needs of citizens with developmental disabilities in the state of Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), LR 42:62 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1764 (December 2019), LR 47:

§16109. Admission Denial or Discharge Criteria

A. Admission to the ROW Program shall be denied if one of the following criteria is met.

1. ...

2. The individual does not meet the requirements for an ICF/IID level of care.

3. - 8. ...

B. Participants shall be discharged from the ROW if any of the following conditions are determined:

1. ...

2. loss of eligibility for an ICF/IID level of care;

3. - 5. ...

6. admission to an ICF/IID or nursing facility with the intent to stay and not to return to waiver services;

7. ...

8. the participant fails to cooperate in the eligibility renewal process or the implementation of the approved POC, or the responsibilities of the ROW participant;

9. continuity of stay for consideration of Medicaid eligibility under the special income criteria is interrupted as a result of the participant not receiving ROW services during a period of 30 consecutive days;

a. continuity of stay is not considered to be interrupted if the participant is admitted to a hospital, nursing facility, or ICF/IID.

i. Repealed.

b. the participant shall be discharged from the ROW if the treating physician documents that the institutional stay will exceed 90 days; or

10. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2156 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

Chapter 163. Covered Services

§16301. Assistive Technology and Specialized Medical Equipment and Supplies

A. Assistive technology and specialized medical equipment and supplies (AT/SMES) service includes providing specialized devices, controls, or appliances which enable a participant to increase his/her ability to perform activities of daily living, ensure safety, and/or to perceive, control, and communicate within his/her environment.

1. This service also includes items that meet at least one of the following criteria:

- a. items that are necessary for life support;
- b. items that are necessary to address physical conditions, along with ancillary supplies;
- c. address physical conditions;
- d. items that will increase, maintain, or improve ability of the participant to function more independently in the home and/or community; and
- e. equipment necessary to the proper functioning of such items.

2. This service also includes medically necessary durable and non-durable equipment not available under the Medicaid State Plan and repairs to such items and equipment necessary to increase/maintain the independence and well-being of the participant.

a. All equipment, accessories and supplies must meet all applicable manufacture, design and installation requirements.

b. The services under the Residential Options Waiver are limited to additional services not otherwise covered under the Medicaid State Plan.

3. The services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

4. - 5. Repealed.

B. AT/SMES services provided through the ROW include the following services:

1. the evaluation of assistive technology needs of a participant including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the participant in the customary environment of the participant;

2. services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

3. coordination of necessary therapies, interventions or services with assistive technology devices;

4. ...

5. training or technical assistance, on the use for the participant, or where appropriate, family members, guardians, advocates, authorized representatives of the participant, professionals, or others;

6. all service contracts and warranties included in the purchase of the item by the manufacturer;

7. equipment or device repair and replacement of batteries and other items that contribute to ongoing maintenance of the equipment or device;

a. separate payment will be made for repairs after expiration of the warranty only when it is determined to be cost effective; and

8. services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for participants.

C. - D. ...

E. Service Exclusions

1. Assistive technology devices and specialized equipment and supplies that are of general utility or maintenance and items that are not of direct medical or remedial benefit to the participant are excluded from coverage.

2. Any equipment, device, appliance or supply that is covered and has been approved under the Medicaid State Plan is excluded from coverage.

3. For adults over the age of 20 years, specialized chairs, whether mobile or travel are not covered.

F. Provider Participation Requirements. Providers of AT/SMES services must meet the following participation requirements. The provider must:

1. be enrolled in the Medicaid Program;

2. provide documentation on manufacturer's letterhead that the agency listed on the Louisiana Medicaid Enrollment Form and Addendum (PE-50) is:

a. authorized to sell and install assistive technology, specialized medical equipment and supplies, or devices for assistance with activities of daily living; and

b. has training and experience with the application, use fitting and repair of the equipment or devices they propose to sell or repair; and

3. Upon completion of the work and prior to payment, the provider shall give the participant a certificate of warranty for all labor and installation and all warranty certificates.

a. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2156 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:

§16303. Community Living Supports

A. Community living supports (CLS) are provided to a participant in his/her own home and in the community to achieve and/or to maintain the outcomes of increased independence, productivity, and enhanced family functioning, to provide relief of the caregiver, and to provide for inclusion in the community. Community living supports may be a self-directed service.

B. Community living supports focus on the achievement of one or more goals as indicated in the participant's approved plan of care by incorporating teaching and support strategies. Supports provided are related to the acquisition,

improvement, and maintenance of independence, autonomy and adaptive skills. These skills include:

1. self-help skills;
2. socialization skills;
3. cognitive and communication skills; and
4. ...

C. Place of Service. CLS services are furnished to adults and children who live in a home that is leased or owned by the participant or his/her family. Services may be provided in the home or community, with the place of residence as the primary setting.

D. Community living supports may be shared by up to three participants who may or may not live together, and who have a common direct service provider agency. In order for CLS services to be shared, the following conditions must be met.

1. An agreement must be reached among all of the involved participants, or their legal guardians, regarding the provisions of shared CLS services. If the person has a legal guardian, their approval must also be obtained.

2. The health and welfare must be assured for each participant.

3. Each participant's plan of care must reflect shared services and include the shared rate for the service indicated.

4. A shared rate must be billed.

5. The cost of transportation is built in to the community living services rate and must be provided when integral to community living services.

E. Service Exclusions

1. Community living supports staff are not allowed to sleep during billable hours of community living supports.

2. Payment will not be made for routine care and support that is normally provided by the participant's family or for services provided to a minor by the child's parent or step-parent or by a participant's spouse.

3. ...

4. The participant and community living supports staff may not live in the same place of residence.

5. Payment does not include room and board or the maintenance, upkeep, and improvement of the provider's or family's residence.

6. Community living supports may not be provided in a licensed respite care facility.

7. Community living supports services are not available to participants receiving any of the following services:

a. - c. ...

d. monitored in-home caregiving (MIHC).

8. Community living supports may not be billed at the same time on the same day as:

a. ...

b. prevocational services;

c. ...

d. respite care services-out of home;

e. transportation-community access;

f. monitored in-home caregiving (MIHC); or

g. adult day health care.

9. Payment will not be made for services provided by a relative who is:

a. parent(s) of a minor child;

b. legal guardian of an adult or child with developmental disabilities;

c. spouse of or legally responsible adult for the participant; or

d. power of attorney, curator, or authorized responsible representative for the waiver participant.

F. Provider Qualifications. CLS providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for personal care attendant in LAC 48:I.Chapter 50.

1. Family members who provide CLS services must meet the same standards as providers who are unrelated to the participant.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2157 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

§16305. Companion Care

A. Companion care services provide supports to assist the participant in achieving and/or maintaining increased independence, productivity and community inclusion as identified in the participant's plan of care. These services are designed for individuals who live independently and can manage their own household with limited supports. The companion provides personal care and supportive services to a participant who resides as a roommate with his/her caregiver. This service includes:

1. - 2. ...

B. Companion care services can be arranged by licensed providers who hire companions. The participant must be able to self-direct services to companion. The companion is a principal care provider who is at least 18 years of age, who lives with the participant as a roommate, and provides services in the participant's home. The companion is a contracted employee of the provider agency and is paid as such by the provider.

C. Provider Responsibilities

1. The provider organization shall develop a written agreement that defines all of the shared responsibilities between the companion and the participant. This agreement becomes a part of the participant's plan of care. The written agreement shall include, but is not limited to:

a. - c. ...

2. Revisions to this agreement must be facilitated by the provider and approved as part of the participant's plan of care following the same process as would any revision to a plan of care. Revisions can be initiated by the participant, the companion, the provider, or a member of the participant's support team.

3. The provider is responsible for performing the following functions which are included in the daily rate:

a. ...

b. conducting an initial inspection of the participant's home with on-going periodic inspections of a frequency determined by the provider;

c. making contact with the companion at a minimum of once per week, or more often as specified in the participant's plan of care; and

d. providing 24-hour oversight, back-up staff, and companion supervision.

4. ...

D. Responsibilities of the companion include:

1. providing assistance with activities of daily living (ADLs);

a. - b. Repealed.

2. community integration;

3. providing transportation;

4. coordinating and assisting as needed with transportation to medical/therapy appointments;

5. participating in and following the participants plan of care and any support plans;

6. maintaining documentation/records in accordance with state and provider requirements;

7. being available in accordance with a pre-arranged time schedule as outlined in the participant's plan of care;

8. purchasing own personal items and food; and

9. being available 24 hours a day (by phone contact) to the participant to provide supports on short notice as a need arises.

E. Service Limits

1. The provider must provide relief staff for scheduled and unscheduled absences, available for up to 360 hours (15 days) per plan of care year. The companion care provider's rate includes funding for relief staff for scheduled and unscheduled absences.

F. Service Exclusions

1. Companion care is not available to individuals receiving the following services:

a. - d. ...

e. monitored in-home caregiving (MIHC).

2. Companion care services are not available to participants under the age of 18.

3. Payment will not be made for services provided by a relative who is a:

a. parent(s) of a minor child;

b. legal guardian of an adult or child with developmental disabilities; or

c. spouse of the participant.

4. Payment does not include room and board or maintenance, upkeep, and improvement of the participants or provider's property.

5. transportation is billed by the vocational provider.

G. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for personal care attendant in LAC 48:I.Chapter 50.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2444 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2158 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the

Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

§16307. Day Habilitation Services

A. Day habilitation services are aimed at developing activities and/or skills acquisition to support or further community integration opportunities outside of a participant's home that promote independence and autonomy and assist him/her in developing a full life in his/her community. Services should focus on habilitation activities that enable the participant to attain maximum skills based on his/her valued outcomes. These services should be provided in a variety of community venues, and these venues and services should routinely correspond with the context of the skill acquisition activity to enhance the habilitation activities. Overarching goals of the program shall include regular community inclusion and the opportunity to build towards maximum. The primary focus of day habilitation services is acquisition of new skills or maintenance of existing skills based on individualized preferences and goals.

1. The skill acquisition and maintenance activities should include formal strategies for teaching the personalized skills and include the intended outcome for the participant.

2. Personalized progress for the skill acquisition and maintenance activities should be routinely reviewed and evaluated, with revisions made as necessary to promote continued skill acquisition.

3. As a participant develops new skills, his/her training should move along a continuum of habilitation services offered toward greater independence and self-reliance.

B. Day habilitation services may serve to reinforce skills or lessons taught in school, therapy, or other settings. Day habilitation services shall:

1. focus on enabling the participant to attain his/her maximum skills;

2. be coordinated with any physical, occupational, or speech therapies listed in the participant's plan of care; and

3. be furnished on a regularly scheduled basis and limited to no more than eight hours a day, five days per week.

a. Services are based on a 15 minute unit of service and on time spent at the service site by the participant.

b. Services shall not exceed 32 units of service on any given day or 160 units in any given week in a plan of care.

c. Any time less than 15 minutes of service is not billable or payable.

d. No rounding up of units is allowed.

4. - 4.d.Repealed.

C. The day habilitation provider is responsible for all transportation between day habilitation sites.

1. Transportation is only provided on the day that a day habilitation service is provided.

2. Transportation services are offered and billable as a component of day habilitation. Transportation may be provided to and/or from the participant's residence or a location agreed upon by the participant or authorized representative.

D. Participants may receive more than one type of vocational or habilitative service per day as long as the service and billing criteria are followed and as long as

requirements for the minimum time spent on site are adhered to.

E. Service Exclusions

1. Time spent in transportation between the participant's residence/location and the day habilitation site is not to be included in the total number of day habilitation service hours per day, except when the transportation is for the purpose of travel training.

a. Travel training for the purpose of teaching the participant to use transportation services may be included in determining the total number of service hours provided per day. Travel training must be included in the participants plan of care.

2. ...

3. Day habilitation services cannot be billed for at the same time on the same day as:

- a. community living supports;
- b. professional services, except when there are direct contacts needed in the development of a support plan;
- c. respite—out of home;
- d. adult day health care;
- e. monitored in-home caregiving (MIHC);
- f. prevocational services; or
- g. supported employment.

F. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for adult day care in LAC 48:I.Chapter 50.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2445 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2158 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

§16309. Dental Services

A. Dental services are available to adult participants over the age of 21 as of component of the ROW. Covered dental services include:

1. adult diagnostic services (radiographs, complete series including bitewing);
2. ...
3. prophylaxis, new and patient of record adult (cleanings).

B. Service Exclusions

1. ROW dental services are not available to children (up to 21 years of age). Children access dental services through EPSDT.

2. All available Medicaid State Plan services must first be exhausted prior to accessing ROW dental services.

C. Provider Qualifications. Providers must have a current, valid license to provide dental services from the Louisiana State Board of Dentistry for the specific dental services in all specialty areas provided to the participant.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2445 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services

Financing and the Office for Citizens with Developmental Disabilities, LR 41:2159 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

§16311. Environmental Accessibility Adaptations

A. Environmental accessibility adaptations are physical adaptations to the participant's home or vehicle which are necessary to ensure health, welfare, and safety of the participant, or which enable the participant to function with greater independence, without which the participant would require additional supports or institutionalization. Environmental adaptations must be specified in the participant's plan of care.

1. ...

B. Environmental adaptation services to the home and vehicle include the following:

1. performance of necessary assessments to determine the type(s) of modifications that are needed;
2. training the participant and the provider in the use and maintenance of the environmental adaptation(s);
3. repair of equipment and/or devices, including battery purchases for vehicle lifts and other reoccurring replacement items that contribute to the ongoing maintenance of the approved adaptation(s); and
4. standard manufacturer provided service contracts and warranties.

C. Home adaptations which pertain to modifications that are made to a participant's primary residence. Such adaptations to the home may include bathroom modifications, ramps, or other adaptations to make the home accessible to the participant.

1. The service must be for a specific approved adaptation.

2. The service may include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electric and plumbing systems which are necessary to accommodate the medical equipment and supplies which are necessary for the welfare of the participant.

3. - 4. Repealed.

D. Modifications may be applied to rental or leased property only with the written approval of the landlord and approval of OCDD.

1. - 2. Repealed.

E. All environmental accessibility adaptations to home and to a vehicle must meet all applicable standards of manufacture, design, and installation.

F. Service Exclusions for Home Adaptations

1. ...

2. Home modifications shall not be furnished to adapt living arrangements that are owned or leased by paid caregivers or providers of waiver services.

3. Home modifications may not include modifications which add to the total square footage of the home, except when the additional square footage is necessary to make the required adaptations function appropriately.

EXAMPLE: if a bathroom is very small and a modification cannot be done without increasing the total square footage, this would be considered as an approvable cost.

a. When new construction or remodeling is a component of the service, payment for the service is to only cover the difference between the cost of typical construction and the cost of specialized construction.

4. Home modifications may not include modifications to the home which are of general utility and not of direct medical or remedial benefit to the participant, including, but not limited to:

a. - g. ...

5. Home modification funds may not be used for service warranties and contracts above those provided by the manufacturer at the time of purchase (e.g., extended warranties, extended service contracts).

G. Vehicle adaptations pertain to modifications to a vehicle that is the waiver participant's primary means of transportation in order to accommodate his/her special needs.

1. Such adaptations to the vehicle may include a lift, or other adaptations, to make the vehicle accessible to the participant or for the participant to drive.

2. The service must be for a specific approved adaptation.

H. Service Exclusions for Vehicle Adaptations

1. Payment will not be made to:

a. ...

b. purchase or lease of a vehicle.

2. Vehicle modification funds may not be used for modifications which are of general utility and are not of direct medical or remedial benefit to the participant.

3. Vehicle modification funds may not be used for regularly scheduled upkeep and maintenance of a vehicle, except upkeep and maintenance of the modifications.

4. ...

5. Vehicle modification funds may not be used for service warranties and contracts above those provided by the manufacturer at the time of purchase (e.g., extended warranties, extended service contracts).

I. - I.4. ...

J. Provider Qualifications. In order to participate in the Medicaid Program, providers must meet the following qualifications.

1. Home Adaptations. Providers of environmental accessibility adaptations for the home must:

a. be registered through the State Licensing Board for Contractors as a home improvement contractor. The provider must have a current license from the State Licensing Board for Contractors for any of the following building trade classifications:

- i. general contractor;
- ii. home improvement; or
- iii. residential building; or

b. If a current Louisiana Medicaid provider of durable medical equipment, have documentation from the manufacturing company (on its letterhead) that confirms that the provider is an authorized distributor of a specific product that attaches to a building. The letter must specify the product and state that the provider has been trained on its installation.

2. Vehicle Adaptations. Providers of environmental accessibility adaptations to vehicles must be licensed by the Louisiana Motor Vehicle Commission as a specialty vehicle dealer and accredited by the National Mobility Equipment Dealers Association under the Structural Vehicle Modifier category.

3. All environmental adaptations providers must comply with all applicable local (city or parish) occupational license(s).

4. All environmental adaptation providers, as well as the person performing the service (i.e., building contractors, plumbers, electricians, engineers, etc.), must meet any state or local requirements for licensure or certification. When state and local building or housing code standards are applicable, modifications to the home shall meet such standards, and all services shall be provided in accordance with applicable State or local requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2446 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2159 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

§16313. Host Home

A. Host home services are personal care and supportive services provided to a participant who lives in a private home with a family who is not the participant's parent, legal representative, or spouse. Host home families are a stand-alone family living arrangement in which the principle caregiver in the host home assumes the direct responsibility for the participant's physical, social, and emotional well-being and growth in a family environment. Host home services are to take into account compatibility with the host home family members, including age, support needs, and privacy needs.

B. Host home services include assistance with:

1. personal care, assistance with the activities of daily living and adaptive living needs;
2. leisure activities, assistance to develop leisure interests and daily activities in the home setting;
3. social development/family inclusion, assistance to develop relationships with other members of the household; and
4. community inclusion supports in accessing community services and activities and pursuing and developing recreational and social interests outside the home.

5. Repealed.

NOTE: Natural supports are also encouraged and supported when possible. Supports are to be consistent with the participant's skill level, goals, and interests.

C. Host home provider agencies oversee and monitor the host home contractor to ensure the availability, quality, and continuity of host home services. Host home provider agencies are responsible for the following functions:

1. arranging, training, and overseeing host home services (host home family);
2. making an initial inspection and periodic inspections of the host home and upon any significant changes in the host family unit or significant events which may impact the participant;
3. having 24-hour responsibility over host home services to the participant, which includes back-up staffing

for scheduled and unscheduled absences of the host home family for up to 360 hours (15 days) as authorized by the participant's plan of care; and

4. providing relief staffing in the participant's home or in another host home family's home.

D. Host home contractors are responsible for:

1. attending the participant's plan of care meeting and participating, including providing information needed in the development of the plan;

2. following all aspects of the participant's plan of care and any support plans;

3. maintaining the participant's documentation;

4. assisting the participant in attending appointments (i.e., medical, therapy, etc.) and undergoing any specialized training deemed necessary by the provider agency, or required by the department, to provide supports in the host home setting;

5. following all requirements for staff as in any other waiver service including immediately reporting to the department and applicable authorities any major issues or concerns related to the participant's safety and well-being; and

6. providing transportation as would a natural family member.

E. Host home contractors who serve children are required to provide daily supports and supervision on a 24-hour basis.

1. If the participant is a child, the host home family is to provide the supports required to meet the needs of a child as any family would for a minor child.

2. Support needs are based on the child's age, capabilities, health, and special needs.

3. A host home family can provide compensated supports for up to two participants, regardless of the funding source.

F. - H. ...

I. Service Exclusions

1. ...

2. Payment will not be made for the following:

a. respite care services-out of home;

b. shared living/shared living conversion;

c. community living supports;

d. companion care;

e. monitored in-home caregiving (MIHC);

f. transportation-community access; or

g. one-time transition services.

3. ...

4. Payment will not be made for services provided by a relative who is a:

a. parent(s) of a minor child;

b. legal guardian of an adult or child with developmental disabilities;

c. parent(s) for an adult child, regardless of whether or not the adult child has been interdicted; or

d. spouse of the participant.

5. Children eligible for Title IV-E services are not eligible for host home services.

6. Payment does not include room and board or maintenance, upkeep, or improvement of the host home family's residence.

7. Environmental adaptations are not available to participants receiving host home services since the

participant's place of residence is owned or leased by the host home family.

J. Provider Qualifications

1. Home host service provider agencies must meet the following qualifications:

a. - b. ...

c. screen, train, oversee and provide technical assistance to the host home family in accordance with OCDD requirements, including the coordination of an array of medical, behavioral and other professional services geared to persons with developmental disabilities (DD); and

d. provide on-going assistance to the host home family so that all HCBS waiver health and safety assurances, monitoring, and critical incident reporting requirements are met.

2. Agencies serving children must be licensed by the Department of Children and Family Services as a Class "A" Child Placing Agency under the Specialized Provider Licensing Act (R.S. 46:1401-46:1430), LAC 67:V.Chapter 73.

3. Agencies serving adults must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for substitute family care in LAC 48:I.Chapter 50.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2447 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2160 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

§16317. Nursing Services

A. Nursing services are medically necessary services ordered by a physician and provided by a licensed registered nurse or a licensed practical nurse under the supervision of a registered nurse, within the scope of the State's Nurse Practice Act. Nursing services provided in the ROW are an extension of nursing services provided through the Home Health Program covered under the Medicaid State Plan.

1. Nursing services must be included in the participant's plan of care and must have the following:

a. physician's order,

b. physician's letter of medical necessity,

c. Form 90-L,

d. Form 485,

e. individual nursing service plan,

f. summary of medical history, and

g. skilled nursing checklist.

2. The participant's nurse must submit updates every 60 days and include any changes to the participant's needs and/or physician's orders.

B. Consultations include assessments, health related training/education for the participant and the participant's caregivers, and healthcare needs related to prevention and primary care activities.

1. Assessment services are offered on an individualized basis only and must be performed by a registered nurse

2. ...

3. Health related training and education service is the only nursing procedure which can be provided to more than one participant simultaneously.

C. Service Limitations

1. Services are based on 15-minute units of service.

D. Service Requirements

1. Nursing services are secondary to EPSDT services for participants under the age of 21 years. Participants under the age of 21 have access to nursing services (home health and extended care) under the Medicaid State Plan.

2. Adults have access only to home health nursing services under the Medicaid State Plan. Participants must access and exhaust all available Medicaid State Plan services prior to accessing ROW nursing services.

E. Provider Qualifications

1. In order to participate in the Medicaid Program, a provider agency must possess a current, valid license as a home health agency under R.S. 40:2116.31–40:2116.40 as verified by the LDH Health Standards Section; or

2. If under the ROW shared living conversion model, a provider agency must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for supervised independent living-conversion in LAC 48:I.Chapter 50.

2.a - 4.b. Repealed.

E. Staffing Requirements

1. Nursing services shall be provided by individuals with either a current, valid license as a registered nurse from the State Board of Nursing or a current, valid license as a practical nurse from the Board of Practical Nurse Examiners.

2. Nurses must have one-year experience serving persons with developmental disabilities. Experience may include any of the following:

a. full-time experience gained in advanced and accredited training programs, (i.e., masters or residency level training programs) which includes treatment services to persons with a developmental disability;

b. paid, full-time nursing experience in specialized service/treatment settings for persons with a developmental disability (i.e., intermediate care facilities for persons with a developmental disability);

c. paid, full-time nursing experience in multi-disciplinary programs for persons with a developmental disability (i.e., mental health treatment programs for persons with dual diagnosis - mental illness and a developmental disability); or

d. paid, full-time nursing experience in specialized educational, vocational, and therapeutic programs or settings for persons with a developmental disability (i.e., school special education program).

3. Two years of part-time experience (minimum of 20 hours per week) may be substituted for one year of full-time experience.

4. The following activities do not qualify for the required experience:

a. volunteer nursing experience; or

b. experience gained by caring for a relative or friend with developmental disabilities.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2449 (November 2007), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2161 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

§16319. One-Time Transitional Services

A. One-time transitional services are non-reoccurring set-up expenses to assist a participant who is moving from an institutional setting to his or her own home. The participant's support coordinator assists in accessing funds and making arrangements in preparation for moving into the residence.

B. One-time transitional services may be accessed for the following:

1. non-refundable security deposit;

2. utility deposits (set-up/deposit fee for telephone service);

3. essential furnishings to establish basic living arrangements, including:

a. bedroom furniture;

b. living room furniture;

c. tables and chairs;

d. window blinds; and

e. kitchen items (i.e., food preparation items, eating utensils, etc.);

4. moving expenses; and

5. health and safety assurances (i.e., pest eradication, one-time cleaning prior to occupancy, etc.).

6. - 6.b.Repealed.

C. Service Limits

1. There is a one-time, lifetime maximum services cap of \$3,000 per participant.

2. Service expenditures will be prior authorized and tracked by the prior authorization contractor.

D. Service Exclusions

1. One-time transitional services may not be used to pay for the following:

a. housing, rent, or refundable security deposits; or

NOTE: Non-refundable security deposits are not to include rental payments.

1.b. - 3....

E. The Office for Citizens with Developmental Disabilities shall be the entity responsible for coordinating the delivery of one time transitional services. Providers must have a BHSF (Medicaid) provider enrollment agreement as a transition support provider as verified by Department of Health (LDH) Health Standards Section.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2449 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2162 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1766 (December 2019), LR 47:

§16321. Personal Emergency Response System (PERS)

A. Personal emergency response system (PERS) service is an electronic device connected to the participant's phone that enables him or her to secure help in an emergency. The service also includes an option in which the participant would wear a portable help button. The device is

programmed to emit a signal to the PERS response center where trained professionals respond to the participant's emergency situation.

B. Participant Qualifications. PERS service is most appropriate for participants who:

1. are able to identify when they are in an emergency situation and then able to activate the system requesting assistance; and

2. are unable to summon assistance by dialing 911 or other emergency services available to the general public.

3. Repealed.

C. Coverage of the PERS is limited to the rental of the electronic device. PERS services shall include the cost of maintenance and training the participant to use the equipment.

D. Service Exclusions

1. ...

2. PERS services are not available to participants who receive 24-hour direct care supports.

E. Provider Qualifications

1. ...

2. Providers must comply with all applicable federal, state, county (parish), and local laws and regulations.

3. Providers must meet manufacturers specifications, response requirements, maintenance records, and enrollee education.

4. The provider's response center shall be staffed by trained professionals.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2249 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2162 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

§16323. Prevocational Services

A. Prevocational services are activities designed to assist a participant in acquiring and maintaining basic work-related skills necessary to acquire and retain competitive employment. Overall goals of the program include regular community inclusion and development of work skills and habits to improve the employability of the participant.

B. Prevocational services should be offered that engage workers in real and simulated employment tasks to determine vocational potential. Services focus on teaching concepts and skills, such as following directions, attending to tasks, task completion, problem solving, and job safety skills. All prevocational services are to be reflective of the participant's plan of care and directed toward habilitation rather than teaching a specific job skill.

1. The primary focus of prevocational services is the acquisition of employment related skills based on the participant's vocational preferences and goals.

2. Activities associated with prevocational services should include formal strategies for teaching the skills and the intended outcome for the participant.

3. Personalized progress for the activities should be routinely reviewed and evaluated with revisions made as necessary.

4. As an Employment First state, the state's strategy to facilitate participant transition from prevocational services to supported employment and/or employment in the participant's occupation of choice includes individually identifying persons receiving prevocational services and targets them for transition to integrated employment opportunities.

a. This is accomplished through a revised person-centered process prominently featuring the values and principles of the state's Employment First initiative.

b. As part of this implementation, the support team must clearly identify integrated community-based vocational goals, action steps, and timelines. This is reviewed on at least a quarterly basis and revised as needed.

c. Success is measured by the individual's transition to an integrated employment setting in addition to the state meeting national core indicator integrated employment targets.

C. Prevocational services are provided to participants who are working or will be able to work in a paid work setting.

1. Participants need intensive ongoing support to perform in a paid work setting because of their disabilities.

2. In the event participants are compensated in the prevocational services, pay must be in accordance with the United States Fair Labor Standards Act of 1985.

D. Individual goals are identified and included in the participant's plan of care. These goals are re-assessed at least quarterly, or more often as needed, and revised as appropriate.

1. During the person-centered planning process, support coordinators identify various types of activities the participant enjoys participating in or would like to participate in given personal preferences and goals.

a. These activities are included in the participant's plan of care and monitored to ensure that the participant has the opportunity to participate.

b. These activities are to include formal strategies for teaching the skills and the intended outcome for the participant. Personalized progress for the activities should be routinely reviewed and evaluated with revisions made as necessary.

2. Support coordinators are to monitor and ensure that meaningful activities are occurring and that the participant is not being exploited.

3. Support coordinators are required to visit the participant at the prevocational site to ensure that the participant is participating in meaningful activities, is satisfied with services, and is free from abuse/neglect. This is documented in the Case Management Information System.

E. The prevocational provider is responsible for all transportation between prevocational sites. All transportation costs are included in the reimbursement rate for prevocational services. The participant must be present to receive this service. Transportation may be provided

between the participant's residence, or other location as agreed upon by the participant or authorized representative, and the prevocational site. The participant's transportation needs shall be documented in the plan of care.

F. Service Limitations

1. Services shall be limited to no more than eight hours a day, five days per week, based on a 15-minute unit of service. The 15-minute units of services must be spent at the service site by the participant.

a. Any time less than 15 minutes of service is not billable or payable.

b. No rounding up of units of service is allowed.

2. Prevocational services are not available to individuals who are otherwise eligible to participate in special education or related services programs as defined under Sections 602(16) and (17) of the Education of the Handicapped Act, through a local educational agency, or in vocational rehabilitation services through a program funded under Section 110 of the Rehabilitation Act of 1973.

3. Prevocational services cannot be billed for at the same time of the day as the following:

a. community living supports;

b. professional services, except when there are direct contacts needed in the development of a support plan;

c. respite—out of home;

d. adult day healthcare;

e. monitored-in-home caregiving (MIHC);

f. day habilitation services; or

g. supported employment.

4. Transportation is only provided on the day that a prevocational service is provided.

a. Time spent in transportation between the participant's residence/location and the prevocational site is not to be included in the total number of prevocational service hours per day, except when the transportation is for the purpose of travel training. Travel training must be included in the participant's plan of care.

b. ...

c. Transportation-community access services shall not be used for transportation to or from any prevocational services

G. Restrictions

1. Participants receiving prevocational services may also receive day habilitation or individualized supported employment services, but these services cannot be provided during the same time.

2. Prevocational services are expected to be time limited to four years after which time the participant should be prepared for competitive employment in the community. This four-year time frame may be extended if needed.

3. If a participant is compensated, compensation must be less than 50 percent of minimum wage and must be in accordance with the United States Department of Labor's Fair Labor Standards Act. If a participant is paid above 50 percent of minimum wage, there must be a review every six months to determine the suitability of continuing prevocational services or changing vocational services to supported employment.

H. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for adult day care in. LAC 48:11. Chapter 50.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2450 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2162 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1766 (December 2019), LR 47:

§16325. Professional Services

A. Professional services are direct services to participants based on the participant's need, which assist the participant, unpaid caregivers, and/or paid caregivers in carrying out the participant's approved plan and which are necessary to improve the participant's independence and inclusion in his/her community. The participant must be present in order for the professional to bill for services. Professional services include nutritional services, speech therapy, occupational therapy, physical therapy, social work, and psychological services. All services are to be included in the participant's plan of care. The specific service provided to a participant must be within the professional's area of specialty and licensing.

B. Professional services include services provided by the following licensed professionals:

1. - 6. ...

C. Professional services can include:

1. assessments and/or re-assessments specific to the area of specialty with the goal of identifying status and developing recommendations, treatment, and follow-up;

2. providing training to the participant, family, and caregivers with the goal of increased skill acquisition and proficiency;

3. intervening in a crisis situation with the goal of stabilizing and addressing issues related to the cause(s) of the crisis. Activities may include development of support plan(s), training, documentation strategies, counseling, on-call supports; back-up crisis supports, on-going monitoring, and intervention;

4. provide consultative services and recommendations as the need arises;

5. providing information to the participant, family, and caregivers, along with other support team members, to assist in planning, developing, and implementing a participant's plan of care;

6. providing training and counseling services for natural supports and caregivers in a home setting with the goal of developing and maintaining healthy, stable relationships;

a. ...

b. services are intended to maximize the emotional and social adjustment and well-being of the individual, family, and caregiver;

7. providing nutritional services, including dietary evaluation and consultation with individuals or their care provider;

a. services are intended to maximize the individual's nutritional health;

8. providing therapy to the participant necessary to the development of critical skills; and

9. assistance in increasing independence, participation, and productivity in the participant's home, work, and/or community environments.

* * *

D. Service Exclusions

1. Private insurance must be billed and exhausted prior to accessing waiver funds. Professional services may only be furnished and reimbursed through ROW when the services are medically necessary, or have habilitative or remedial benefit to the participant.

2. Children must access and exhaust services through the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program prior to accessing waiver funds.

E. Provider Qualifications. The provider of professional services must be a Medicaid-enrolled provider. Each professional must possess a current valid Louisiana license to practice in his/her field and have at least one year of experience post licensure in his/her area of expertise.

1. Enrollment of individual practitioners. Individual practitioners who enroll as providers of professional services must:

a. ...

b. have a minimum of one year experience delivering services to persons with developmental disabilities.

1.c. - 2. ...

a. The following provider agencies may enroll to provide professional services:

i. - ii. ...

iii. a supervised independent living agency licensed by the department to provide shared living services;

iv. a substitute family care agency licensed by the department to provide host home services; or

v. a federally qualified health center (U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) grant recipient or Clinical Laboratory Improvement Amendments (CLIA) certificate holder).

b. - c. ...

3. All professionals delivering professional services must meet the required one year of service delivery experience as defined by the following:

a. full-time experience gained in advanced and accredited training programs (i.e. master's or residency level training programs), which includes treatment services for persons with a developmental disability;

b. paid, full-time professional experience in specialized service/treatment settings for persons with a developmental disability (i.e., intermediate care facilities for persons with a developmental disability);

c. paid, full-time professional experience in multi-disciplinary programs for persons with a developmental disability (i.e., mental health treatment programs for persons with dual diagnosis – mental illness and a developmental disability); or

d. paid, full-time professional experience in specialized educational, vocational, and therapeutic programs or settings for persons with a developmental disability (i.e., school special education program).

NOTE: Two years of part-time experience (minimum of 20 hours per week) may be substituted for one year of full-time experience.

e. Repealed.

4. The following activities do not qualify for the required experience:

a. volunteer professional experience; or

b. experience gained in caring for a relative or friend with a developmental disability.

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HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2450 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2163 (October 2015), by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, amended LR 47:

§16327. Respite Care Services—Out of Home

A. Respite care services—out of home are provided on a short-term basis to participants who are unable to care for themselves due to the absence of, or need for, relief of caregivers who normally provide care and support. Services are provided by a center-based respite provider.

1. ...

a. Repealed.

2. While receiving respite care services, the participant's routine is maintained in order to attend school, school activities or other community activities. Community activities and transportation to and from these activities in which the participant typically engages in are to be available while receiving respite services-out of home.

a. These activities should be included in the participant's approved plan of care. This will provide the participant the opportunity to continue to participate in typical routine activities.

b. Transportation costs to and from these activities are included in the respite services-out of home rate.

B. Service Limits

1. Respite care services are limited to 720 hours per participant, per POC year.

2. The process for approving hours in excess of 720 hours must go through the established approval process with proper justification and documentation.

3. Federal financial participation (FFP) will be claimed for the cost of room and board only if it is provided as part of respite care furnished in a respite center approved by the state that is not a private residence.

C. Service Exclusions

1. ...

2. Respite care services-out of home is not a billable waiver service to participants receiving the following services:

a. community living supports;

b. companion care;

c. host home;

d. shared living; or

e. monitored in-home caregiving (MIHC).

3. Respite care services-out of home cannot be provided in a personal residence.

4. Payment will not be made for transportation-community access.

D. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-

based services provider and meet the module requirements for center-based respite in LAC 48:I.Chapter 50.

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§16329. Shared Living Services

A. Shared living services are provided to a participant in his/her home and community to achieve, improve, and/or maintain social and adaptive skills necessary to enable the participant to reside in the community and to participate as independently as possible. Services are chosen by the participant and developed in accordance with his/her goals and wishes with regard to compatibility, interests, age and privacy in the shared living setting.

1. - 1.g....

2. Shared living services focus on the participant's preferences and goals.

3. Supports provided are related to the acquisition, improvement, and maintenance in level of independence, autonomy, and adaptive skills and are to be included in each participant's plan of care. This includes:

- a. self-care skills,
- b. adaptive skills, and
- c. leisure skills.

4. The overall goal is to provide the participant the ability to successfully reside with others in the community while sharing supports.

5. Shared living services take into account the compatibility of the participants sharing services, which includes individual interests, age of the participants, and the privacy needs of each participant.

a. Each participant's essential personal rights of privacy, dignity and respect, and freedom from coercion are protected.

6. The shared living setting is selected by each participant among all available alternatives and is identified in each participant's plan of care.

a. Each participant has the ability to determine whether or with whom he or she shares a room.

b. Each participant has the freedom of choice regarding daily living experiences, which include meals, visitors, and activities.

c. Each participant is not limited in opportunities to pursue community activities.

7. Shared living services may be shared by up to four participants who have a common shared living provider agency.

8. Shared living services must be agreed to by each participant and the health and welfare must be able to be assured for each participant.

a. If the person has a legal guardian, the legal guardian's approval must also be obtained.

b. Each participant's plan of care must reflect the shared living services and include the shared rate for the service indicated.

9. The shared living service setting is integrated in, and facilitates each participant's full access to, the greater community, which includes providing participants with the same opportunities as individuals without disabilities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community.

B. An ICF/IID may elect to permanently relinquish its ICF/IID license and all of its Medicaid facility need review approved beds from the total number of certificate of need (CON) beds for that home and convert it into a shared living waiver home or in combination with other ROW residential options as deemed appropriate in the approved conversion agreement.

1. ...

2. ICF/IID residents who choose transition to a shared living waiver home must also agree to conversion of their residence.

3. ...

4. All shared living service participants are required to have an individualized back-up staffing plan and an individualized emergency evacuation plan which are to be submitted with their plan of care.

5. Shared living services are not located in a building that is a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution, or disability-specific housing complex. Shared living services are not provided in settings that are isolated from the larger community.

6. Family members who provide shared living services must meet the same standards as unrelated provider agency staff.

7. Shared living service providers are responsible for providing 24-hour staff availability along with other identified responsibilities as indicated in each participant's individualized plan of care. This includes responsibility for each participant's routine daily schedule, for ensuring the health and welfare of each participant while in his or her place of residence and in the community, and for any other waiver services provided by the shared living services provider.

8. Shared living services may be provided in a residence that is owned or leased by the provider or that is owned or leased by the participant. Services may not be provided in a residence that is owned or leased by any legally responsible relative of the participant. If shared living services are provided in a residence that is owned or leased by the provider, any modification of the conditions must be supported by specific assessed needs and documented in the participant's plan of care. The provider is responsible for the cost of, and implementation of, the modification when the residence is owned or leased by the provider.

9. In a provider-owned or controlled residential setting, the following additional conditions must be met. Any modifications of the conditions must be supported by a specific assessed need and documented in the plan of care:

a. the unit or room is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the participant receiving services, and the participant has, at a minimum, the same responsibilities and protections from eviction that the tenants

have under the landlord/tenant laws of the state, parish, city, or other designated entity;

b. each participant has privacy in their sleeping or living unit, which requires the following:

i. units have lockable entrance doors, with appropriate staff having keys to doors;

ii. participants share units only at the participant's choice; and

iii. participants have the freedom to furnish and decorate their sleeping or living units;

c. participants have the freedom and support to control their own schedules and activities, and have access to food at any time;

d. participants are able to have visitors of their choosing at any time; and

e. the setting is physically accessible to the participant.

C. Shared Living Options

1. Shared Living Conversion Option. The shared living conversion option is only allowed for providers of homes which were previously licensed and Medicaid certified as an ICF/IID for up to a maximum of eight licensed and Medicaid-funded beds on October 1, 2009.

a. The number of participants for the shared living conversion option shall not exceed the licensed and Medicaid-funded bed capacity of the ICF/IID on October 1, 2009, or up to six individuals, whichever is less.

b. The ICF/IID used for the shared living conversion option must meet the department's operational, programming and quality assurances of health and safety for all participants.

c. - d. ...

2. Shared Living Non-Conversion (New) Option. The shared living non-conversion option is allowed only for new or existing ICF/IID providers to establish a shared living waiver home for up to a maximum of three individuals.

a. The shared living waiver home must be located separate and apart from any ICF/IID.

b. - d. ...

3. ICF/IID providers who convert an ICF/IID to a shared living home via the shared living conversion model must be approved by OCDD and licensed by HSS prior to providing services in this setting, and prior to accepting any ROW participant or applicant for residential or any other developmental disability service(s).

4. An ICF/IID provider who elects to convert to a shared living home via the shared living conversion process shall obtain the approval of all of the residents of the home(s) (or the responsible parties for these residents) regarding the conversion of the ICF/IID prior to beginning the process of conversion.

5. ICF/IID providers who elect to convert to a shared living home via the shared living conversion process shall submit a licensing application for a HCBS provider license, shared living module.

D. Service Exclusions and Limitations

1. Payment does not include room and board or maintenance, upkeep or improvements of the participant's or the provider's property.

2. - 5. ...

6. The following services are not available to participants receiving shared living services:

a. ...

b. respite care services-out of home;

c. - d. ...

e. monitored in-home caregiving (MIHC);

f. transportation-community access; or

g. environmental accessibility adaptations (if housing is leased or owned by the provider).

7. Shared living services are not available to participants 17 years of age and under.

8. The shared living services rate includes the cost of transportation.

a. The provider is responsible for providing transportation for all community activities except for vocational services.

b. Transportation for vocational services is included in the rate of the vocational service.

9. All Medicaid State Plan nursing services must be utilized and exhausted.

10. Payment will not be made for services provided by a relative who is a:

a. parent(s) of a minor child;

b. legal guardian of an adult or child with developmental disabilities;

c. parent(s) for an adult child regardless of whether or not the adult child has been interdicted; or

d. spouse of the participant.

11. The shared living staff may not live in the participant's place of residence.

E. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for supervised independent living and/or supervised independent living-conversion in LAC 48:I.Chapter 50.

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§16333. Support Coordination

A. Support coordination services are provided to all participants to provide assistance in gaining access to needed waiver services and Medicaid State Plan services, as well as needed medical, social, education, and other services, regardless of the funding source for the services. Support coordination services include assistance with the selection of service providers, development/revision of the plan of care, and monitoring of services.

1. - 2. ...

3. Support coordination services includes on-going support and assistance to the participant.

B. When participants choose to self-direct their waiver services, the support shall provide information, assistance, and management of the service being self-directed.

C. Service Limits

1. Support coordination shall not exceed 12 units. A calendar month is a unit.

2. ROW will utilize support coordination for assisting with the moving of individuals from the institutions. Up to 90 consecutive days or per LDH policy, but not to exceed 180 days will be allowed for transition purposes.

a. Payment will be made upon certification and may be retroactive no more than 90 days or per LDH policy, but not to exceed 180 days prior to the certification date.

3. OCDD supports and services centers are prohibited from providing case management/support coordination services in the ROW.

D. Provider Qualifications. Providers must have a current, valid license as a case management agency and meet all other requirements for targeted case management services as set forth in case management, LAC 48:I.Chapter 49.

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HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2453 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2165 (October 2015), by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, amended LR 47:

§16335. Supported Employment

A. Supported employment is competitive work in an integrated work setting, or employment in an integrated work setting in which the participant is working toward competitive work, consistent with strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, with ongoing support services to those participants for whom competitive employment has not traditionally occurred.

1. Supported employment services consists of intensive, ongoing supports and services necessary for a participant to achieve the desired outcome of employment in a community setting in the state of Louisiana where a majority of the persons employed are without disabilities.

2. Supported employment services are provided to participants who are not served by Louisiana Rehabilitation Services or through a local education agency under the Individuals with Disabilities Education Act and who need more intense, long-term monitoring and who usually cannot be competitively employed because supports cannot be successfully reduced due to the nature of their disability, and natural supports would not meet this need.

B. Supported employment services provide supports in the following areas:

1. Individual placement. A supported employment placement strategy in which an employment specialist (job coach) assists a person locating competitive employment, providing training, and supporting, then gradually reducing time and assistance at the worksite.

2. Services that assist a participant to develop and operate a micro-enterprise. This consists of:

a. assisting the participant to identify potential business opportunities;

b. assistance in the development of a business plan, including potential sources of business financing and other assistance related to developing and launching a business;

c. identification of the supports that are necessary for the participant to operate the business; and

d. ongoing assistance, counseling, and guidance once the business has been launched.

3. Enclave. An employment situation in competitive employment in which a group of eight or fewer workers with disabilities are working at a particular work setting performing similar general job tasks. The disabled workers may be disbursed throughout the company and among non-disabled workers or congregated as a group in one part of the business.

4. Mobile Work Crew. A group of eight or fewer workers with disabilities who perform work in a variety of locations under the supervision of a permanent employment specialist (job coach/supervisor).

C. When supported employment services are provided at a work site in which persons without disabilities are employees, payment will be made only for the adaptations, supervision and training required by individuals receiving waiver services as a result of their disabilities, but payment will not be made for the supervisory activities rendered as a normal part of the business setting.

D. The provider is responsible for all transportation to all work sites related to the provision of services. Transportation to and from the service site is offered and billable as a component of the supported employment service.

1. Transportation is payable only when a supported employment service is provided on the same day.

2. Time spent in transportation to and from the program shall not be included in the total number of services hours provided per day.

E. - F.2. ...

G. Service Limits. Participants may receive more than one type of vocational or habilitation service per day as long as the billing criteria is followed and as long as the requirements for the minimum time spent on site are adhered to. The required minimum number of service hours per day, per participant are as follows:

1. Individual placement-one hour (four units). One-on-One services shall be billed in quarterly hour units and shall be based on the person centered plan and the ROW budget.

2. Services that assist a participant to develop and operate a micro-enterprise-one hour (four units).

3. Mobile crew/enclave services shall be in quarterly hour units of service and shall not exceed 8,320 units of service per POC year, without additional documentation. Mobile crew and enclave services are an eight hours per day, five days per week service.

4. Repealed.

H. Service Exclusions and Restrictions. Participants receiving individual supported employment services may also receive prevocational or day habilitation services. However, these services cannot be provided during the same service hours. Participants receiving group supported employment services may also receive prevocational or day habilitation services; however, these services cannot be provided in the same service day.

1. ...

2. Supportive employment cannot be billed for the same time as any of the following services:

a. community living supports;

- b. professional services (except those direct contacts needed to develop a behavioral management plan);
- c. respite services-out of home;
- d. adult day health care; or
- e. monitored in-home care giving (MIHC).

3. Any time less than the minimum 15 minute unit of service is provided for any model is not billable or payable.

a. - e. Repealed.

4. Time spent in transportation to and from the program shall not be included in the total number of services hours provided per day.

a. Travel training for the purpose of teaching the participant how to use transportation services may be included in determining the total service numbers hours provided per day, but only for the period of time specified in the POC.

b. Transportation is payable only when a supported employment service is provided on the same day.

5. FFP will not be claimed for incentive payments, subsidies, or unrelated vocational training expenses, such as the following:

a. incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment program;

b. payments that are passed through to users of supported employment programs; or

c. payments for vocational training that is not directly related to an individual's supported employment program.

6. Supported employment services are not available to individuals who are otherwise eligible to participate in special education or related services programs, as defined under Sections 602(16) and (17) of the Education of the Handicapped Act, through a local educational agency or in vocational rehabilitation services through a program funded under Section 110 of the Rehabilitation Act of 1973.

a. - c. Repealed.

7. No rounding up of service units is allowed.

8. Billing for multiple vocational or habilitative services at the same time is prohibited.

I. Provider Qualifications. Supported employment services may be delivered either by an adult day care center provider or a community rehabilitation program provider.

1. Adult day care center provider agencies must be licensed by the Department of Health as home and community-based services providers and meet the module requirements for adult day care in LAC 48:I.Chapter 50.

2. Community Rehabilitation Program provider agencies must possess a Louisiana rehabilitation services compliance certificate from Louisiana Rehabilitation Services.

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HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2453 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2166 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1767 (December 2019), LR 47:

§16337. Transportation-Community Access

A. Transportation-community access services are provided to assist the participant in becoming involved in his or her community. The service encourages and fosters the developmental of meaningful relationships in the community which reflects the participant's choice and values. This service provides the participant with a means of access to community activities and resources. The goal is to increase the participant's independence, productivity, and community inclusion and to support self-directed employees benefits as outlined in the participant's POC.

1. Transportation-community access services are to be included in the participant's plan of care.

2. The participant must be present for the service to be billed.

a. - b. Repealed.

3. Prior to accessing transportation-community access services, the participant is to utilize free transportation provided by family, friends, and community agencies.

4. When appropriate, the participant should access public transportation or the most cost-effective method of transportation prior to accessing transportation-community access services.

B. Service Limits

1. Community access trips are limited to no more than three round trips per day and must be arranged for geographic efficiency.

2. ...

C. Service Exclusions

1. Transportation-community access services shall not replace the following services:

a. transportation services to medically necessary services under the Medicaid State Plan;

b. transportation services provided as a means to get to and from school; or

c. transportation services to or from day habilitation, prevocational services, or supported employment services.

2. Transportation-community access services are not available to participants receiving the following services:

a. shared living;

b. host home; or

c. companion care.

d. - e. Repealed.

3. ...

4. Transportation-community access services may not be billed for the same day at the same time as community living supports.

D. Provider Qualifications. Friends and family members who furnish transportation-community access services to waiver participants must be enrolled as Medicaid non-emergency medical transportation (NEMT) family and friends providers with the Department of Health (Bureau of Health Services Financing).

1. In order to receive reimbursement for transporting Medicaid recipients to waiver services, family and friends must maintain compliance with the following:

a. state minimum automobile liability insurance coverage;

b. possess a current state inspection sticker; and

c. possess a current valid driver's license.

2. - 3.a. ...

4. NEMT (family and friends transportation) providers may provide for up to three identified waiver participants.

E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2454 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2166 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), LR 47:

§16339. Housing Stabilization Transition Services

A. Housing stabilization transition services enable participants who are transitioning into a permanent supportive housing unit, including those transitioning from institutions, to secure their own housing. This service is provided while the participant is in an institution and preparing to exit the institution using the waiver. The service includes the following components:

1. - 1.h....

2. assisting a participant to view and secure housing, as needed. This may include the following:

a. - d. ...

e. locating furnishings;

3. 5. ...

B. This service is only available to participants upon referral from the support coordinator, and is not duplicative of other waiver services, including support coordination.

1. participants must be residing in a state of Louisiana permanent supportive housing unit; or

2. participants must be linked for the state of Louisiana permanent supportive housing selection process.

C. Participants are limited to receiving no more than 165 combined units of this service and the housing stabilization transition service. This limit on combined units can only be exceeded with written approval from OCDD.

D. Provider Qualifications. The permanent supportive housing (PSH) agency must be under contract and enrolled with the Department of Health statewide management organization for behavioral health services, and must also either:

1. meet the requirements for completion of the training program as verified by the PSH director; or

2. have at least one year of completion of housing support team experience in the PSH program as verified by the PSH director.

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§16341. Housing Stabilization Services

A. Housing stabilization services enable waiver participants to maintain their own housing as set forth in the participant's approved plan of care. Services must be

provided in the home or a community setting. Housing stabilization services include the following components:

1. conducting a housing assessment identifying the participant's preferences related to housing (type, location, living alone or with someone else, accommodations needed, and other important preferences), and needs for support to maintain housing, including:

a. - h. ...

2. assisting a participant to view and secure housing, as needed and may include the following:

a. arranging or providing transportation;

b. assisting in securing supporting documents/records;

c. completing/submitting applications;

d. securing deposits; and

e. locating furnishings;

3. - 3.c....

4. participating in the development of the plan of care, incorporating elements of the housing stabilization service provider plan, and in plan of care renewal and updates, as needed;

5. providing supports and interventions according to the individualized housing stabilization service provider plan. If additional supports or services are identified as needed outside of the scope of housing stabilization services, the needs must be communicated to the support coordinator;

a. - c. Repealed.

6. providing ongoing communication with the landlord or property manager regarding:

a. the participant's disability;

b. accommodations needed; and

c. components of emergency procedures involving the landlord or property manager; and

7. if at any time the participant's housing is placed at risk (i.e., eviction, loss of roommate or income), housing stabilization services will provide supports to retain housing or locate and secure housing to continue community-based supports, including locating new housing, sources of income, etc.

B. This service is only available upon referral from the support coordinator, and is not duplicative of other waiver services, including support coordination.

1. Participants must be residing in a state of Louisiana permanent supportive housing unit; or

2. participants must be linked for the state of Louisiana permanent supportive housing selection process.

C. Participants are limited to receiving no more than 165 combined units of this service and the housing stabilization transition service. This limit on combined units can only be exceeded with written approval from OCDD.

D. Provider Qualifications. The permanent supportive housing (PSH) agency must be under contract and enrolled with the Department of Health and statewide management organization for behavioral health services, and must also either:

1. meet the requirements for completion of the training program as verified by the PSH director; or

2. have at least one year of completion of housing support team experience in the PSH program as verified by the PSH director.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2170 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

§16343. Adult Day Health Care Services

A. Adult day health care (ADHC) services shall be furnished as specified in the POC and at an ADHC facility in a non-institutional, community-based setting encompassing both health/medical, and social services needed to ensure the optimal functioning of the participant.

B. ADHC services include those core service requirements identified in the ADHC licensing standards (LAC 48:I.4243), in addition to the following:

1. ...
2. transportation between the participant's place of residence and the ADHC (if the participant is accompanied by the ADHC staff) in accordance with licensing standards;
3. - 6. ...
7. health education classes;
8. individualized health/nursing services; and
9. meals. Meals shall not constitute a full nutritional regimen (three meals per day), but shall include a minimum of two snacks and a hot, nutritious lunch per day.
 - a. Repealed.

C. The number of people included in the service per day depends on the licensed capacity and attendance at each facility. The average capacity per facility is 49 participants.

D. Nurses shall be involved in the participant's service delivery as specified in the plan of care (POC) or as needed. Each participant has a plan of care from which the ADHC shall develop an individualized service plan based on the participant's POC. If the individualized service plan calls for certain health and nursing services, the nurse on staff shall ensure that the services are delivered while the participant is at the ADHC facility.

E. ...

F. The following services are not available to ADHC recipients:

1. monitored in-home caregiving (MIHC).
2. - 4. Repealed.

G. Provider Qualifications:

1. ADHC providers must be licensed according to the adult day health care provide licensing requirements contained in the Revised Statutes (R.S. 40:2120.41-40:2120.47).

2. ADHC providers must be enrolled as a Medicaid ADHC provider.

3. ADHC providers must comply with LDH rules and regulations.

4. Qualifications for ADHC center staff are set forth in the *Louisiana Administrative Code*.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 42:62 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), LR 47:

§16345. Monitored In-Home Caregiving Services

A. Monitored in-home caregiving (MIHC) services are provided to a participant living in a private home with a principal caregiver. The principal caregiver shall be contracted by the licensed HCBS provider having a MIHC service module. The principal caregiver shall reside with the participant. Professional staff employed by the HCBS provider shall provide oversight, support and monitoring of the principal caregiver, service delivery, and participant outcomes through on-site visits, training, and daily web-based electronic information exchange.

1. The goal of this service is to provide a community-based option that provides continuous care, supports, and professional oversight.

2. This goal is achieved by promoting a cooperative relationship between a participant, a principal caregiver, the professional staff of a monitored in-home caregiver agency provider, and the participant's support coordinator.

B. The principal caregiver is responsible for supporting the participant to maximize the highest level of independence possible by providing necessary care and supports that may include:

1. - 4. ...

5. supervision or assistance while escorting or accompanying the individual outside of the home to perform tasks, including instrumental activities of daily living, health maintenance or other needs as identified in the plan of care and to provide the same supervision or assistance as would be rendered in the home; and

6. ...

C. Service Exclusions and Restrictions

1. Participants electing monitored in-home caregiving are not eligible to receive the following Residential Options Waiver services during the period of time that the participants are receiving monitored in-home caregiving services:

- a. community living supports (CLS);
- b. companion care supports;
- c. host home;
- d. shared living supports;
- e. adult day health Care services; and
- f. day habilitation, pre-vocational, or supportive employment services.

2. - 5. Repealed.

D. Monitored in-home caregiving: providers must be agency providers who employ professional nursing staff, including a registered nurse and a care manager, and other professionals to train and support principal caregivers to perform the direct care activities performed in the home.

1. The agency provider must assess and approve the home in which services will be provided, and enter into contractual agreements with caregivers whom the agency has approved and trained.

2. The agency provider will pay per diem stipends to caregivers.

3. The agency provider must capture daily notes electronically and use the information collected to monitor participant health and caregiver performance.

4. The agency provider must make such notes available to support coordinators and the state, upon request.

5. Repealed.

E. The MIHC provider must use secure, web-based information collection from principal caregivers for the purposes of monitoring participant health and caregiver performance. All protected health information must be transferred, stored, and otherwise utilized in compliance with applicable federal and state privacy laws. Providers must sign, maintain on file, and comply with the LDH HIPAA business associate addendum.

F. The department shall reimburse for monitored in-home caregiving services based on a two-tiered model which is designed to address the participant's acuity.

G. Provider Qualifications

1. MIHC providers must be licensed according to the home and community based service provider licensing requirements contained in the R.S. 40:2120.2-2121.9.

2. MIHC providers must enroll as a Medicaid monitored in-home caregiving provider.

3. MIHC providers must comply with LDH rules and regulations.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), amended LR 47:

Chapter 165. Self-Direction Initiative
§16501. Self-Direction Service Option

A. Self-direction is a service delivery option which allows participants (or their authorized representative) to exercise employer authority in the delivery of their authorized self-directed services (community living supports).

1. Participants are informed of all available services and service delivery options, including self-direction, at the time of the initial assessment, annually, or as requested by participants or their authorized representative. Participants, who are interested in self-direction, need only notify their support coordinator, who will facilitate the enrollment process.

2. A contracted fiscal/employer agent is responsible for processing the participant's employer-related payroll, withholding and depositing the required employment-related taxes, and sending payroll reports to the participant or his/her authorized representative.

3. Support coordinators assist participants by providing the following activities:

- a. the development of the participant's plan of care;
- b. organizing the unique resources the participant needs;
- c. training participants on their employer responsibilities;
- d. completing required forms for participation in self-direction;
- e. back-up service planning;
- f. budget planning;
- g. verifying that potential employees meet program qualifications; and
- h. ensuring participant's needs are being met through services.

B. Participant Eligibility. Selection of the self-direction option is strictly voluntary. To be eligible to participate in the self-direction service option, waiver participants must:

1. be able to participate in the self-direction option without a lapse in or decline in quality of care or an increased risk to health and welfare;

2. complete the training programs (e.g., initial enrollment training) designated by OCDD; and

a. - a.ii. Repealed.

3. understand the rights, risks, and responsibilities of managing his or her own care and effectively managing his or her plan of care.

NOTE: If the waiver participant is unable to make decisions independently, the participant must have a willing decision maker (an authorized representative as listed on the participant's plan of care) who understands the rights, risks, and responsibilities of managing the care and supports of the participant within the plan of care.

a. - b. Repealed.

C. Participant Responsibilities. Responsibilities of the waiver participant or his or her authorized representative include the following:

1. Participants must adhere to the health and welfare safeguards identified by the support team, including the following:

a. the application of a comprehensive monitoring strategy and risk assessment and management system; and

b. compliance with the requirement that employees under this option must have criminal background checks prior to working with waiver participants;

2. Waiver participant's participation in the development and management of the approved personal purchasing plan.

a. This annual budget is determined by the recommended service hours listed in the participant's POC to meet his needs.

b. The participant's individual budget includes a potential amount of dollars within which the participant, or his/her authorized representative, exercises decision-making responsibility concerning the selection of services and service providers.

c. - d.iv. Repealed.

3. Participants are informed of the self-direction option at the time of the initial assessment, annually, or as requested by participants or their authorized representative. If the participant is interested, the support coordinator will provide more information on the principles of self-determination, the services that can be self-directed, the roles and responsibilities of each service option, the benefits and risks of each service option, and the process for enrolling in self-direction.

4. Prior to enrolling in self-direction, the participant or his/her authorized representative is trained by the support coordinator on the process for completing the following duties:

a. best practices in recruiting, hiring, training, and supervising staff;

b. determining and verifying staff qualifications;

c. the process for obtaining criminal background checks on staff;

- d. determining the duties of staff based on the service specifications;
- e. determining the wages for staff within the limits set by the state;
- f. scheduling staff and determining the number of staff needed;
- g. orienting and instructing staff in duties;
- h. best practices for evaluating staff performance;
- i. verifying time worked by staff and approving timesheets;
- j. terminating staff, as necessary;
- k. emergency preparedness planning; and
- l. back-up planning.

5. This training also includes a discussion on the differences between self-direction and other service delivery options (which includes the benefits, risks, and responsibilities associated with each service option) and the roles and responsibilities of the employer, support coordinator, and fiscal/employer agent.

6. Participants who choose self-direction verify that they have received the required training by signing the service agreement form.

D. Termination of Self-Direction Service Option. Termination of participation in the self-direction service option requires a revision of the POC, the elimination of the fiscal agent and the selection of the Medicaid-enrolled waiver service provider(s) of choice.

1. **Voluntary Termination.** The waiver participant may choose at any time to withdraw from the self-direction service option and return to the traditional provider agency management of services.

a. Proper arrangements will be made by the support coordinator to ensure that there is no lapse in services.

b. Should the request for voluntary withdrawal occur, the participant will receive counseling and assistance from his or her support coordinator immediately upon identification of issues or concerns in any of the above situations.

2. **Involuntary Termination.** The department may terminate the self-direction service option for a participant and require him or her to receive provider-managed services under the following circumstances:

a. the participant does not receive self-directed services for 90 days or more;

b. the health, safety, or welfare of the participant is compromised by continued participation in the self-direction service option;

c. the participant is no longer able to direct his own care and there is no responsible representative to direct the care;

d. there is misuse of public funds by the participant or the authorized representative;

e. over three payment cycles in the period of a year, the participant or authorized representative:

i. permits employees to work over the hours approved in the participant's plan of care or allowed by the participant's program;

ii. places barriers to the payment of the salaries and related state and federal payroll taxes of direct support staff;

iii. fails to follow the personal purchasing plan and the POC;

iv. fails to provide required documentation of expenditures and related items; or

v. fails to cooperate with the fiscal agent or support coordinator in preparing any additional documentation of expenditures; or

f. the participant or the authorized representative consistently violates Medicaid program rules or guidelines of the self-direction option.

3. When action is taken to terminate a participant from self-direction involuntarily, the support coordinator immediately assists the participant in accessing needed and appropriate services through the ROW and other available programs, ensuring that no lapse in necessary services occurs for which the participant is eligible. There is no denial of services, only the transition to a different payment option. The participant and support coordinator are provided with a written notice explaining the reason for the action and citing the policy reference.

E. Employees of participants in the self-direction service option are not employees of the fiscal agent or the department.

1. **Employee Qualifications.** All employees under the self-direction option must:

a. be at least 18 years of age on the date of hire;

b. pass required criminal background checks; and

c. be able to complete the tasks identified in the plan of care.

F. Relief coverage for scheduled or unscheduled absences, which are not classified as respite care services, can be covered by other participant-directed providers and the terms can be part of the agreement between the participant and the primary companion care provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2167 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

Chapter 167. Provider Participation

§16701. General Provisions

A. - E. ...

F. Any ROW service may be provided by a member of the participant's family, provided that the family member is not the legally responsible relative.

1. Services may not be provided by an individual who lives with the participant, whether or not the individual is a family member.

2. An exception to the lives with exclusion applies to adult companion care and monitored in-home caregiving since these services are based on a roommate/in-home caregiver providing supports to the participant.

3. Payment for services rendered are approved by prior and post authorization as outlined in the POC.

4. During periods of emergency, participants may live with their direct support staff on a temporary basis as

allowed, in writing, by the OCDD Assistant Secretary or designee.

G. - G.3.a. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2168 (October 2015), LR 42:63 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

§16703. Staffing Restrictions and Requirements

A. - B. ...

1. Relatives must also comply with the following requirements:

a. become an employee of the participant's agency of choice and meet the same standards as direct support staff who are not related to the individual;

b. - c.ii. ...

2. Family members who may provide services include:

- a. parents of an adult child;
- b. siblings;
- c. grandparents;
- d. aunts, and uncles; and
- e. cousins.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2168 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

Chapter 169. Reimbursement

§16901. Unit of Reimbursement

A. - F. ...

G. Transition expenses from an ICF/IID or nursing facility to a community living setting are reimbursed at the cost of the service(s) up to a lifetime maximum rate of \$3,000.

H. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 39:1049 (April 2013), LR 41:2168, 2170 (October 2015), LR 42:63 (January 2016), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1769 (December 2019), LR 47:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 as it will increase access to supports and services for ROW participants.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level and qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2021. If the criteria set forth in R.S.49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 26, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225)342-1342 after August 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Home and Community-Based Services
Waivers—Residential Options Waiver**

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

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$6,082 for FY 21-22, \$102 for FY 22-23 and \$102 for FY 23-24. It is anticipated that \$12,096 (\$6,048 SGF and \$6,048 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$6,119 for FY 21-22, \$216 for FY 22-23, and \$216 for FY 23-24. It is anticipated that \$6,048 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR
NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing the Residential Options Waiver (ROW) in order to align the language and services streamlining process (i.e., services approval, tier waiver transition, billing/same services) in the administrative rule with other home and community-based waivers in compliance with ROW program changes approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). This proposed rule will be beneficial to ROW participants by ensuring that the administrative rule accurately reflects the provisions of the CMS-approved waiver which will ensure continuity of services across waiver tiers. In addition, ROW providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments to ROW providers for supported employment services by approximately \$105 for FY 21-22, \$318 for FY 22-23, and \$318 for FY 23-24.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Interim Medicaid Executive Director
2107#056

Alan M. Boxberger
Staff Director
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Reimbursement to Federally Qualified Health Centers and
Rural Health Clinics for Coronavirus Disease 2019
(COVID-19) Vaccine Administration
(LAC 50:XI.10703 and 16703)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.10703 and §16703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 13. Federally Qualified Health Centers

Chapter 107. Reimbursement Methodology

§10703. Alternate Payment Methodology

A. - G. ...

H. During the Coronavirus Disease 2019 (COVID-19) public health emergency, Louisiana Medicaid will establish an alternative payment methodology (APM) for FQHC providers to be reimbursed at the standard vaccine administration payment rates listed on the COVID-19 vaccine and treatment fee schedule outside of the facility's current all-inclusive prospective payment system rate on file. This APM will only be allowed when the COVID-19 vaccine is administered without the performance of an evaluation and management procedure on the same date of service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1033 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1894 (October 2018), LR 44:2162 (December 2018), LR 45:434 (March 2019), LR 46:182 (February 2020), LR 47:

Subpart 15. Rural Health Clinics

Chapter 167. Reimbursement Methodology

§16703. Alternate Payment Methodology

A. - G. ...

H. During the Coronavirus Disease 2019 (COVID-19) public health emergency, Louisiana Medicaid will establish an alternative payment methodology (APM) for RHC providers to be reimbursed at the standard vaccine administration payment rates listed on the COVID-19 vaccine and treatment fee schedule outside of the facility's current all-inclusive prospective payment system rate on file. This APM will only be allowed when the COVID-19 vaccine is administered without the performance of an evaluation and management procedure on the same date of service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1036 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1903 (October 2018), LR 44:2168 (December 2018), LR 45:435 (March 2019), amended LR 46:185 (February 2020), LR 47:

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

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will positively affect family functioning, stability, and autonomy as described in R.S.49:972 as it will increase access to the COVID-19 vaccine in underserved areas.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications and no direct or indirect cost to the provider to provide the same level of service as described in HCR 170, but may reduce the total direct and indirect cost and enhance the ability of some providers to provide the same level of service since this proposed Rule provides payments for services they already render.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 30, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 26, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data,

views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Reimbursement To Federally Qualified Health Centers And Rural Health Clinics For Coronavirus Disease 2019

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

Implementation of this proposed rule will not have a net programmatic fiscal impact to the state for FY 21-22, FY 22-23, and FY 23-24, as it is anticipated that costs associated with the vaccine administration will be reimbursed at 100 percent Federal Medical Assistance Percentage (FMAP) rate. Total reimbursement for administration costs is indeterminable. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and final rule.

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

It is anticipated that the implementation of this proposed rule will have an indeterminable effect on revenue collections for FY 21-22, FY 22-23, and FY 23-24. Programmatic costs for the administration of vaccines will be reimbursed at 100 percent FMAP rate. It is anticipated that \$324 will be collected in FY 21-22 for the federal share of expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file. This proposed rule will be beneficial to recipients by increasing access to vaccines during a public health emergency (PHE). It is anticipated that implementation of this proposed rule will result in an indeterminable increase in payments to the FQHC and RHC providers in FY 21-22, FY 22-23 and FY 23-24 and will be beneficial by establishing a reimbursement methodology for COVID-19 vaccine administration during a PHE.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effects on competition and employment.

Tara A. LeBlanc
Interim Medicaid Executive Director
2107#055

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Licensed Professional Counselors Board of Examiners

Notification of Change (LAC 46:LX.111 and 2709)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Louisiana Licensed Professional Counselors Board of Examiners proposes to clarify reporting requirements.

The Louisiana Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 1, Section 111 and Chapter 27, Section 2709 for publication in the July 20, 2021 edition of the Louisiana Register.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

Part LX. Licensed Professional Counselors Subpart 1. Licensed Professional Counselors

Chapter 1. General Provisions

§111. Notification of Change

A. ...

B. Every licensed or provisional licensed professional counselor shall immediately notify in writing the Licensed Professional Counselors Board of Examiners of any and all status changes with the justice system, including notification of arrest, charges, convictions. Failure to comply with this rule within 30 days of change will result in disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 26:493 (March 2000), amended LR 29:129 (February 2003), LR 41:709 (April 2015), LR 47:

Subpart 2. Professional Standards for Licensed Marriage and Family Therapists and Provisional Licensed Marriage and Family Therapists

Chapter 27. General Provisions

§2709. Notification of Change

A. ...

B. Every licensed or provisionally licensed marriage and family therapist shall immediately notify in writing the Licensed Professional Counselors Board of Examiners of any and all status changes with the justice system, including notification of arrest, charges, convictions. Failure to comply with this rule within 30 days of change will result in disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:153 (February 2003), amended LR 41:740 (April 2015), LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this Rule on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by August 10, 2021 at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Notification of Change

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

The proposed rules are not anticipated to result in any additional costs or savings for state or local governmental units. The proposed rules provide a framework of standards and requirements for persons licensed by the LA Licensed Professional Counselors Board of Examiners (LPC Board) to report if criminal status has been changed.

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

The proposed rule change is expected to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules are not expected to create costs and/or economic benefits for any directly affected persons, small businesses or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is expected to have no effect on competition or employment.

Jamie S. Doming
Executive Director
2107#060

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Licensed Professional Counselors Board of Examiners**

Tele-Supervision (LAC 46:LX.605 and 3315)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Louisiana Licensed Professional Counselors Board of Examiners proposes to amend the tele-supervision requirement to allow all supervision hours to be conducted online with synchronous videoconferencing.

The Louisiana Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 6, Section 605 and Chapter 33, Section 3315 for publication in the July 20, 2021, edition of the Louisiana Register.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS REVISED**

**Part LX. Licensed Professional Counselors Board of
Examiners**

Subpart 1. Licensed Professional Counselors

**Chapter 6. Application, Practice, and Renewal
Requirements for Provisional Licensed
Professional Counselors**

§605. Supervised Practice Requirements

A. - A.2.a.i.(b).(i). ...

(c). Supervision Hours. A minimum of 100 hours of face-to-face supervision by a LPC Supervisor. Up to 100 percent of the supervision hours may be conducted by synchronous videoconferencing on a HIPAA compliant platform:

A.2.a.i.(c)(i). - B.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:715 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:278 (February 2019), LR 47:

**Subpart 2. Professional Standards for Licensed
Marriage and Family Therapists and Provisional
Licensed Marriage and Family Therapists**

**Chapter 33. Requirements for Licensure and
Provisional Licensure**

**§3315. Application, Practice, and Renewal
Requirements for Provisional Licensed
Marriage and Family Therapists**

A. - A.7. ...

B. Definitions for Supervision

Qualified Supervision—supervision of the clinical services of a provisional licensed marriage and family therapist by a board-approved supervisor or supervisor candidate for the purpose of qualifying the provisional licensed marriage and family therapist for licensure as an LMFT in Louisiana in accordance with the plan of supervision approved by the advisory committee. Under no circumstances shall any contact that is not face-to-face (such

as interaction by conventional correspondence, telephone, e-mail, instant message, etc.) between an LMFT board-approved supervisor or supervisor candidate and a provisional licensed marriage and family therapist be considered qualified supervision unless such contact is pre-approved by the advisory committee as part of the supervisee’s plan of supervision. Up to 100 percent of face-to-face supervision hours may be conducted via synchronous videoconferencing on a HIPAA compliant platform.

C. - C. 2. ...

a. Up to 100 hours of face-to-face supervisor contact received during the completion of the applicant’s qualifying academic experience graduate program that is systemically oriented as determined by the advisory committee may be counted toward the required 200 hours of qualified supervision. Of these 100 hours, only 50 hours may be counted as individual supervision. 100 percent of the face-to-face supervision hours may be conducted via synchronous videoconferencing on a HIPAA compliant platform.

C.3. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 26:493 (March 2000), amended LR 29:129 (February 2003), LR 41:709 (April 2015), LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of

Examiners, 11410 Lake Sherwood Avenue North Suite A,
Baton Rouge, LA 70816 by August 10, 2021 at 5:00 p.m.

Jamie S. Doming
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Tele-Supervision**

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

The proposed rules are not anticipated to result in any additional costs or savings for state or local governmental units. The proposed rules provide for teletherapy and supervision. The proposed rules do not diminish the framework of standards and requirements for board-approved supervisors licensed by the LA Licensed Professional Counselors Board of Examiners (LPC Board) to deliver supervision to provisional licensees via HIPAA compliant platforms.

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

The proposed rule change is expected to have no effect on revenue collections of state or local governmental units as the proposed rule revision does not change the requirement for licensure in the state if one is providing or receiving supervision via HIPAA compliant electronic modes rather than in person supervision.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed rules are expected to decrease travel costs for individuals and/or small businesses by an indeterminable amount, as the proposed rule will decrease the amount of travel time required to receive or provide supervision. The proposed rules are not anticipated to create other costs or economic benefits to any government groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule change is expected to have no effect on competition or employment.

Jamie S. Doming
Executive Director
2107#061

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Office of Public Health**

**Bureau of Emergency Medical Services
and**

Emergency Medical Services Certification Commission

Emergency Medical Services Professionals
(LAC 46:XXXVIII.Chapters 1-5)

The Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services (LDH-OPH-BEMS) and the Louisiana Emergency Medical Services Certification Commission (LEMSCC) propose to amend LAC 46:XXXVIII.Chapters 1-5 regarding emergency medical services practitioners as authorized by R.S. 40:1131-1133.16, R.S. 40:1141, and R.S. 40:2017.10. This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 40:950, et seq.

In compliance with Act 31 of the 2020 2nd Extraordinary Session of the Louisiana Legislature, the LDH-OPH-BEMS and the LEMSCC propose to amend the regulations governing the professional and occupational standards for emergency medical services practitioners in order to:

1. clarify and align these provisions with the corresponding legislative authorities governing emergency medical services;
2. ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; and
3. promulgate the provisions clearly and concisely in the *Louisiana Administrative Code*.

Part XXXVIII is proposed to be substantively rearranged as regards the location of the bulk of the text content which exists in some particular Sections of the current rule housed within Title 46 of the Louisiana Administrative Code (LAC) but which is now proposed to be moved into another Section of the proposed Rule. The text content of each Section which has been moved does contain one or more amendments within the proposed new location. In addition, currently existing headings labeled as a particular Subpart, a particular Chapter and a particular Subchapter are proposed to be repealed. For this reason, the table below summarizes the proposed rearrangement of the text content and which specific items are proposed to be repealed.

Existing Text Content Location	Proposed Text Content Location
Subpart 1. Rules of Procedure	Repeal.
§501	§503
§503	§505
§505	§507
§507 and §519	§501
Chapter 7. Administrative Procedure	Repeal.
Subchapter A. Fees and Costs (Reserved)	Repeal.

This proposed rule shall be effective upon publication as a final rule.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XXXVIII. Emergency Medical Services
Practitioners**

Chapter 1. General

§101. Statement of Purpose/General Definitions

A. Purpose. The Louisiana Emergency Medical Services Certification Commission is a legally created administrative commission acting within the governmental structure of the state and possessing legal powers. To safeguard the life and health of the citizens of Louisiana, the law governing the practice of nationally registered and state licensed emergency medical services (EMS) practitioners, Louisiana Revised Statutes of 1950, R.S. 40:1131, et seq., as re-enacted and amended, delegates to this commission the responsibility to establish and publish standards of out-of-hospital practice, to regulate the scope of practice of EMS practitioners, to discipline and regulate the practice of EMS practitioners and to establish standards for educational programs preparing individuals for out-of-hospital practice.

B. General Definitions. The following words and terms shall have general applicability to their usage within the entirety of this Part.

BEMS—bureau.

Bureau—unless otherwise specified, the Bureau of Emergency Medical Services within the Office of Public Health of the Louisiana Department of Health.

Chair—the chairman of the Louisiana Emergency Medical Services Certification Commission.

Commission—the Louisiana Emergency Medical Services Certification Commission as created under the Louisiana Department of Health pursuant to R.S. 40:1133.3.

Bureau Director—the duly appointed administrator who oversees the BEMS.

Emergency Medical Services—a system that represents the combined efforts of several professionals and agencies to provide prehospital emergency care to the sick and injured.

EMS—emergency medical services.

EMS Practitioner—an individual who is a licensed emergency medical responder, licensed emergency medical technician, licensed advanced emergency medical technician, or a licensed paramedic.

Medical Director—a physician licensed by the Louisiana State Board of Medical Examiners who is accountable for the care delivered by EMS personnel.

Public Safety Agency—a functional division of a public or private agency which provides firefighting, police, medical, or other emergency services.

Public Safety Telecommunicator—an individual answering 911 emergency medical condition calls on behalf of a public safety agency who has authority, based on a protocol adopted by the agency, to provide T-CPR instructions to a caller before arrival of professional medical assistance by first responders.

T-CPR—telephone cardiopulmonary resuscitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.1(A), R.S. 40:1133.4(A)(8), R.S.40:1133.5(9)(10) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

§103. Duties of EMS Practitioners

A. A licensed emergency medical services practitioner may perform any of the following functions while caring for a patient at the scene of a medical or other emergency, or during the transport of a patient where voice contact is established with a physician and under the physician's order, or under a protocol that has been approved by the local parish medical society or the emergency medical services practitioner's medical director:

1. services, treatment, and procedures consistent with national EMS education standards that have been approved and adopted by the bureau, and to the extent that he or she has been trained to perform such services, treatment, or procedures;

2. administration of other drugs or procedures for which the licensed emergency medical services practitioner has received training, license, and approval by the commission and which may be considered necessary by the ordering physician;

3. determine, based on approved protocols, whether it is appropriate for a person to be transported by ground ambulance to an alternative destination when the individual's condition does not meet the definition of emergency medical condition; however:

a. no person shall be transported to an alternative destination unless he or she consents to being transported to that destination; and

b. no emergency medical services practitioner shall transport a person to an alternative destination in which the practitioner or the practitioner's employer has a financial interest.

B. An emergency medical services practitioner student, while he or she is enrolled in good standing in a state-approved clinical or field internship program under the direct supervision of a physician, registered nurse, paramedic, or other preceptor recognized by the bureau, may:

1. perform services, treatments, and procedures consistent with national EMS education standards that have been approved and adopted by the bureau, and to the extent that he or she has been trained to perform such services, treatment, or procedures; and

2. administer automated external cardiac defibrillation in accordance with the rules and regulations promulgated by the bureau under LAC 48:I.Chapter 61 and a protocol that has been approved by the local parish medical society, a designee of the local parish medical society, or the EMS medical director.

C. In a case of a life-threatening situation as determined by a licensed emergency medical services practitioner, when voice contact with a physician is delayed, not possible, or when the delay in treatment could endanger the life of the patient, the emergency medical services practitioner may provide treatment to the patient in accordance with:

1. a protocol approved by the EMS medical director who is a board-certified or a board-eligible emergency medicine physician; or

2. a protocol established by the emergency medical services committee or the executive committee of the parish or component medical society, or its designee.

a. In the event that there is no organized or functional local parish medical society within one or more parishes of the state at the time that an EMS practitioner responds to a life-threatening situation in such parish under the conditions above outlined under Subsection C of this Section, the protocol established by the EMS medical director may be applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.5(9) and R.S 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

§105. Public Safety Telecommunicator

A. No person shall act as a public safety telecommunicator unless he has received a certificate of completion of an approved training course in T-CPR conducted by an entity or individual approved by the bureau to conduct such T-CPR course. A public safety telecommunicator must possess and maintain a current certificate of completion of the T-CPR training required under this Section.

B. The bureau shall give approval to a T-CPR training course if the course and the entity or individual proposing it meets the minimum standards for course approval set by the bureau, including standards concerning instruction, training, and examination. Such standards shall mandate training every two years that meets or exceeds nationally recognized emergency cardiovascular care guidelines adopted by the bureau and shall incorporate recognition protocols for out-of-hospital cardiac arrest and compression-only CPR instructions for callers. An approved entity or individual shall comply with the course approval criteria set by the bureau, and may be removed by the bureau from the roster of approved T-CPR trainers for failure to comply.

C. A public safety agency may enter into a reciprocal agreement with another public safety agency to provide T-CPR services, provided that the agency that accepts the 911 emergency medical condition telephone call when T-CPR instruction is needed has a public safety telecommunicator who holds a certificate in T-CPR in accordance with this Section.

D. The bureau shall implement an efficient means for each public safety agency employing public safety telecommunicators to transmit identifying information for the public safety telecommunicators in their employ and an efficient means for either the public safety agency or the public safety telecommunicator to provide a certificate of completion of the T-CPR training to the bureau.

1. Certificates of completion will be uploaded to the bureau's information management system (IMS) in accordance with the following instructions:

a. create an account in the bureau's IMS.

i. Telecommunicators that are required to be certified in T-CPR are required to be registered in the bureau's IMS for tracking purposes.

ii. The communication agency's administrator shall create an account to track current employees.

(a). The agency administrator must create a personal account, then create the agency account.

(b). Information to complete this can be found under the "How To" tab on the bureau's IMS.

2. To update an existing account in the bureau's IMS.

a. Login to the bureau's IMS.

b. Update the information by answering affirmatively to the "Are you a Telecommunicator?" question.

c. Upload a current copy of the EMD/T-CPR certificate.

d. Check the box on the last page under affidavit next to "I agree" then submit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

Chapter 3. Registration and Certification

§301. Certification and Licensure

A. State licensure by the Bureau of Emergency Medical Services is mandatory for practicing as a licensed first responder.

B. National certification and state licensure is mandatory for practicing as a licensed emergency medical technician.

C. National certification and state licensure is mandatory for practicing as a licensed advanced emergency medical technician.

D. National certification and state licensure is mandatory for practicing as a licensed paramedic.

E. State licensure as a licensed EMS practitioner shall be issued only to an applicant who qualifies by submitting the following evidence to the bureau, in accordance with R.S. 40:1133.6, et seq.:

1. documentation of the satisfactory completion of the required approved educational program; and

2. documentation that the applicant meets other qualifications and requirements as established by the bureau.

F. Reciprocity will be granted to an applicant that submits evidence of licensing or certification in good standing from another state, territory, or country or has received military training and certification or licensure as an emergency medical services practitioner as defined in §101.B of this Part, and meets the qualifications and requirements established by the bureau.

1. The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA) has been enacted into state law under Act 31 of the 2020 2nd Extraordinary Session of the Louisiana Legislature and may be found under R.S. 40:1141.

G. A Louisiana EMS practitioner license must be renewed every two years provided the applicant seeking renewal completes the application and meets the requirements for renewal established by the bureau prior to the expiration date on his or her current license.

1. An individual whose license expires by his or her failure to timely renew as provided under Subsection G of this Section may be reinstated provided the applicant submits a completed application and meets any additional requirements established by the bureau.

H. The commission shall render an opinion to the bureau on whether the applicant meets the requirements of licensure in all questionable cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1131.1(A), R.S. 40:1133.5(9), R.S. 40:1133.6, R.S. 40:1141, and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

§303. Denial of Licensure, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for licensure, reinstatement, or the right to practice as an EMS student may be denied approval for licensure, reinstatement, receipt of a temporary permit, eligibility for the national registry exam, or entry or progress into any clinical or field internship aspects of an EMS course, if the applicant:

1. knowingly falsifies any documents submitted to the bureau, commission or the EMS educational facility; or

2. has pled guilty, nolo contendere, been convicted of, or committed a *crime of violence* as defined in R.S. 14:2(B), or any of the following crimes:

- a. first degree feticide;
- b. second degree feticide;
- c. aggravated assault with a firearm;
- d. stalking;
- e. false imprisonment (offender armed with a dangerous weapon);
- f. incest;
- g. aggravated incest;
- h. molestation of a juvenile;
- i. sexual battery of the infirm; or
- j. crime which involves felony drug charges.

B. ...

C. Applicants who are denied licensure, reinstatement, or the right to practice EMS as a student shall not be eligible to submit a new application, unless the ground for denial is falsification of records and until the following conditions are met.

1. A minimum of two years has passed since the denial was issued.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A)(E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)(2) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

§305. Delay of Licensure, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for licensure, reinstatement, and for practice as a EMS student shall have approval delayed for licensure, for reinstatement, to receive a temporary working permit, to be eligible for National Registry Exam, or to enter or progress into any clinical EMS course, if the applicant:

1. has any pending disciplinary action or any restrictions of any form by any licensing/certifying entity in any state;

2. ...

3. has pled guilty, nolo contendere, been convicted of or committed a crime that reflects on the ability of the person to practice EMS safely, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole.

B. ...

C. Applicants who are delayed licensure, reinstatement, or the right to practice EMS, as a student shall not be eligible to submit a new application until the following conditions are met:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A)(E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)(2), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

§307. Criminal History Record and Identification

A. The bureau shall be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the

Louisiana Department of Public Safety and Corrections, of any person who is seeking an initial license as an emergency medical personnel, or any person who answers affirmatively to the criminal background questions on a license renewal application. Fingerprints and other identifying information of the applicant shall be submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry. The bureau may impose any or all such fees or costs on the applicant.

1. The criminal history record must not be more than two years old.

B. The Louisiana Bureau of Criminal Identification and Information shall, upon request of the bureau and after receipt of such fingerprint card and other identifying information from the applicant, make available to the bureau all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

C. An individual's initial application for EMS Practitioner licensure will be forwarded to the Louisiana Bureau of Criminal Identification and Information after the application, fingerprints and applicable fees are received.

1. The bureau will pay the appropriate fees to the Louisiana Bureau of Criminal Identification and Information for furnishing information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A)(E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)(2), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

Chapter 5. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§501. Definition of Terms Applying to EMS Practice as Used in this Chapter

[Formerly §§507 and 519]

A. As they apply to EMS practice and/or to the exercise of the commission's disciplinary authority, the following words and terms are hereby defined as used within this Chapter.

Accountability—being answerable for one's actions or inactions. The licensed EMS practitioner answers to self, patient, agency, medical director, profession and society for the effectiveness and quality of EMS care rendered. It is the personal responsibility of each individual to maintain competency in practice. If the assigned EMS practitioner does not possess the specialized EMS knowledge, skills and abilities required to provide the required care, said EMS practitioner shall notify the appropriate supervisory EMS personnel.

Additional Acts—activities beyond those taught in state approved EMS education programs. Additional acts are

authorized by the commission through rules and regulations or declaratory statements interpreting the legal definition of EMS. Licensed EMS practitioners are accountable for attaining and maintaining competency when performing approved additional acts.

Aiding and Abetting—to intentionally assist anyone by condoning, or to apply positive or negative force to assist anyone in violating Parts I – III of Chapter 5-C of Title 40 of the Revised Statutes or the rules and regulations of the commission or bureau.

Assessment—identifying human responses, which indicate existing, or potential abnormal condition through the patient history, physical examination, and observation, in accordance with the standards of EMS of practice.

Assignment—designating EMS activities to be performed by an individual consistent with his or her scope of practice.

Carrying Out the Medical Orders of a Physician Licensed in Louisiana—

a. licensed EMS practitioners may, based on their individual judgment of each situation, accept verbal orders initiated by a licensed physician, provided the order is related to the said practitioner's scope of practice;

b. licensed EMS practitioners may execute standing orders of a licensed physician.

Collaborating—a process involving two or more health care professionals working together, though not necessarily in each other's presence, each contributing one's respective area of expertise to provide more comprehensive care than one alone can offer.

Delegating EMS Interventions—committing or entrusting the performance of selected EMS tasks by the licensed EMS practitioner to other competent EMS personnel in selected situations. The licensed EMS practitioner retains the accountability for the total EMS care of the individual.

Deny—to refuse for cause.

EMS Services—activities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the standards of EMS practice.

Expanded Scope of Practice—those functions, procedures and activities which are currently not part of the approved national EMS curriculum, but have been approved by the Emergency Medical Services Certification Commission as appropriate for the various levels of EMS practitioners.

Field Diagnosis—prehospital evaluation of the patient's condition and its causes.

Habit—a mode of behavior, which an individual acquires over a period of time.

Limit—to confine within certain bounds.

Maintaining EMS Care Rendered Directly or Indirectly—preserving the continuity of safe and effective EMS care, including the delegated EMS activities.

Managing and Supervising the Practice of EMS—those activities which serve to fulfill the accountability of the licensed EMS practitioner for the total EMS care of the individual when tasks in the EMS care are delegated to other EMS personnel. These activities include:

a. judging the priority of EMS needs of the individual(s);

b. determining actions required to meet the needs;

c. assigning personnel, including self, qualified to implement the prescribed EMS care components of that care;

d. providing information needed by personnel for the implementation of the assigned EMS care and ascertaining the assimilation of same information;

e. directing the EMS care and evaluating the outcomes of that care; and

f. determining and initiating changes in EMS care or in assignment of EMS personnel.

Medical Diagnosis—the conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment.

Medical Interventions—all functions, activities, medications and medical treatments of therapeutic or corrective nature approved by the bureau and the Emergency Medical Services Certification Commission.

Mentally Incompetent—a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

Moral Turpitude—an act of baseness, vileness, or depravity in the duties which one person owes to another, or to society in general, which is contrary to the usual, accepted, and customary rule of right and duty which a person should follow.

Negligence—a breach of duty of care owed to an individual.

Other Causes—includes, but is not limited to:

a. failure to practice EMS in accordance with the standards of EMS practice;

b. possessing a physical impairment or mental impairment, which interferes with the judgment, skills or abilities required for the practice of EMS;

c. failure to utilize appropriate judgment;

d. failure to exercise technical competence in carrying out EMS care;

e. violating the confidentiality of information or knowledge concerning the patient;

f. performing procedures beyond the authorized scope of EMS or any specialty thereof;

g. performing duties and assuming responsibilities within the scope of the definition of EMS practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

h. improper use of drugs, medical supplies or equipment, patient's records, or other items;

i. misappropriating items of an individual, agency, or entity;

j. falsifying records;

k. failure to act, or negligently or willfully committing any act that adversely affects the physical or psychosocial welfare of the patient;

l. delegating or assigning EMS care, functions, tasks, or responsibilities to others contrary to regulations or failing to adequately supervise EMS tasks assigned to others during the course of providing EMS care;

m. leaving a EMS assignment where there was a duty to act without properly notifying appropriate personnel;

n. failing to report to the bureau through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any EMS practitioner, including any practice or conduct that violates any provision, requirement, or prohibition contained in this part or R.S. 40:1131-1141;

o. has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of EMS practitioners, or a state or federal narcotics or controlled substance law;

p. inappropriate, incomplete or improper documentation;

q. use of or being under the influence of alcoholic beverages, illegal drugs or drugs which impair judgment while on duty;

r. failure to cooperate with the commission or bureau by:

i. not furnishing in writing a full and complete explanation covering a matter requested in writing by the commission or bureau; or

ii. not responding to subpoenas issued by the commission in connection with any investigation or hearing;

s. exceeds professional boundaries, including but not limited to sexual misconduct; and

t. use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

Preventive Instruction—those EMS measures that provide health information and explanation to the public to reduce the incidence of death and injury.

Probate—to stay a sentence of certification suspension during good behavior and placing under supervision of Bureau for a period of time. Certification is marked "probated" and specific requirements are identified.

Professional Boundaries—the limits of the professional relationship that allow for a safe therapeutic connection between the professional and the patient.

Reasonable Skill and Safety—practicing EMS in accordance with the standards of EMS practice.

Reprimand—written communication to the individual stating the commission's concerns, and public notification of the individual's name and reason for the reprimand.

Restrict—to limit or restrain EMS practice by settings, types of patients, or other means.

Revoke—to annul or make void by calling back. Revocation of certification shall be indefinite as to the practice of EMS in Louisiana.

Scope of Practice—the range of duties and skills EMS practitioners are expected to perform.

Sexual Misconduct—an extreme boundary violation which involves the use of power, influence and/or knowledge inherent in one's profession in order to obtain sexual gratification, romantic partners and/or sexual deviant outlets. Any behavior that is seductive, sexually demeaning, harassing or reasonably interpreted by a patient as sexually inappropriate, is a violation of the EMS practitioner's fiduciary responsibility

Specialized Knowledge and Skills—(required for the practice of EMS) means the current theory and practice taught in state approved EMS education programs preparing

persons for EMS practitioner licensure as well as information in the biological, physical and behavioral sciences.

Specialty Care Transport Paramedic—those individuals who have met the requirements as approved by the EMS Certification Commission.

Student EMS Practitioner—a person who is engaged in learning experiences in a program of study leading to candidacy for licensure to practice as a licensed EMS practitioner. The term applies only when the person is participating in an integral part of the program of study.

Suspend—to hold certification to practice as a certified EMS practitioner in abeyance for a definite or an indefinite period of time.

Teaching of EMS—instructing EMS practitioner students and providing continuing EMS education to licensed EMS practitioners.

Unfit or Incompetent—unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S.1133.5(9) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823, 1828 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission and the Bureau of Emergency Medical Services, LR 47:

§503. Disciplinary Proceedings before the Commission

A. The Emergency Medical Services Certification Commission has the responsibility to consider and determine the action necessary upon all charges of conduct which fail to conform to R.S. 40:1131 et seq., as re-enacted and amended, or to the rules and regulations promulgated to carry out the provisions of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 47:

§505. Proceedings against Licensed EMS Practitioners or Certified EMS Practitioner Applicants

A. The commission may direct the Bureau of Emergency Medical Services to deny, revoke, suspend, probate, limit, reprimand, or restrict any license to practice as a licensed EMS practitioner or otherwise discipline an individual in accordance with R.S. 40:1133.7.

1. The commission, through the Bureau, may obtain an injunction without bond forbidding any person from violating or continuing to violate any of the applicable provisions of Part II of Chapter 5-C of Title 40 of the Revised Statutes. This injunction shall not be subject to release upon bond.

B. Every individual subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the commission or its duly appointed hearing officer or committee.

C. A complaint that an individual has engaged in, or is engaging in, any conduct proscribed by R.S. 40:1133.10, may be made by any person, staff, agency or the commission. Such complaints shall be in writing, and on a form prescribed by the commission or affixed to the form prescribed by the commission.

D. Ground for disciplinary proceedings against a person, individual or licensed EMS practitioner, as applicable, are specified in R.S. 40:1133.7 and R.S. 40:1133.10 which include, but are not limited to, the following:

1. selling, attempting to sell, falsely obtaining, or furnishing to any person any licensed EMS practitioner diploma, license document or record, or aid or abet therein;

2. practicing as an emergency medical services practitioner under any diploma, certificate or license illegally obtained or signed or issued unlawfully, or aid or abet therein;

3. impersonating an emergency medical services practitioners by practicing as a licensed emergency medical services practitioner without possessing the required credentials, or aid or abet therein;

4. practicing as an emergency medical services practitioner during the time that the individual's emergency medical services practitioner's license is suspended, revoked or lapsed, or aid or abet therein;

5. conducting emergency medical services education programs or any course claiming to prepare students for licensure as an emergency medical services practitioner without both the course and the educator holding proper credentials approved by the bureau, or aid or abet therein;

6. is guilty of a felony or is convicted of a crime or offense which reflects the inability to practice EMS with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, non-adjudication or pardon;

7. is unfit or incompetent by reason of negligence, habit, or other cause;

8. is habitually intemperate in the use of or abuses alcohol or habit-forming drugs;

9. has demonstrated actual or potential inability to practice EMS with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice EMS with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition;

10. is mentally incompetent;

11. has had a certification to practice EMS or to practice as another health care provider denied, revoked, suspended, or otherwise restricted;

12. is guilty of moral turpitude;

13. has violated any provision of this Part; or

14. is guilty of aiding or abetting another person in the violation under Paragraphs 1, 2, 3, 4, or 5 of this Subsection.

E. Prosecution for violations shall be brought in the name of the state, provided that it does not interfere with a prosecution brought by the district attorney of a parish when a prosecution or a pre-prosecution proceeding has been initiated by the district attorney.

1. Violators found guilty under Paragraphs 1, 2, 3, 4, 5 or 14 of Subsection D of this Section shall:

a. upon first conviction, be fined not more than \$500 or imprisoned for not more than six months, or both; and

b. upon second or subsequent conviction, the offender shall be imprisoned with or without hard labor for not more than two years and fined not more than \$5,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 40:1133.9, R.S. 40:1133.10 and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 47:

§507. Proceedings Involving Students Enrolled in EMS Education Programs

A. The commission may direct the Bureau of Emergency Medical Services to deny, revoke, suspend, probate, limit, reprimand or restrict any student enrollment in EMS education programs, or otherwise discipline a student enrolled in EMS education programs or attempting to enroll in EMS education programs as part of its duties and responsibilities in regulating the practice of EMS in Louisiana and in overseeing the administration of the curriculum and operation of EMS education programs in the state of Louisiana.

B. Every student enrolled or attempting to enroll in EMS education programs subjected to the proceedings set forth above, shall be afforded an opportunity for a hearing before the commission or its duly appointed hearing officer.

C. Information obtained by the commission that an EMS student enrolled or attempting to enroll in EMS education programs is or has engaged in any conduct prescribed by R.S. 40:1133.7, shall be received in a form prescribed by the commission. This information may be furnished by any person, staff, agency or by the commission.

D. Grounds for proceedings against a student enrolled or attempting to enroll in EMS education programs are:

1. all of the grounds for disciplinary proceedings against a person, individual or licensed EMS practitioner, as applicable, listed in Subsection D of §505 of this Chapter; or

2. has been denied a request to enroll in EMS education programs or has been denied a license to practice in any health care field or had such privileges revoked, suspended or otherwise restricted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 47:

§509. Disciplinary Process and Procedures

A. The provisions of the Administrative Procedure Act shall govern proceedings on questions of violation of R.S. 40:1131, et seq., as re-enacted and amended.

1. ...

2. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the individual did certain acts and, if he or she did, whether those acts violated Parts I-III of Chapter 5-C of Title 40 of the Revised Statutes or rules and regulations of the commission or bureau; and to determine the appropriate disciplinary action.

3. Any disciplinary action shall also be forwarded to the National Registry of Emergency Medical Technicians (NREMT), as applicable, and any other licensing agency and/or required reporting entity.

B. Investigation

1. The process of a disciplinary proceeding shall include certain steps and may include other steps as follows.

a. The bureau or commission receives information alleging that an individual has acted in violation of Parts I – III of Chapter 5-C of Title 40 of the Revised Statutes. Communications from the informant shall be privileged and shall not be revealed to any person unless such documents will be offered for evidence in a formal hearing, or unless those documents are subpoenaed by a court, or requested by other regulatory or law enforcement agencies.

b. The information is investigated by the bureau's staff to determine if there is sufficient evidence to warrant disciplinary proceedings. Information received by the bureau or commission shall not be considered a complaint until the individual furnishing that information provides the information in writing. The commission chair or designee may issue a subpoena prior to the filing of charges if, in the opinion of the chair, such a subpoena is necessary to investigate any potential violation or lack of compliance with R.S.40:1133.1, et seq., or the rules, regulations, or orders of the bureau or commission. The subpoena may be to compel the attendance of any person to appear for the purposes of giving sworn testimony and/or to compel the production of books, records, papers, or other objects.

B.2. - C.1.a. ...

i. For less serious allegations, the chair, or a designee of the commission, may write to the individual explaining the nature of the information received. The individual's subsequent response may satisfactorily explain that no violation of Parts I – III of Chapter 5-C of Title 40 of the Revised Statutes, or rules, or order of the commission or bureau occurred, or that the matter does not rise to the level requiring formal disposition at this time, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be investigated and disposed of through another informal means or brought before the commission for a formal hearing.

b. - b.iii ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 40:1133.5(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1824 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 47:

§511. Formal Disciplinary Action

A. - A.4. ...

B. Informal Procedures

1. The matter may be resolved without a formal administrative hearing by either a voluntary surrender of license, Consent Order, or Settlement Order. These actions shall constitute disciplinary action and shall be a public record of the commission. The commission shall publish the individual's name, a brief description of the violation, and the disciplinary action.

C. Voluntary Surrender of License. An individual who is under investigation for violation of the practice act or rules of the commission or bureau may voluntarily surrender his

or her license to the bureau. The voluntary surrender invalidates the license at the time of its relinquishment. An individual practicing as a certified EMS practitioner during the period of voluntary license surrender is considered an illegal practitioner and is subject to the penalties provided by this Chapter and R.S. 40: 1131, et seq.

1. Any license surrender shall not be deemed to be an admission of the alleged facts of any pending investigation or complaint. The fact of license surrender shall be deemed a disciplinary action and shall be reported and distributed in the same manner as final decisions of the commission.

2. Surrender or non-renewal of license shall not preclude the commission from investigating or completing a disciplinary proceeding based upon the individual's conduct prior to or subsequent to the surrender of license.

3. Individuals who surrender their license are not eligible for a reinstatement of their license for a minimum of two years following such surrender and, in addition, not until meeting the requirements for reinstatement of license as described in this Chapter.

D - D.1. ...

2. The chair or the bureau director are authorized to offer the individual the choice of a consent order in lieu of an administrative hearing.

D.3. - E.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 40:1133.5(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 47:

§513. Formal Hearing

A. The commission has the authority, granted by R.S. 40:1133.4, to bring administrative proceedings to licensed EMS practitioners, applicants for licensure, individuals seeking enrollment or progression in an approved EMS education program, and individuals practicing EMS without licensure. The commission and the individual are the parties to the proceeding. The individual has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. - B.1. ...

2. At least 15 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by registered mail, return receipt requested, to the individual's address of record. Notice to an individual is effective and service is complete when sent by registered mail to the individual's address of record.

3. At least five working days prior to the scheduled hearing date, the individual shall respond in writing as to his or her intention to appear or not appear at the scheduled hearing. At least five working days prior to the scheduled hearing date, the individual shall also file with the commission a written response to the specific allegations contained in the notice of charges. Allegations not specifically answered shall be deemed admitted.

4. ...

C. Motions for Continuance

1. The commission shall not postpone cases that have been scheduled for hearing absent good cause. A written

motion by a licensed EMS practitioner, applicant, or student for a continuance shall be filed with the commission 5 working days prior to the time set for the hearing, except for extreme emergencies. The motion shall contain the reason for the request, which reason must be based upon good cause and have relevance for due process. Requests for continuances may be approved or denied by the chair or designee. No more than three requests for continuance shall be granted.

D. - E.1. ...

2. The commission shall be represented by a Louisiana Department of Health attorney. Evidence is presented that disciplinary action should be taken against the individual. The individual may present evidence personally or through an attorney, and witnesses may testify on behalf of the individual.

3. - 3.f. ...

4. The bureau director presides and the customary order of proceedings at a hearing is as follows.

4.a. - 5.j. ...

k. the record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript. A party who appeals a decision of the commission shall pay all of the costs incurred by the Louisiana Department of Health for preparation of the original and any certified copy of the record of the proceeding that is required to be transmitted to the reviewing court.

6. - 6.b....

c. determine whether charges brought are a violation of Parts I – III of Chapter 5-C of Title 40 of the Revised Statutes or rules and regulations of the commission or the bureau.

E.7. - F.1. ...

2. The commission sets forth guidelines with ranges of disciplinary sanctions from which disciplinary penalties may be imposed. These guidelines are intended to serve only as a guide for staff and commission members when considering penalties, which could be imposed for specific violations of Parts I – III of Chapter 5-C of Title 40 of the Revised Statutes. Guidelines are in no way binding on the commission when dealing with disciplinary matters. The commission may order license sanctions.

3. - 4.a. ...

b. Mitigating or extenuating circumstances may justify lessening of the sanctions below the minimum guidelines. License suspensions may be stayed with stipulated probations in some extenuating circumstances.

5. The order may stipulate remedial education, specific evaluation and therapy, and other sanctions as deemed necessary and appropriate to the case.

G. - G.3.e. ...

H. Emergency Action

1. If the commission finds that public health, safety, and welfare requires emergency action and a finding to that effect is incorporated in its order, summary suspension of a license may be ordered by the chair or designee pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined at the next regularly scheduled commission meeting.

I. Disciplinary Proceedings in Another Licensing Jurisdiction

1. When a licensed EMS practitioner has his or her license revoked, suspended, denied or sanctioned in other ways for disciplinary reasons by the original certification/licensing jurisdiction or by a subsequent certification/licensing authority, that licensed EMS practitioner shall be notified that his or her Louisiana license is automatically suspended, except for the following:

a. - b. ...

c. the licensed EMS practitioner is issued a reprimand and the licensed EMS practitioner agrees to having his or her Louisiana license reprimanded identically to, or in excess of, the said jurisdiction's reprimand; or

d. the license is encumbered with a reprimand with stipulations and the licensed EMS practitioner agrees to having his or her Louisiana license probated with stipulations that are identical to, or exceed, the stipulations in said jurisdiction.

2. The licensed EMS practitioner may have his or her license reinstated provided that the licensed EMS practitioner:

a. provides evidence of an unencumbered license by the involved certification/licensing authority and all subsequent certification/licensing authorities; and

b. meets requirements for reinstatement of license as described in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 47:

§515. Appeal from Commission Decision

A. Any person whose license has been revoked, suspended, denied, or otherwise disciplined by the commission shall have the right to have the proceedings of the commission reviewed by the court having jurisdiction over the commission, provided that such appeal is made within 30 days after the date indicated on the registered mail receipt of the written notice of the commission's decision. The commission's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1827 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

§517. Reinstatement of License

A. Application for reinstatement of a suspended or surrendered license shall be in writing.

B. The application for reinstatement of a suspended license does not require the satisfaction of all of the requirements for initial licensure; however, the satisfaction of applicable requirements of this Part, as determined by the commission or bureau, shall be met.

C. Prior to reinstatement of a license previously suspended (except for nonpayment of fees), a hearing or conference is held before the commission to afford the applicant with the opportunity to present evidence that the

cause for the revocation or suspension no longer exists and to provide an opportunity for the commission to evaluate changes in the person or conditions. In certain situations, the license may be reinstated by consent order or settlement order. The burden of proof is on the applicant to prove that conditions that led to the suspension no longer exist and/or no longer affect the applicant's ability to practice safely. If reinstatement is granted, a period of probation with stipulations may be imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1828 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 47:

§519. Civil Immunity

A. Emergency medical services practitioners who render emergency medical care to an individual while in the performance of medical duties and following the instructions and/or protocols approved by a physician medical director shall not be individually liable to such an individual for civil damages as a result of acts or omissions in rendering the emergency medical care, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions which result in harm to such an individual.

1. This immunity does not relieve the driver of the emergency vehicle from liability arising from the operation or use of such vehicle.

2. This immunity extends to parish governing authorities, police departments, sheriffs' offices, fire departments, or other public agencies engaged in rendering emergency medical services and its insurers with respect to such emergency medical services unless the emergency medical services practitioner employed by such agencies would be personally liable under the above provisions.

B. Any physician who provides instructions to any emergency medical services practitioner by use of electronic or other means of transmission in connection with the rendering of emergency medical services to an individual shall not be liable unto such practitioner or to an individual or both for civil damages arising from his or her opinion, judgments, actions, or duties, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions which result in harm to the individual, while exercising that degree of skill and care ordinarily employed by members of his or her profession in good standing.

C. No hospital facility which allows the use of telemetry or other equipment to maintain contact between an emergency medical services practitioner and a physician shall be liable for any civil damages arising out of the use of such equipment except for acts or omissions by hospital personnel that are grossly negligent which result in harm to an individual.

D. No registered nurse, licensed emergency medical services practitioner, or other health professional licensed in Louisiana who supervises, instructs, or trains emergency medical services practitioners in accordance with curricula developed or adopted by the bureau shall be liable for any civil damages arising out of the actions or negligence of the emergency medical personnel whom he or she supervised, educated, or trained.

E. There shall be no cause of action or civil liability, and no license holder or applicant shall have any cause of action or any claim for damages against any individual, person, or institution providing information to the commission or its agents or employees when that individual, person, or institution acts without malice and when there is a reasonable belief that such information is accurate.

F. No public safety telecommunicator who instructs a caller on T-CPR shall be liable for any civil damages arising out of the instruction provided to the caller, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions that result in harm to an individual. A caller may decline to receive T-CPR instruction. When a caller declines T-CPR instruction, the public safety telecommunicator has no obligation to provide the instruction.

G. No public safety agency shall be liable for any civil damages for employing individuals to answer 911 emergency calls who are not designated as a public safety telecommunicator. Individuals who are not public safety telecommunicators shall not be required to complete the T-CPR training required by Section 105 of this Part and shall have no obligation to offer and provide T-CPR instruction to a caller.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.5(9), R.S. 40:1133.13, and R.S.40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In accordance with Sections 978.1 through 978.8 of the Small Business Protection Act of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory

flexibility analysis/small business analysis on the rule proposed for adoption, amendment or repeal.

The impact of the proposed rule on small businesses as defined in the Small Business Protection Act has been considered. The Office of Public Health's Bureau of Emergency Medical Services and the Louisiana Emergency Medical Services Certification Commission do not expect that adoption of the proposed amendments will have an adverse economic impact on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Tuesday, August 10, 2021 at COB, 4:30 pm, and should be addressed to Allen Enger, LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Tuesday, August 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 2:00 pm on August 30, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, August 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Emergency Medical Services Professionals

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

As a result of the rule change, the Office of Public Health (OPH) anticipates spending \$5,000 to make programming changes to its computer systems. Additionally, OPH will incur \$3,515 in expenses associated with the publication of this

proposed rule change. The expenses will be paid with General Fund (53 percent), Fees and Self-Generated Revenue (28 percent) and Federal (19 percent).

The proposed rule adds general definitions and duties of EMS practitioners. The rule provides that individuals submit to a background check when seeking an initial EMS license and that public safety telecommunicators must complete a required training course every two years. The rule also codifies current policy related to civil immunity for EMS workers. Finally, the rule clarifies language related to licensure requirements and disciplinary proceedings of EMS workers and students.

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

The proposed rule will also increase revenue in the statutorily dedicated Criminal Identification and Information Fund by \$26 per person that applies for a background check. The Office of State Police administers background checks at a charge of \$39.25 each, of which \$26 will be deposited into the Criminal Identification and Information Fund and \$13.25 will be remitted to the federal government.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

When applying for an initial Emergency Medical Services (EMS) license, EMS workers will incur a fee of \$39.25 associated with the cost of the background check. There may also be a cost to public safety telecommunicators and/or their employers associated with taking a required training course every two years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementing this rule may reduce the number of available EMS workers, given that individuals who do not pass the background check will likely be unemployable as an EMS worker.

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Assistant Secretary
2107#044

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 87—Louisiana Citizens Property Insurance Corporation—Producer Binding Requirements (LAC 37:XIII.Chapter 121)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance hereby gives notice of its intent to amend Regulation 87—Louisiana Citizens Property Insurance Corporation Producer Binding Requirements. The Department of Insurance is amending Regulation 87 to conform with changes to the plan of operations of Louisiana Citizens Property Insurance Corporation.

Title 37 INSURANCE

Part XIII. Regulations

Chapter 121. Regulation Number 87—Louisiana Citizens Property Insurance Corporation Producer Binding Requirements

§12103. Authority

A. Regulation 87 is promulgated by the Board of Directors of the Louisiana Citizens Property Insurance

Corporation, pursuant to the authority granted under the Louisiana Insurance Code, Title 22, R.S. 22:2313.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1872 (September 2007), amended LR 47:

§12105. Applicability and Scope

A. Regulation 87 applies to all insurance producers who are eligible to sell insurance policies issued by Louisiana Citizens Property Insurance Corporation pursuant to R.S. 22:2313(A), and that have applied to the Louisiana Citizens Property Insurance Corporation and have met the qualifications for binding authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1872 (September 2007), amended LR 47:

§12107. Definitions

A. For the purposes of Regulation 87, the following terms shall have the meaning or definition as indicated herein.

* * *

E.P.I.C.—the Citizens policy management and claim computer system or its successor.

* * *

Louisiana Policy Management System (LPMS)—
Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1873 (September 2007), amended LR 47:

§12109. Licensing

A. Pursuant to R.S. 22:12, no person shall be authorized to transact or shall transact the business of insurance in the state of Louisiana without complying with the provisions of the Louisiana Insurance Code.

B. Except as otherwise provided in R.S. 22:1544(B) and 22:1562(C)(1), no person shall act as or hold himself out to be an insurance producer unless licensed by the department as required by R.S. 22:1543.

C. In accordance with R.S. 22:1543(B), an insurance producer is not authorized to sell, solicit, make an application for, procure, or place for others any policies for any lines of insurance as to which the insurance producer is not qualified and duly licensed in the state of Louisiana.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1873 (September 2007), amended LR 47:

§12111. Qualifications for Binding Authority

A. In order to bind coverage for the FAIR Plan and the Coastal Plan through Citizens, each duly licensed insurance producer must meet the following requirements:

1. ...

2. complete any previously approved and required Citizens education seminar, as well as review and follow all training documents, rules, and guidelines provided on Citizens' website

3. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1873 (September 2007), amended LR 47:

§12113. Procedures to Implement Binding Authority

A. The insurance producer shall list all unlicensed employees that shall have access to the E.P.I.C. system in order for the insurance producer to bind property and casualty insurance coverage for their clients with Citizens.

B. If the insurance producer is an insurance agency, it shall list each unlicensed employee or insurance producer that shall have access to the E.P.I.C. system in order for the insurance producer to bind property and casualty insurance coverage for their clients with Citizens.

C. Each insurance producer, whether an individual or an agency, shall assign an administrator who shall have the responsibility and authority to add and/or delete unlicensed employees, including insurance producers, who have been authorized to access the E.P.I.C. system. The administrator shall provide each unlicensed employee, including insurance producers, an E.P.I.C. system access code, and the administrator and insurance producer shall select a secure password to access the E.P.I.C. system. The administrator shall be responsible for managing the E.P.I.C. system interface with the insurance producer, whether an individual or an agency, and maintaining up-to-date information in the E.P.I.C. system.

D. Citizens will publish and maintain technical computer system requirements for the E.P.I.C. system. Instructions for using the E.P.I.C. system will be available on a web site created and maintained by Citizens. Insurance producers are responsible for ensuring that their computer systems and internal resources meet the technical computer system requirements and that their unlicensed employees, including insurance producers if an insurance agency, are properly trained on the use of the E.P.I.C. system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1873 (September 2007), amended LR 47:

§12115. Procedures for Application to Bind Coverage

A. ...

B. The insurance producer authorized to bind coverage with Citizens on the E.P.I.C. system shall provide a valid Louisiana property and casualty insurance producer license number issued by the department in each application for property and casualty coverage with Citizens utilizing the E.P.I.C. system. The administrator shall be responsible for maintaining an up-to-date list of insurance producers with the current insurance producer license number issued by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1874 (September 2007), amended LR 47:

§12117. Education and Training

A. Each authorized insurance producer and each authorized employee of an insurance producer shall attend any certified continuing education seminar that may be

required by Citizens in order to maintain their binding authority. Citizens will provide appropriate notice to authorized insurance producers should a continuing education requirement be identified.

B. Each new insurance producer and each employee of a new insurance producer shall attend any previously approved and required Citizens education seminar, as well as review and follow all training documents, rules and guidelines provided on Citizens' website. As a prerequisite for authorization to bind coverage, new producers and existing producers must comply with this Regulation 87.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1874 (September 2007), amended LR 47:

§12119. Errors and Omission Insurance

A. Each insurance producer, including the insurance agency if applicable, must provide documentary proof to Citizens that it has met and is carrying a required minimum of \$1,000,000 per occurrence and \$1,000,000 annual aggregate of professional liability coverage at the time of application for binding authority. Proof of professional liability coverage shall include, at a minimum, documentation that verifies the liability insurer, the amount of coverage and the duration of coverage. The administrator of the insurance producer shall update this proof of professional liability coverage in the E.P.I.C. system each year in advance of the expiration date of the coverage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1874 (September 2007), amended LR 47:

§12123. Premium Payments Requirements

A. An insurance producer shall submit to Citizens an electronic payment, via the E.P.I.C. system, of the \$65 non-refundable application fee in order to receive a coverage confirmation letter. The policyholder, or the producer or mortgage company on behalf of the policyholder, has 14 days from the effective date of the Coverage Confirmation Letter to submit a minimum payment of 25 percent of the quoted policy premium plus 100 percent of all policy fees and taxes. If the minimum payment is not received by Citizens by the fourteenth day, the quote will expire. The E.P.I.C. system will allow payment electronically with either a credit card or an electronic transfer of funds (ETF). Both methods require a completed Funds Authorization Form to be submitted to Citizens via the E.P.I.C. system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1874 (September 2007), amended LR 47:

§12125. Suspension and Termination of Binding Authority

A. - C. ...

D. An unlicensed employee who demonstrates a consistent pattern of submitting procedural errors or substantive errors on applications to bind coverage with Citizens may be denied the right to access the E.P.I.C. system on behalf of the insurance producer until such time as Citizens has determined that the subject unlicensed

employee has taken the actions required by Citizens to rectify the errors. The insurance producer, and if applicable an insurance agency, who is responsible for the unlicensed employee who has been sanctioned herein shall be subject to suspension or termination of the binding authority privileges as deemed appropriate by Citizens pursuant to the guidelines set forth in Subsections B, C, E and F.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2313 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Citizens Property Insurance Corporation, LR 33:1875 (September 2007), amended LR 47:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the Rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., August 19, 2021.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 87—Louisiana Citizens Property Insurance Corporation Producer Binding Requirements

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

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The rule revisions amend Regulation 87 to conform to changes to the

plan of operations of the Louisiana Citizens Property Insurance Corporation.

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

The proposed rule changes will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revisions amend Regulation 87 to conform to changes to the plan of operations of the Louisiana Citizens Property Insurance Corporation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

S. Denise Gardner
Chief of Staff
2107#023

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 118—Requirements in the Event of a
Declared Emergency (LAC 37:XIII.Chapter 179)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance hereby gives notice of its intent to promulgate Regulation 118—Requirements in the Event of a Declared Emergency. The Department of Insurance is promulgating Regulation 118 to comply with Acts 2021, No. 223, §1 of the Regular Session of the Louisiana Legislature that enacted R.S. 22:11(C), which requires the commissioner to promulgate rules and regulations to govern the business of insurance in the event of a declaration of emergency.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 179. Regulation 118—Requirements in the Event of a Declared Emergency

§17901. Purpose

A. The purpose of Regulation 118 is:

1. to establish requirements and set forth the procedure for the commissioner to implement rules and regulations on the business of insurance in the event of a declared emergency or public health emergency pursuant to the authority granted in La. R.S. 22:11(C);

2. to provide for a process for supplementing existing rules and regulations with emergency rules and regulations particular to the unique needs of a declared emergency or public health emergency;

3. to set forth the model requirements to be implemented in the event of a declared emergency or public health emergency having such effect as necessitates intervention by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17903. Applicability and Scope

A. Regulation 118 shall apply to any and all insurers, health maintenance organizations, producers, all other entities regulated by the Louisiana Department of Insurance, health care providers, and individuals and to any and all kinds of insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17905. Definitions

A. As used in this Regulation 118, the following terms shall have the meanings specified.

Commissioner—the Commissioner of the Louisiana Department of Insurance.

Declaration of Emergency—an executive order or proclamation by the governor declaring a disaster or state of emergency pursuant to R.S. 29:724 or a public health emergency pursuant to R.S. 29:766.

Declared Emergency—a disaster or state of emergency declared by the governor pursuant to R.S. 29:724 or a public health emergency declared by the governor pursuant to R.S. 29:766.

Department—the Louisiana Department of Insurance.

Insurer—every person or entity engaged in the business of making contracts of insurance, other than a fraternal benefit society, as defined in R.S. 22:46(10), and any other person or entity doing business in Louisiana and/or regulated by the commissioner.

Standing Rule—model language to be used for emergency rules to be promulgated by the department pursuant to Title 22 and the Administrative Procedure Act, comprising the rules and regulations specified in §17913 through 17961 of this Regulation 118.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17907. Emergency Powers, Generally

A. In the event of a declared emergency, the commissioner may issue an Emergency Rule to govern the business of insurance. Such Emergency Rule shall include, but not be limited to, the following:

1. provide for the implementation of the standing rule, including specification of any sections which are not to be implemented during the declared emergency;

2. provide for any requirements to be imposed in addition to the standing rule during the declared emergency;

3. specify the geographic area to which the Emergency Rule applies;

4. specify the duration for which the Emergency Rule applies, including an effective date which shall not precede the date of declaration of emergency.

B. The commissioner may promulgate additional Emergency Rules pursuant to the authority granted to the commissioner by Title 22 and the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17909. Effect of Emergency Rule Implementing Standing Rule

A. The effect of the commissioner's issuance of an Emergency Rule providing for the implementation of the standing rule shall be to incorporate by reference each element of the standing rule except for those sections expressly specified to not be implemented during the declared emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17911. Application of Subsequent Sections

A. Sections 17913 through 17961 of this Chapter comprise the standing rule and shall have no effect except as specified in any Emergency Rule promulgated pursuant to §17907.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17913. Benefits, Entitlements, Protections and Applicable Parishes

A. The benefits, entitlements and protections of the Emergency Rule shall be applicable to insureds, policyholders, members, subscribers, enrollees and certificate holders (hereinafter "insureds") who, as of 12:01 a.m. on the effective date of the Emergency Rule, have an insurance policy, insurance contract, or certificate of coverage for any of the kinds of insurance enumerated in §17915, as delineated below, and who meet one of the following criteria.

1. Any person who, as of the effective date of the Emergency Rule, resided in the geographic area specified in the Emergency Rule. Said person is entitled to the protections of the Emergency Rule for the kinds of insurance enumerated in §17915.A and B.

2. For the kinds of insurance enumerated in §17915.B, any person whose primary place of employment was in, or whose permanent employer had assigned said person to a business located in the geographic area specified in §17913.A.1, shall be eligible for the benefits, entitlements and protections of the Emergency Rule if said person verifies such employment status by written documentation to his health insurance issuer. No health insurance issuer shall unreasonably withhold eligibility to insureds upon receipt of such written documentation.

3. For the kinds of insurance enumerated in §17915.A, any insured who does not reside in the geographic area specified in §17913.A.1, but has filed with an authorized insurer or surplus lines insurer a notice of loss on a property claim for damage caused by the disaster or emergency and its aftermath to property located in the geographic area specified in §17913.A, shall be entitled to contact the insurer and request the benefits, entitlements, and protections of the Emergency Rule. These insurers are directed to work with their insureds who have filed a notice of loss on a property claim for damage caused by the disaster or emergency and its aftermath and provide accommodation as applicable, relevant and appropriate.

B. The Emergency Rule shall apply to any authorized insurer as defined in R.S. 22:46(3) operating in Louisiana,

and to any approved unauthorized insurer, eligible unauthorized insurer, or domestic surplus lines insurer as defined in R.S. 22:46(17.1) operating in Louisiana (sometimes hereinafter referred to as a surplus lines insurer).

C. The Emergency Rule shall apply to every health and accident insurer, health maintenance organization (HMO), managed care organization (MCO), preferred provider organization (PPO), pharmacy benefit manager (PBM), and third party administrator (TPA) acting on behalf of a health insurance issuer, HMO, MCO, PPO, and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana (collectively known as “health insurance issuers”).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17915. Applicability and Scope

A. The Emergency Rule shall apply to any and all kinds of insurance set forth in R.S. 22:47, including, but not limited to, life, vehicle, liability, workers’ compensation, burglary and forgery, fidelity, title, fire and allied lines, steam boiler and sprinkler leakage, crop, marine and transportation, miscellaneous, homeowners’, credit life, credit health and accident, credit property and casualty, annuity, surety, and industrial fire. The applicability of the Emergency Rule to health and accident insurance is specified in §17915.B.

B. The Emergency Rule shall apply to any and all kinds of health and accident insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs except those subject only to licensure and financial solvency regulation pursuant to R.S. 22:1016, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance, and any and all other health insurance.

C. Sections 17917 and 17929.B & C of the Emergency Rule shall apply to only those kinds of insurance provided for in §17915.A and those types of insurers specified in §17913.B.

D. Sections 17925, 17931, 17933, 17937, 17939.A, 17943, 17945, and 17947 of the Emergency Rule shall apply only to those kinds of insurance provided for in §17915.B and those health insurance issuers specified in §17913.C.

E. All provisions of the Emergency Rule not expressly limited in §17915.C and D shall apply to all types of insurers and all kinds of insurance as defined in §17913 and §17915.

F. Nothing in §17915 shall be interpreted to apply the provisions of the Emergency Rule to policies of insurance issued for the benefit of insureds not subject to the benefits, entitlements, and protections enumerated in §17913.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11(C).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17917. Cancellation, Nonrenewal, and Nonreinstatement

A. The Emergency Rule hereby suspends any notice of cancellation, notice of nonrenewal, nonreinstatement or any other notice related to any of the types of insurance enumerated in §17915 that was in force and effect at 12:01

a.m. on the effective date of the Emergency Rule, and any such notice shall be null and void and have no force or effect. Furthermore, any such notice shall be reissued de novo to the insured in accordance with existing statutory requirements after the expiration of the Emergency Rule.

B. Insurers may issue a notice of cancellation for nonpayment of premium during the pendency of the Emergency Rule. When any such notice is issued during the pendency of the Emergency Rule, the applicable notice period required by statute or the policy may begin to run, but in no event may the insurer cancel the insurance policy for nonpayment of premium until after the expiration of the Emergency Rule.

C. No policy shall be cancelled or nonrenewed solely because of a claim that is filed during, or is caused by, the disaster or emergency or its aftermath.

D. Unless otherwise expressly authorized in writing by the commissioner, the cancellation, nonrenewal or nonreinstatement of any insurance policy related to any of the types of insurance enumerated in §17915 is hereby suspended and shall not be allowed until after the expiration of the Emergency Rule as provided for in §17961.

E. All cancellation, nonrenewal, or nonreinstatement provisions, including, but not limited to, R.S. 22:272, 22:887, 22:977, 22:978, 22:1068, 22:1074, 22:1266, 22:1267, and 22:1335 are hereby suspended, except to the extent such provisions apply to acts or practices constituting fraud or intentional misrepresentations of material fact.

F. As set forth in §17949, the Emergency Rule shall not prevent an insurer from cancelling or terminating an insurance policy for fraud or material misrepresentation on the part of the insured.

G. Any temporary postponement of cancellation or nonrenewal pursuant to the Emergency Rule shall not remain in effect beyond 60 days unless presented by the commissioner to the Senate Insurance Committee and House Insurance Committee for review and approval by either committee prior to any extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17919. Renewal

A. The renewal conditions of all kinds of insurance enumerated in §17915 that are subject to renewal after the effective date of the Emergency Rule are suspended and shall be deferred until the expiration of the Emergency Rule as provided for in §17961. All policies subject to renewal after the effective date of the Emergency Rule shall continue in full force and effect at the previously established premium until the expiration of the Emergency Rule as provided for in §17961. The previously established premium for renewals by authorized insurers shall be based on the rate structure, rating plan and manual rules that are approved by the commissioner, regardless of whether their effective date was before or during the Emergency Rule. The previously established premium by authorized insurers for renewals of commercial deregulated insurance policies shall be based on the rate structure, rating plan and manual rules set forth in any filing submitted to the commissioner before or during the Emergency Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17921. Written Request for Cancellation by Insured

A. Except as provided for in §17949 herein, a cancellation shall not occur prior to the expiration of the Emergency Rule unless upon the documented written request or written consent of the insured. This written consent may be in electronic format.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17923. New Policies

A. The Emergency Rule shall not apply to any new insurance policy for any of the kinds of insurance enumerated in §17915 if said insurance policy is issued on or after the effective date of the Emergency Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17925. Claims Notification

A. All claims notification procedures, including, but not limited to, R.S. 22:975(A)(3)-(5), Regulation 33, and Regulation 74, are suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17927. Premium Offset

A. All insurers subject to the Emergency Rule receiving a claim from an insured owing a premium may offset the premium owed by the insured against any claim payment made to the insured under the insurance policy. §17927 shall not apply to health insurance issuers as defined in §17913.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17929. Obligation of Insured to Pay Premium

A. Unless otherwise cancelled in accordance with the provisions of §17921 herein, nothing in the Emergency Rule shall be construed to exempt or excuse an insured from the obligation to pay the premiums otherwise due for actual insurance coverage provided.

B. Those insureds entitled to the benefits, entitlements and protections of the Emergency Rule are advised that this suspension is not a waiver, but only an extension or grace period to facilitate payment of the premium.

C. Insurers are directed to work with and assist their affected insureds who reside in the impacted parishes with the payment of the premium that would have become due during this moratorium period by either establishing for the insured a payment plan for the unpaid premium or providing to the insured a further extension for the payment of the unpaid premium.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17931. Timely Payment of Health Claims

A. Only to the extent necessary to permit the pending of claims during a premium payment delinquency by the insured, the provisions of R.S. 22:1832-1834 and Regulation

74 related to timely payment of claims are hereby suspended.

B. For any policy of insurance described in §17915.B which, as a result of nonpayment of premium, would be subject to cancellation or termination but for the suspension ordered in §17917, the health insurance issuer may pend all claims for services rendered to the insured for the remainder of the suspension provided for in §17917 until the health insurance issuer receives the delinquent premium payment or until such time the health insurance issuer is subsequently entitled to cancel or terminate the policy for nonpayment of premium.

C. The health insurance issuer shall notify providers of the possibility for denied claims when an insured is in the grace period.

D. Once a health insurance issuer receives the delinquent premium payment during the grace period, all pending claims associated with the time period to which such payment applies shall be processed and adjudicated. The health insurance issuer shall notify the health care provider that the claim is no longer pending and is being processed and adjudicated for payment. Furthermore, the suspension provided for in §17931.A shall be automatically lifted and all applicable timely payment requirements reinstated upon the date of the payment of premium.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17933. Nonpayment of Health Claims

A. In the event a health insurance issuer pends a claim, as permitted pursuant to §17931, and is subsequently entitled to cancel or terminate a policy for nonpayment of premium, the health insurance issuer shall pay any remaining claims for which payment is required under §17931.B. The health insurance issuer may deny payment on pended claims for services rendered to the insured during the period of nonpayment after the first month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17935. Insured's Obligation to Cooperate in Claim Process

A. The Emergency Rule shall not relieve an insured who has filed a claim before or during the pendency of the Emergency Rule from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to the claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17937. Physician Credentialing

A. The commissioner hereby suspends physician credentialing pursuant to R.S. 22:1009 such that there are no credentialing requirements with regard to any and all licensed physicians who provide medical services to insureds identified in §17913.A or §17913.B between 12:01 a.m. on the effective date of the Emergency Rule and the expiration of the Emergency Rule as provided for in §17961.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17939. New Rate or Premium

A. For all health insurance issuers specified in §17913.C, any rate increases that were to take effect after the effective date of the Emergency Rule are suspended and shall be deferred until the expiration of the Emergency Rule as provided for in §17961.

B. For all other insurers, as specified in §17913.B, the Emergency Rule shall not affect the right of any insurer to file for and/or implement a new rate or premium for any insurance policy for the types of insurance enumerated in §17915.A if the new rate or premium has been approved by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17941. Imposition of Interest, Penalty, or Other Charge

A. The commissioner hereby suspends the imposition of any interest, penalty, or other charge and declares that no interest, penalty, or other charge shall accrue or be assessed against any insured as the result of the suspensions ordered in the Emergency Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17943. Continuation of Health Coverage

A. The commissioner hereby suspends R.S. 22:1046. In furtherance thereof, a health insurance issuer who has issued a group health insurance policy shall provide to all members or certificate holders under said group policy the option for the continuation of coverage, which said option shall begin on the day after the end the expiration of the Emergency Rule as provided for in §17961. This section is only applicable in those situations where the employer to whom the group policy had been issued remains in business and continues to offer said group health insurance to active employees for the duration of the Emergency Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17945. Prescription Drug Coverage

A. Health insurance issuers shall allow insured individuals to obtain refills of their prescriptions even if the prescription was recently filled, consistent with approval from patients' health care providers and/or pharmacists. This provision does not apply to prescription drugs with a high likelihood of abuse, such as opioids that are restricted to 7-day prescriptions.

B. The commissioner hereby suspends any provisions in the Louisiana Insurance Code which place restrictions on replacement prescriptions pertaining to mail order prescriptions. Mail order prescriptions shall be mailed to an alternate address if requested by the insured.

C. All health insurance issuers shall waive any and all restrictions relative to out-of-network access to pharmacy services or prescriptions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17947. Telemedicine Access

A. Health insurance issuers shall waive any coverage limitations restricting telemedicine access to providers included within a plan's telemedicine network.

B. Health insurance issuers shall waive any requirement that the patient and provider have a prior relationship in order to have services delivered through telemedicine.

C. Health insurance issuers shall cover mental health services provided by telemedicine consultation to the same extent the services would be covered if provided through an in-person consultation. This shall not be interpreted to require coverage of telemedicine services that cannot be appropriately provided remotely.

D. Health insurance issuers shall waive any requirement limiting coverage to provider-to-provider consultations only and shall cover telemedicine consultations between a patient and a provider to the extent the same services would be covered if provided in person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17949. Fraud or Material Misrepresentation

A. The Emergency Rule shall not prevent an insurer from cancelling or terminating an insurance policy for fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17951. Exemption from Compliance

A. Notwithstanding any other provision contained herein, the commissioner may exempt any insurer from compliance with the Emergency Rule upon a written request by the insurer setting forth in detail each and every reason for the exemption and then only if the commissioner determines that compliance with the Emergency Rule may be reasonably expected to result in said insurer being subject to undue hardship, impairment, or insolvency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17953. Sanctions for Violations

A. The commissioner retains the authority to enforce violations of the Emergency Rule. Accordingly, any insurer enumerated in the Emergency Rule or any other entity doing business in Louisiana and/or regulated by the commissioner who violates any provision of the Emergency Rule shall be subject to regulatory action by the commissioner under any applicable provisions of the Louisiana Insurance Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17955. Sixty Day Period to Initiate Adjustment of Property Claims

A. In accordance with R.S. 22:1892(A)(3), the disaster or emergency and its aftermath qualifies as a catastrophic loss event that requires insurers to initiate loss adjustment of a property damage claim within thirty (30) days after notification of loss by the insured.

B. In furtherance of R.S. 22:1892(A)(3), the severity of the devastation caused by the disaster or emergency and its

aftermath qualifies for an additional 30 days for insurers to initiate loss adjustment of a property claim after notification of loss by the insured.

C. Therefore, insurers shall have a total of 60 days to initiate loss adjustment of a property damage claim after notification of loss by the insured.

D. This declaration is based on the representation that the additional time period is necessary due to the large volume of claims resulting directly from the disaster or emergency and its aftermath, and with the admonition that insurers will promptly identify, evaluate, and resolve these claims. Insurers must continue to provide timely service to their insureds by promptly acknowledging receipt of claims and making appropriate assignments for the adjustment of claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17957. Authority

A. The commissioner reserves the right to extend or rescind all or any portion of the Emergency Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17959. Severability Clause of Emergency Rule

A. If any section or provision of the Emergency Rule or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect any other section or provision or the application of the Emergency Rule to any person or circumstance that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of the Emergency Rule and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17961. Effective Date of Emergency Rule

A. The Emergency Rule shall become effective at 12:01 a.m. on the effective date specified and shall continue in full force and effect until either 11:59 p.m. on the cessation date of the Governor's declaration of emergency, inclusive of any renewal thereof, or the termination date specified in the Emergency Rule, inclusive of any renewal thereof approved pursuant to the requirement in R.S. 22:11(C), whichever occurs first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17963. Severability of Regulation 118

A. If any provision of this regulation, or the applicability thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provision, item, or application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

§17965. Effective Date of Regulation 118

A. Regulation 118 shall become effective upon final promulgation in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., August 19, 2021.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Regulation 118—Requirements in the
Event of a Declared Emergency**

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

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The rule is being promulgated to comply with Acts 2021, No. 223, §1 of the Regular Session of the Louisiana Legislature that enacted R.S. 22:11(C), which requires the commissioner to promulgate rules and regulations to govern the business of insurance in the event of a declaration of emergency.

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

The proposed rule changes will not affect revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule is being promulgated to comply with Acts 2021, No. 223, §1 of the Regular Session of the Louisiana Legislature that enacted R.S. 22:11(C), which requires the commissioner to promulgate rules and regulations to govern the business of insurance in the event of a declaration of emergency.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule changes will not affect competition or employment.

Denise Gardner
Chief of Staff
2107#047

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Rule 7—Legal Expense Insurers
(LAC 37:XI.1909 and 1919)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Rule 7—Legal Expense Insurers by changing the line of insurance applicable to prepaid legal services.

The Louisiana Department of Insurance (“LDI”) is amending Rule 7 to address the proper line of insurance into which prepaid legal services should be placed. When originally introduced as a program, prepaid legal services was placed under the line of “fidelity and surety.” Thereafter, the LDI split “fidelity and surety” into two separate lines, to wit: “fidelity” and “surety.” The LDI subsequently created a new line of insurance, to wit: “miscellaneous.” Upon reviewing the nature of the prepaid legal services program, the LDI has determined that such program properly falls under the definition set forth for “miscellaneous” in La. R.S. 22:47(14). As such, the purpose of the amendment to Rule 7 is to change the line of insurance applicable to prepaid legal services from “fidelity and surety” to “miscellaneous.”

Title 37

INSURANCE

Part XI. Rules

**Chapter 19. Rule Number 7—Legal Expense Insurers
§1909. Qualifications as Insurer Required**

A. Any person who accepts a pre-payment from or for the benefit of any other person or group of persons as consideration for providing to such person or group of persons the opportunity to receive reimbursement or payment for legal services at such time in the future as such services may be appropriate or necessary must meet the

requirements of the Louisiana Insurance Code by becoming qualified as an insurer which is authorized to write miscellaneous coverage. (See "Exemptions" under §1907 of this rule.) Persons offering these services shall qualify as a mutual, stock, reciprocal or Lloyds' plan insurer as defined in Title 22, Louisiana Revised Statutes of 1950, as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner LR 8:235 (May 1982), amended LR 47:

§1919. Effective Date

A. The effective date of Rule 7 as amended shall be January 1, 2022.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the Rule.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., August 19, 2021.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Rule 7—Legal Expense Insurers

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

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes the line of insurance applicable to prepaid legal services from “fidelity and surety” to “miscellaneous.”

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes may result in indeterminable additional costs for insurers to the extent they must amend their certificate of authority to comply with the new regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

S. Denise Gardner
Chief of Staff
2107#024

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

Fire Hazards (LAC 43:XIX.115)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed rule changes will increase safety and prevent future accidents involving oil and gas storage tanks on drilling sites.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation - General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 1. General Provisions

§115. Fire Hazards

A.1. - B. ...

1. Each permanent oil, tank or battery of tanks that are located within the corporate limits of any city, town or village, or where such tanks are closer than 500 feet to any highway or inhabited dwelling or closer than 1000 feet to any school or church, must:

a. be surrounded by a dike (or firewall) or retaining wall of at least the capacity of such tank or battery of tanks, with the exception of such areas where such dikes (or firewalls) or retaining walls would be impossible such as in water areas. At the discretion of the Commissioner of Conservation, firewalls of 100 percent capacity can be required where other conditions or circumstances warrant their construction;

b. be enclosed by a fence no less than four feet high and at a minimum, composed of four strands of wire and a lockable gate which shall be locked when the site is unmanned and the fence and gate shall be properly maintained at all times. Conservation shall be provided a means to unlock the gate;

c. all hatches to the tank, which do not serve as a pressure relief device, must be sealed when the site is unmanned;

d. a warning sign must be prominently displayed on or immediately adjacent to the tank or ladder providing access to the tank and the gate providing entry to the site, denoting danger, flammable contents;

e. the above safety regulations must be implemented within three months of their promulgation.

C.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, (August 1943), amended (March 1955), (December 1963), amended by the Department of Natural Resources, Office of Conservation, LR 47:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., April 10, 2019, at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Executive Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. Reference Docket No. R A 2021-01. All inquiries should be directed to John Adams at the above addresses or by phone to (225) 342-7889.

Richard P. Ieyoub
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Fire Hazards

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

There are no anticipated implementation costs to the Department of Natural Resources (DNR) or local governmental units as a result of the proposed rule change. The proposed amendment will increase safety and prevent future accidents involving oil and gas storage tanks on drilling sites by requiring certain safety features at project sites.

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

The proposed rule change will have no effect on revenue collections of state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes directly affect well operators. Operators of producing wells are currently required to maintain oil tanks in a safe manner. The proposed amendment specifies that a fence with locked gate and signage alerting of fire hazard are required for tanks that are closer than 500 feet to any highway or inhabited dwelling or closer than 1,000 feet to any school or church. DNR estimates the cost per operator to be less than \$1,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have any impact on competition or employment.

Richard P. Ieyoub
Commissioner
2107#067

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Office of Alcohol and Tobacco Control**

**Regulation IX—Prohibition of Certain
Unfair Business Practices (LAC 55:VII.317)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 26:792, the Department of Revenue, Office of Alcohol and Tobacco Control (ATC), proposes to amend LAC 55:VII, Subpart 3, Beer and Liquor, Chapter 3, Section 317, relative to the marketing and sale of alcoholic beverages in Louisiana. This proposed Rule is promulgated in accordance with the authority delegated in R.S. 26:307(E) and R.S. 26:308(E) that allow the commissioner to promulgate rules related to the requirements and qualifications for delivery of alcoholic beverages.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Subpart 3. Beer and Liquor

Chapter 3. Liquor Credit Regulations

**§317. Regulation IX – Prohibition of Certain Unfair
Business Practices**

A. - C.2.b.ii. ...

iii. Product displays may be furnished by an industry member to a retailer, provided that the total value of all product displays furnished by an industry member may not exceed \$155 per brand in use at any one time in any one retail establishment. Product display are racks, bins, barrels, casks, shelving, and the like from which alcoholic beverages are displayed or sold. Product display also includes refrigerated coolers which serve as only a temperature-controlled product display for exclusively spirits or liquor. Product displays shall bear conspicuous, ~~and~~ substantial, and permanently inscribed or securely affixed advertising matter.

C.2.c. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:150.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by

the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:671 (June 1994), amended by the Department of Revenue and Taxation, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:1344 (June 2005), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 35:89 (January, 2009), LR 38:1286 (May 2012), LR 38:2938 (November 2012), LR 42:66 (January 2016), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 47:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

Pursuant to R. S. 49:965.6, methods for reduction of the impact on small business as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through September 10, 2021, to Heather M. Royer, Office of Alcohol and Tobacco Control, 7979 Independence Blvd., Suite 101, Baton Rouge, LA 70806.

Linda Pham
Attorney Supervisor

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Regulation IX—Prohibition of Certain
Unfair Business Practices**

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

The proposed amendment will not result in significant costs or savings to state or local governmental units. The proposed amendment clarifies the definition of product displays of inside signage that are permitted to be furnished by an Industry member to a retailer.

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

The proposed amendment will not affect revenue collections for state or local entities. The proposed amendment only clarifies the already existing rule and regulation.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed amendment will not affect estimated costs and/or economic benefits to directly affected persons, small businesses, or non-government groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The ability for industry members to furnish refrigerated coolers which serve only as a temperature-controlled product display for exclusively spirits or liquor to a retailer may result in competition and employment benefits to industry members

and retailers that choose to take advantage of this exchange of product displays.

Linda Pham
Attorney Supervisor
2107#026

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Municipal Police Employees' Retirement System

Disability Retirement (LAC 58:XVIII Chapter 13)

The Municipal Police Employees' Retirement System propose to adopt LAC 58:XVIII.Chapter 13 as authorized by R.S. 11:2225(A)(1). This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

This proposed Rule codifies the requirements for a member's eligibility to receive a disability retirement benefit. Most of the terms and conditions are existing policy of MPERS. However, the rule also contains a change recently adopted by the board and provides that disability benefits for certain individuals that fail to submit an earnings statement may be temporarily discontinued or revoked.

Title 58

RETIREMENT

Part XVIII. Municipal Police Employees' Retirement System

Chapter 13. Disability Retirement

§1301. Qualifications for Disability Retirement

A. On behalf of the board of trustees, the executive director is authorized and directed to designate, under R.S. 11:219, outside physicians in any area of medical specialty and from any area of the state either to review case histories or to conduct regular or appeal examinations of disability retirement applicants and beneficiaries.

B. No disability benefits will be considered certified by the board of trustees until the board-designated physician provides sufficient information for the executive director to determine whether the applicant is eligible for disability benefits and the percentage of average final compensation due to the applicant. If the member qualifies for any exemption from the provisions of R.S. 11:221(A) through (C), findings of fact supporting the qualification for the exemption shall be included in the certification by the board-designated physician. For purposes of R.S. 11:2223(B), *performance of his official duties* shall have the same meaning as injury sustained in the line of duty for survivor's benefits purposes.

C. When evaluating a mental disorder, the board-designated physician shall physically examine the patient, and the physician's diagnosis shall conform to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), American Psychiatric Association (2013) or any subsequent revision thereof.

D. To be eligible for disability benefits under R.S. 11:2223(E)(2) for total loss of use of limb, a board-designated physician must certify that no effective function remains other than that which would be equally served by an amputation. The board-designated physician must also

certify the date of the injury that caused the loss of the total use of the limb.

E. If an applicant fails to appear for a medical examination and the board-designated physician charges a cancellation fee, the applicant shall pay the cancellation fee. If the applicant fails to pay the cancellation fee, said fee, plus interest at the actuarial assumed rate of return calculated from the date of payment by the system to the board-designated physician, shall be deducted from any benefit amount determined to be due to the applicant.

F. If the board-designated physician's final certification decision is submitted when there are more than thirty days until the next board meeting, the executive director may, in his sole discretion, approve the disability retirement or file a written appeal on behalf of the board of trustees with the applicant. The executive director shall apply this procedure in a manner consistent with his fiduciary duty and shall report any approvals or appeals to the board of trustees at the next board meeting.

G. Every disability beneficiary shall complete an annual attending physician statement (AAPS) by May 1 for the first five years following the disability retirement and once in every three years thereafter until the earlier of the date the disability attains age 62 or reaches the equivalent age of regular retirement (which depends on age and actual years of service). After reviewing the AAPS, the executive director may require a disability beneficiary to undergo a medical examination by a board-designated physician. Payments to any disability beneficiary who has not yet attained the equivalent age of regular retirement who refuses to submit to a required medical examination by a medical board physician designated by the board of trustees, shall be discontinued until the beneficiary complies. Failure to comply within one year of the request shall result in revocation of benefits by the board of trustees via written notification sent to the disability beneficiary by the executive director.

H. Beginning on May 1, 2021, the benefits of every disability beneficiary who has not attained age sixty-two or reached the equivalent age of regular retirement who has not been certified by a board-designated physician as exempt under R.S. 11:221(A)(2), 222, or 223 who fails to submit the earnings statement required under R.S. 11:221(C) by May first, shall beginning on June 1, be discontinued, without retroactive reimbursement, until the statement is filed. If the earnings statement is not received by the end of the calendar year, the executive director shall notify the retiree that all his rights in and to his disability pension have been revoked by the board of trustees pursuant to R.S. 11:221(C)(1).

I. Retroactive payments of suspended benefits under R.S. 11:220 and 11:221 must be requested in writing. The disability beneficiary must explain why any paperwork required was not submitted by the due date. All retroactive payments must be approved by the board of trustees. No retroactive payments shall be made to disability beneficiaries whose benefits were revoked.

J. Any disability beneficiary subject to R.S. 11:221(D)(1) who receives a financial award solely as a result of his disability shall be required to provide proof of the gross financial award, along with all legal and court costs associated with the settlement. The system staff shall request

the actuary to convert the lump sum financial award, net of any related legal fees and court costs, into a whole life annuity equivalent based upon board-approved interest, mortality, and unisex assumptions. The recipient's disability benefit shall be offset by an amount equal to the difference between the inflation-adjusted final average compensation used to determine the disability benefit and the sum of the maximum monthly benefit, whole life annuity equivalent, and other outside earnings under R.S. 11:221. Disability applicants shall disclose any financial awards or pending claims for financial award on the application for disability retirement or within three days of filing a claim. Disability beneficiaries shall submit information regarding financial awards on the notarized annual earnings statement. Disability beneficiaries' benefits shall be reviewed annually for offset until the earlier of the beneficiaries' date of death or date of conversion to a regular retirement benefit. The monthly benefit of any disability beneficiary who is overpaid due to failure to report outside benefits or awards subject to R.S. 11:221(D) shall cease until fully recouped by the system, including interest at the actuarial assumed rate of return and actuarial fees paid by the system in the calculation or collection of amounts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no impact on family functioning, stability, or autonomy.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Ashlee McNeely, Municipal1301 Police Employees' Retirement System, 7722 Office Park Blvd. Suite 200, Baton Rouge, LA 70809. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule will be held on Friday, August 27, 2021 at 10:00am at 7722 Office Park Blvd, Baton Rouge, LA 70809.

Benjamin A. Huxen II
Executive Director/General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Disability Retirement

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state.

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

As a result of revoked benefits, the proposed rule will likely result in a slightly lower employer contribution rate to the retirement system's trust fund.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will impact certain MPERS disability retirees that fail to submit an earnings statement. Disability retirement benefits for these individuals will either be temporarily discontinued or revoked as a result of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Benjamin A. Huxen II
Executive Director
2107#041

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Municipal Police Employees' Retirement System

Reinstated Employees (LAC 58:XVIII.1101)

The Municipal Police Employees' Retirement System propose to adopt LAC 58:XVIII.Chapter 11 as authorized by R.S. 11:2225(A)(1). This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The system proposes to adopted a new Chapter 11 pertaining to the purchase of service by a reinstated employee as it relates to civil service law. The Rule is codifying and adds additional provisions as a result of Act 3 of the 2020 Regular Session.

Title 58
RETIREMENT
Part XVIII. Municipal Police Employees'
Retirement System

Chapter 11. Reinstated Employees

§1101 Purchases of Service by Reinstated Employees

A.1. When a member whose employment was terminated applies to the civil service board or a court of law for reinstatement, the member shall notify the system within three days of such application.

2. If the member retired and participated in the Deferred Retirement Option Plan prior to termination, the member shall not withdraw any funds from the member's DROP before a final legal determination has been made regarding eligibility for reinstatement.

B. When a member is reinstated to a position by the civil service or a court of law, the member is entitled to receive retirement service credit for the period of time prior to reinstatement provided payment in accordance with Subsection C is made to the system within 90 days of the date the system notifies the employer of the amount due for the reinstatement period.

C.1. If reinstated, the member shall pay an amount equal to the current employee's contributions based on the earned compensation for the reinstatement period. The employer shall pay an amount equal to the actuarial cost of a purchase of the service credit for which contributions were not timely paid, as calculated by the system's actuary pursuant to R.S. 11:158(C), less the amount owed by the employee. The employer shall also reimburse the system for any legal and actuarial fees paid by the system in the calculation or collection of amounts.

2. The member shall repay any retirement benefits received prior to reinstatement, plus interest at the actuarial assumed rate of return, calculated from the date each payment was made by the system.

D. A reinstated employee who refunded his contributions during the time for which he was reinstated shall pay an amount equal to the actuarial cost of a purchase of the service credit for which contributions were not timely paid, as calculated by the system's actuary pursuant to R.S. 11:158(C), to the system within 90 days of the date the system notifies the employee of the amount due. The employee shall also reimburse the system any legal and actuarial fees paid by the system in the calculation or collection of amounts. If the member does not pay the amounts required by this Subsection within 90 days of the date the system notifies the employee of the amount due, no service credit will be granted, and the reinstatement period shall not be included in the benefit calculation unless the member subsequently purchases the service credit in accordance with R.S. 11:158(C).

E. The employer shall provide the system with a report of earnings on a monthly basis for the period for the reinstatement period.

F. The employer may submit any amounts due to the system on the employee's behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed Rule has no impact on family functioning, stability, or autonomy.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Ashlee McNeely, Municipal Police Employees' Retirement System, 7722 Office Park Blvd. Suite 200, Baton Rouge, LA 70809. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule will be held on Friday, August 27, 2021 at 10 am at 7722 Office Park Blvd, Baton Rouge, LA 70809.

Benjamin A. Huxen II
Executive Director/General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Reinstated Employees**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state.

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

The proposed rule will likely results in a slightly higher employer contribution rate to the retirement system's trust fund.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed rule may slightly increase creditable service for employees who did not become members of the system immediately, then later choose to become a member of MPERS. Increased creditable service will result in the member receiving a higher pension benefit upon retirement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Benjamin A. Huxen II
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2107#040

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Treasury
Municipal Police Employees' Retirement System**

**Renunciation of Benefit
(LAC 58:XVIII.901)**

The Municipal Police Employees' Retirement System propose to adopt LAC 58:XVIII Chapter 9 as authorized by R.S. 11:2225(A)(1). This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The system proposes to adopt a new Chapter 9 which seeks to define the term "injury sustained in the line of duty" and uses the definition to determine eligibility for a death or disability benefit in connection with a members' death or disability from COVID-19 or another contagious illness. The rule is a new addition for the Municipal Police Employees' Retirement System.

**Title 58
RETIREMENT**

Part XVIII. Municipal Police Employees' Retirement System

Chapter 9. Survivor Benefits

§901. Definitions

A. For the purposes of R.S. 11:2220(B), *injury sustained in the line of duty* shall mean an injury or illness determined to arise out of any activity performed in the course and scope of the member's official duties.

A. To establish eligibility for death or disability benefits in connection with a member's death or disability due to COVID-19 or any other contagious disease that is spread in a similar manner by a virus, evidence must be presented to show that it is more likely than not that the illness resulted from the member's exposure to the virus that caused the disease, while performing an official duty. The board of trustees must find that the evidence shows a member with COVID-19 or any other contagious disease that is spread in a similar manner by a virus contracted it in the line of duty when:

1. the member was engaged in an official duty and circumstances indicate that it was medically possible that the member was exposed to the virus while so engaged; and
2. the member contracted the illness within a time-frame where it was medically possible to contract the illness from that exposure and the illness is listed as a cause of

death on the member's death certificate. The board of trustees shall determine whether an illness resulted from the member's exposure while performing an official duty when there has not been a determination by a board-certified physician. Additionally, if a member makes a claim under the Louisiana Workers' Compensation Act, it must have been determined that it is a compensable claim.

B. The procedure for determining whether a member's death occurred in the line of duty shall be as follows: If a survivor indicates on the appropriate form that the death resulted from an injury sustained in the line of duty, the system staff shall obtain documentation from the member's employer regarding the cause of the member's death. The executive director shall classify the death as resulting from an injury sustained in the line of duty if documentation from the member's employer and the survivor and the member's death certificate all demonstrate that the member's death was caused by an injury sustained in the line of duty. In all other cases, the staff shall report its findings to the board of trustees at the first board of trustees meeting that occurs following thirty days of receipt of documentation. Any motion to approve survivor benefits of a member killed in the line of duty shall contain findings of fact and a conclusion of eligibility. The executive director and the board of trustees shall apply these procedures in a manner consistent with their fiduciary duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no impact on family functioning, stability, or autonomy.

Small Business Analysis

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Ashlee McNeely, Municipal Police Employees' Retirement System, 7722 Office Park Blvd. Suite 200, Baton Rouge, LA 70809. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule will be held on Friday, August 27, 2021 at 10 am at 7722 Office Park Blvd, Baton Rouge, LA 70809.

Benjamin A. Huxen II
Executive Director/General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Renunciation of Benefit**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state.

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

It is estimated that the implementation of this proposed rule will not affect revenue collections of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule codifies existing practices regarding in the line of duty death and disability benefits. The proposed rule change will impact MPERS member or the survivors of members that are injured in the line of duty as a result of COVID-19 or another contagious disease. These individuals will be eligible for a benefit for which they otherwise would not have been eligible absent this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

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Alan M. Boxberger
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Legislative Fiscal Office

NOTICE OF INTENT

**Department of the Treasury
Municipal Police Employees' Retirement System**

Trustee Elections (LAC 58:XVIII Chapter 15)

The Municipal Police Employees' Retirement System propose to adopt LAC 58:XVIII Chapter 15 as authorized by R.S. 11:2225(A)(1). This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The system proposes to adopt a new Chapter 15 pertaining to elections of Trustees to serve on the Municipal Police Employees' Retirement System (MPERS) Board of Trustees. This Rule codifies the rules governing the elections that

were previously approved by the board and are current policy and practice at MPERS.

Title 58

RETIREMENT

**Part XVIII. Municipal Police Employees'
Retirement System**

Chapter 15. Trustee Elections

§1501. Schedule

A. The executive director, in consultation with the board chair, shall adopt a schedule for the election process to be conducted as the need arises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

§1502. Nominations

A.1. A nomination postcard containing information on how to request a nomination packet shall be sent to the member's postal or email address as recorded in the office of the system as of the end of the month preceding the mail out. Members will need to contact the firm conducting the election to request a nomination packet.

2. Upon request, a nomination packet containing a petition for candidacy, an election schedule, and the rules governing elections shall be sent to each member of the system who will be eligible to vote for a candidate in a vacant position.

3. A candidate for a vacant retiree position on the board of trustees must be a regular retiree who retired, as of the date nominations close, from a police department of a participating municipality with the district for which he is a candidate and must be domiciled within the district for which he is a candidate. Once elected, he must remain domiciled within that district in order to continue serving in that position.

4. Once received by the firm conducting the election, the board of trustees shall only accept the name of the candidate nominated by petition of at least ten members of the system (other than the member being nominated) who are active or retired, as applicable, from municipalities within the district representative of the trustee position to be filled and place such candidate on the ballot, provided said candidates meets the requirements for trustee. The printed name of those persons signing the nominating petition must be legible for purposes of verification. Unverifiable signatories shall not count toward the required total. Members signing the petition shall also supply the final four digits of their Social Security number. The person being nominated is solely responsible for verifying that all persons signing as nominators are actually members of the system. Given that not all Louisiana municipal police officers are members of this system, potential nominees are strongly encouraged to do all of the following:

- a. call the system office to verify membership of each nominator;
- b. submit signatures of more than ten nominators; and
- c. email, fax, or mail their completed nomination packet and resume to the firm conducting the election at least two weeks prior to the deadline.

5. The nominee may attach a resume' giving their qualifications and background, which will be furnished to the voting members along with the ballot. This resume' is to be mailed along with the petition for candidacy to the firm conducting the election. The resume' shall be limited to one 8 1/2 by 11 sheet of paper, which may be printed on both sides. If the resume is not submitted to the firm conducting the election by the deadline or if any information is included on the member's resume' other than qualifications and background, as determined by the board of trustees, the resume' will not be furnished to the voting members.

6. All nomination petitions shall be received by the firm conducting the election on a scheduled date as determined prior to such election as shown in the election schedule.

7. Within a reasonable amount of time after the firm conducting the election receives the completed nomination petition, the firm shall notify the potential nominee via telephone and email that his petition was received and forwarded to the system.

8. The firm conducting the election shall forward the submitted petitions and resumes to the system staff as they are received. As soon as possible, the system staff shall ensure that the petitions are valid. If they are not valid, then the system staff shall notify the potential nominees of the deficiencies. Regardless, to be accepted, a valid nomination petition must be received by the firm conducting the election on a scheduled date as determined prior to such election as shown in the election schedule.

B. Nominees shall be first be certified by the board of trustees as eligible candidates. If specifically provided for in the election schedule or if the meeting at which the nominees are to be certified is cancelled, then the board chair shall certify eligible nominees.

C. If, after the conclusion of the nomination process, the number of candidates does exceed or is more than the number of open positions for which election is being held, the names of the certified nominees shall be placed on a ballot in alphabetical order. If an incumbent is seeking reelection, their name shall appear first on the ballot.

D. If, after the conclusion of the nomination process, the number of candidates does not exceed or is fewer than the number of open positions for which election is being held the qualified shall be elected and presented to the board or board chair, as applicable, for certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

§1503. Voting in General

A. An election postcard shall be mailed to each eligible member's postal or email address as recorded in the office of the system as of the end of the month preceding the mail out. The system will accept changes of address as corrected and will keep member files updated accordingly. If a member does not receive a postcard, another one may be sent out to him if requested in writing signed by him. If applicable, a change of address form must be completed. The postcard will contain instructions to request a paper ballot packet or to access the online voting from any internet capable device.

B. The system will accept changes of address as corrected and will keep member files updated accordingly. If

a member does not receive a postcard, another one may be sent out to him if requested. If applicable, a change of address form must be completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

§1504. Online Voting

A. The voting website will consist of:

1. secure login page;
2. ballot page that includes the eligible candidates, as certified by the Board of Trustees, placed in alphabetical order. If an incumbent is seeking reelection, their name shall appear first on the ballot page;
3. links to bio/resume' for each candidate that submitted one;
4. vote confirmation page;
5. thank-you page; and
6. a logout button that redirects members to a URL of the organizations choosing.

B. Online Voting will be made available to members on the same day the election postcard is mailed to members, if postal ballots are used, and will remain open until the scheduled date as determined prior to such election as shown in the election schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

§1505. Mail Voting

A. If the board of trustees elects to use postal voting, a postage prepaid envelope with the post office box of the firm conducting the election shall be shown as the addressee shall be provided to the member for the purpose of returning the ballot to the firm conducting the election. Only those ballots returned in the pre-addressed envelope will be counted. All ballots shall be received by the firm conducting the election on a scheduled date as determined prior to such election as shown in the election schedule.

B. An instruction sheet shall accompany the ballot packet which shall instruct the member to:

1. place a mark in front of the name of the candidate he wishes to vote for;
2. place the ballot in the postage prepaid mailing envelope and seal it; and
3. mail it to arrive at the Post Office Box of the firm conducting the election on or before the date specified in the instruction sheet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

§1506. Election Results

A. Valid returned ballots will be opened and counted/tabulated at the office of the firm conducting the election. All candidates or their representatives may be present and observe the opening and tabulation of the ballots; however, no candidate or their representative may interfere with the opening and tabulation of the ballots. Notification must be provided to the firm conducting the election prior to the election mail date, of any authorized

person interested in observing the opening and tabulation. The results will be available immediately after the tabulation of the ballots. After the board chair has accepted the certified ballot count and the executive director has published the official results on the system's website, the executive director shall notify the successful candidate of their election.

B. Ties affecting elected positions shall be decided by a coin toss held by the executive director in the presence of the candidates affected.

C. Appeals or grievances arising out of the election process shall be filed within 10 business days of the certification of the election results and will be heard by the Board of Trustees at the first board meeting held after publication of the election results on the board's website. Any further appeals or grievances will be resolved by the courts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no impact on family functioning, stability, or autonomy.

Small Business Analysis

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Ashlee McNeely, Municipal Police Employees' Retirement

System, 7722 Office Park Blvd. Suite 200, Baton Rouge, LA 70809. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule will be held on Friday, August 27, 2021 at 10 am at 7722 Office Park Blvd, Baton Rouge, LA 70809.

Benjamin A. Huxen II
Executive Director/General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Trustee Elections**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state.

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

It is estimated that the implementation of this proposed rule will not affect revenue collections of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule allows any member of MPERS who is eligible to receive or is currently receiving a benefit to choose to renounce said benefit under terms and conditions. The only estimated impact to the affected persons would be their election to renounce their monthly retirement benefit indefinitely.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Benjamin A. Huxen II
Executive Director
2107#038

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Municipal Police Employees' Retirement System

Withdrawals and Interest (LAC 58:XVIII.303)

The Municipal Police Employees' Retirement System propose to adopt LAC 58:XVIII.303 as authorized by R.S. 11:2225(A)(1). This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Rule clarifies and codifies existing practice pertaining to withdrawals and interest earnings for Deferred Retirement Option Plan (DROP) accounts. Specifically, the Rule provides that if a member requests a withdrawal from their DROP account and leaves less than \$1,000 in the account, then the account will be closed and the remaining balance will be disbursed to the member. It also sets forth rules pertaining to the direct disbursement of DROP account interest earnings to the member in certain situations.

Title 58

RETIREMENT

Part XVIII. Municipal Police Employees' Retirement System

Chapter 3. Deferred Retirement Option Plan (DROP)

§303. Withdrawals and Interest

A. Requested withdrawals from Deferred Retirement Option Program accounts that would leave a balance in that account of \$1,000 or less shall be processed as a request for disbursement of the entire balance. All such withdrawal requests shall result in the closing of the account. The system may, at its option, conduct audits to identify DROP accounts with a balance of \$1,000 or less and may disburse the entire amount to the person in whose name the account exists or to their beneficiary after giving notice of at least 30 days prior to disbursement.

B. If an individual who elected to earn interest at a rate of one-half of one percent below the percentage rate of return of the system's investment portfolio as certified by the actuary in his yearly valuation report transfers or rolls over all funds in his account to another provider during the year, then the total amount of interest credited shall be disbursed to that individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed Rule has no impact on family functioning, stability, or autonomy.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Ashlee McNeely, Municipal Police Employees' Retirement System, 7722 Office Park Blvd. Suite 200, Baton Rouge, LA 70809. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule will be held on Friday, August 27, 2021 at 10 am at 7722 Office Park Blvd, Baton Rouge, LA 70809.

Benjamin A. Huxen II
Executive Director/General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Withdrawals and Interest

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state.

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

It is estimated that the implementation of this proposed rule will not affect revenue collections of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

This rule has no anticipated effect on directly affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Benjamin A. Huxen II
Executive Director
2107#045

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Special Bait Dealer's Permit
(LAC 76:VII.329)**

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:497(C), that the Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.329, which provides for a special bait dealer's permit program. The amendment to the current rule will allow fishermen utilizing a special bait dealer's permit to use the same fishing gear that is currently allowed during the inside waters open shrimp seasons. This gear change will allow for larger nets, compared to those currently allowed by rule, to be fished during closed seasons to be able to adequately provide live bait intended solely for the benefit of the recreational fishing public that desires to use live bait, while allowing uninterrupted operation for the commercial establishments that sell live bait. The use of this expanded gear will only be authorized through the 2023 commercial

license year, so that the effects of the regulation on the resource and the industry may be evaluated at such time.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and final rule, including but not limited to, the filing of the Fiscal and Economic Impact statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§329. Special Bait Dealer's Permit

A. - B.8. ...

C. Operations

1. The entire original permit must be in the possession of the commercial fisherman while operating under the conditions of the permit. Only the vessel and those commercial fishermen specified at the time of application shall operate under the permit. No other vessel or commercial fisherman shall be used under this permit.

2. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp or croaker must be carried on or built into this vessel while operating under the conditions of the permit.

3. No person shall transfer any shrimp or croaker taken under a permit from one vessel to another unless both vessels are permitted under the same wholesale/retail seafood dealer, and the captain of the harvesting vessel has signed a trip ticket for the harvested bait, and the bait is then transported directly to the wholesale/retail seafood dealer under which both vessels are operating; upon receiving the harvested bait the dealer shall complete the trip ticket.

4. While operating under the conditions of the permit, no shrimp or croaker may be sold from the vessel to anyone other than the licensed wholesale/retail seafood dealer listed on the permit during the closed shrimp seasons.

5. Signs which identify the vessel as working under the special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

6. No more than two gallons of dead shrimp or croaker or combination thereof may be aboard the vessel while it is operating under the permit. All dead shrimp or croaker or combination thereof in excess of two gallons must be immediately returned to the water. Shrimp or croaker dying in onshore holding facilities may be sold for bait use only.

7. Trawl and skimmer vessels operating under a special bait dealer's permit must adhere to a tow time, not exceeding, 15 minutes. Tow times are measured from the time the codend enters the water until it is completely removed from the water. The net must be completely emptied of catch on the deck after the codend is removed from the water.

8. Except as provided in Paragraph 9, permitted gear is limited to one trawl not to exceed 25 feet along the cork line 33 feet along the lead line or two skimmer nets having an individual net frame size not more than 16 feet measured

horizontally or 12 feet measured vertically or 20 feet measured diagonally.

a. These are the only commercial fishing gears which can be used or carried aboard the permitted vessel while the vessel is operating under the permit; no other commercial fishing gear other than unserviceable crab traps as described in R.S. 56:322(G) may be on the vessel when it is being used under the special bait dealer's permit.

9. Notwithstanding any portion of this Section to the contrary, permitted gear when operating under the special bait dealer's permit is as follows:

a. One trawl measuring 50 feet long and less along the cork line and 66 feet long or less along the lead line. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

b. Double skimmer nets may have an opening circumference of no more than 72 feet for each net and a maximum lead line length of 33 feet. Skimmer nets may be mounted to the horizontal net frame at any distance from the gunwale of the vessel as long as the mounting distance and horizontal length of the net frame does not exceed 20 feet from the gunwale. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

c. The provisions of this Paragraph shall be effective until December 31, 2023.

10. Bait shrimp or croaker may be taken only from official sunrise to official sunset; however, the department at its discretion, may designate the areas and hours of night time operations under the permit provided permitted vessels are equipped with a working vessel monitoring system as described in LAC 76:VII.371.

11. Each time the permit is used the permittee must notify the department by contacting the Communications Section on the designated toll free telephone number provided on the permit and recording the confirmation number received. Before the vessel departs the dock under the permit, the department must be advised of the time of departure and the sub-basin code corresponding to the department's trip ticket sub-basin map in which trawling or skimming will take place; immediately after the permitted vessel returns to the dock the department must be notified of the time of return by contacting the Communications Section on the designated toll free telephone number provided on the permit.

12. The permittee shall maintain an up-to-date record of the activities conducted under the permit on forms provided by the department for that purpose. These records shall be kept onboard the vessel and made available for inspection by agents of the department upon request by said agents at any time and shall include the permittee's name and permit number, date, departure time, fishing location, gear used, confirmation number, return time, and number of live shrimp or live croaker harvested. All applicable record information shall be completed before fishing operations begin. In addition, any agent of the department shall be

allowed to make an onsite inspection of any facilities operating under the permit, at any time. Nothing herein this Section shall exempt the permittee from trip ticket reporting requirements as provided for in R.S. 56:306.4.

D. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with LA R.S. 56:326.3 and 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23:86 (January 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012), LR 47:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1213 N. Lakeshore Dr., Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to September 2, 2021.

Jerri G. Smitko
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Special Bait Dealer's Permit

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

There are no direct, material anticipated implementation costs or savings to the Department of Wildlife and Fisheries (LDWF) or to state or local government units as a result of the proposed rule change.

The proposed rule amends regulations regarding the size of trawls and skimmer nets used by special bait dealer's permit holders to harvest shrimp and fish used as bait by recreational fishers. It allows bait dealer's permit holders to use the same fishing gear that is currently allowed for other commercial shrimp harvesters during the inside open shrimp season. This provision is scheduled to expire on December 31, 2023.

The proposed rule limits tow times for vessels operating under special bait dealer's permits to 15 minutes.

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

The proposed rule change may increase revenue collection to LDWF by an indeterminable amount. The proposed rule increases the size of trawls and skimmer nets that can be used by bait dealer's permits to the size currently used by

commercial shrimp fisherman. To the extent that commercial fisherman or other individuals and entities decide to also operate under a bait license because they believe the larger trawls and skimmers may enhance the potential profitability of commercial bait-fishing, LDWF may issue more bait dealer's permits. The fee for the special bait dealer's permit is \$110, plus a \$1,000 cash bond. The expected increase in the number of permits issued may not be assessed with the available data.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to have a positive effect on receipts and income for entities with bait dealer's permits and the commercial fishers associated with them. The larger gear allowed under the proposed rule change may result in higher volume per trip and dockside values per trip in turn, providing higher total landings and revenue. The magnitude of this increase in volume and dockside value cannot be estimated with the available data.

The proposed rule change is also expected to benefit anglers and businesses that serve the recreational fishery by increasing the availability of bait.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may have a moderate positive effect on employment in the Louisiana bait-harvesting sector.

Bryan McClinton
Undersecretary
2107#027

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Workforce Commission Rehabilitation Services

Rehabilitation Services
(LAC 67:VII.101, 103, 107, 109, 110, 115, 117,
207, 213, 219, 223, 505, 507, 1501, 1503, 1505,
1713, 1717, 1723, 1735, 2105, 2115)

The Louisiana Workforce Commission, Louisiana Rehabilitation Services (LRS) proposes to amend Chapters 1, 2, 5, 15, 17, and 21 of LAC 67, Social Services, as authorized by R.S. 23:3022. The amendments are promulgated in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The amendments to Chapter 1 of LAC 67 clarify the overall mission of the Louisiana Rehabilitation Services and update regulations related to those programs that are the responsibility of the Rehabilitation Services and no longer the responsibility of the Department of Social Services. The amendments update "enabling legislation" language contained in the Chapter. The proposed amendments edit language related to "undocumented immigrants". The amendments also modify the Order of Selection utilized by LRS in determining the placement category of individuals eligible for vocational rehabilitation services and the income scale used for financial needs and budgetary analysis tests. The amendments also add the vocational rehabilitation service of customized employment.

The amendments to Chapter 2 of LAC 67 update language related to Community Rehabilitation Program (CRP) insurance coverage, CRP safeguards for protecting consumer privacy information, and requires that CRP's maintain performance-reporting systems.

The amendments to Chapter 5 of LAC 67 updates language related to the legal authority for the Rehabilitation program.

The amendments to Chapter 15 of LAC 67 update regulations related to programs that are no longer the responsibility of the Department of Social Services. The amendments also update the "enabling legislation" section of the chapter.

The amendments to Chapter 17 of LAC 67 updates regulations related to federal cost principles that are applicable to activities that are assisted by LRS grants to institutions of higher education, hospitals, nonprofit organizations, and state and local government.

The amendments to Chapter 21 of LAC 67 updates definitions related to the administration of the Louisiana Rehabilitative Services.

Title 67 SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§101. Agency Profile

A. Mission. To assist persons with disabilities in their desire to obtain, maintain or advance in competitive integrated employment and achieve independence in their communities by providing rehabilitation services and by working cooperatively with business and other community resources.

B. Program Administration. Louisiana Rehabilitation Services, hereafter referred to as LRS, will secure appropriate resources and support in administering the various programs under the responsibility of the agency. These programs include, but are not limited to:

1. Vocational Rehabilitation Program;
2. Title VII Chapter 1, Part B Independent Living Program;
3. Title VII Chapter 2, Independent Living Services for Older Individuals Who Are Blind;
4. Title VI Supported Employment Program;
5. Randolph-Sheppard Blind Vending Facility Program;

C. - M. ...

N. Comprehensive System of Personnel Development. LRS will provide a comprehensive system of personnel development in accordance with the Rehabilitation Act Amendments of 1998, as amended.

O. - Q. ...

R. Misrepresentation, Fraud, Collusion, or Criminal Conduct

1. Individuals who obtain access to the services provided by LRS through means of misrepresentation, fraud, collusion, or criminal conduct shall be held responsible for the return of funds expended by LRS on the individual's behalf. Further, such actions shall result in the closure of the individual's vocational rehabilitation case record. Failure on the individual's part to make reparation of funds to the agency may result in legal action being taken by, the Louisiana Workforce Commission.

2. In cases in which LRS is in possession of clear evidence of misrepresentation, fraud, collusion, or criminal conduct on the part of the individual for the purpose of obtaining services for which the individual would not otherwise be eligible, the individual's case will be referred to

the Louisiana Workforce Commission's, General Counsel for consultation and/ or investigation. If, the Louisiana Workforce Commission's General Counsel concurs or determines that the individual has obtained services through misrepresentation, fraud, collusion, or criminal conduct, a certified letter will be directed to the individual by the LRS Counselor demanding payment in full of funds which have been expended by the agency on the individual's behalf. The failure of the individual to comply with the demand for reparation may result in legal action being taken on behalf of LRS.

S. - T. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), repromulgated LR 21:189 (February 1995), amended LR 21:473 (May 1995), LR 21:837 (August 1995), LR 25:1263 (July 1999), LR 29:46 (January 2003), by the Workforce Commission, Rehabilitation Services, LR 47:

§103. Enabling Legislation

A. The Rehabilitation Act Amendments of 2014, as amended through P.L. 114-95, enacted December 10, 2015, Workforce Innovation and Opportunity Act.

B. Code of Federal Regulations. Volume 34, Sections 361, 363, 367, 370, and 397. Volume 45, Section 1329.

C. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23-3001.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 25:1265 (July 1999), LR 29:46 (January 2003), amended by Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015), LR 47:

§107. Applicant/Client Appeal Rights

A. - C.4.f. ...

* * *

D. Review of Fair Hearing Decisions

1. The impartial review for decisions rendered by impartial hearing officers is the final level of appeal within the Office of Workforce Development regarding disputes arising within Louisiana Rehabilitation Services. Subsequent to a decision being reached as a result of the impartial review by the Office of Workforce Development, any further pursuit of the issue by the applicant/client (or, as appropriate, the applicant/client's representative) or the agency must be by civil action through the public court system.

2. The decision of the impartial hearing officer will be final unless the applicant/client or the agency requests a review of the impartial hearing officer's decision by making a written request to the Assistant Secretary of the Office of Workforce Development within 20 days of mailing the decision. The Office of Workforce Development Assistant Secretary cannot delegate the responsibility for making this final decision to any other officer or employee of Louisiana Rehabilitation Services. The applicant/client and the agency shall be provided an opportunity to submit additional evidence and information relevant to the final decision.

3. The Office of Workforce Development Assistant Secretary may not overturn or modify a decision of an impartial hearing officer, or part of such a decision, that

supports the position of the applicant/client unless the assistant secretary determines, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the state plan, the Rehabilitation Act (including regulations implementing the Act) or any state regulation or policy that is consistent with the federal requirements specified in the Act.

4. The Office of Workforce Development Assistant Secretary shall provide the decision reached in writing to the applicant/client and to Louisiana Rehabilitation Services. This decision shall include a full report of the findings and grounds for the decision.

E. Civil Action. Any party aggrieved by a final decision from an impartial review by the Office of Workforce Development may bring civil action for review of such decision. The action may be brought in any state court of competent jurisdiction or in district court of the United States of competent jurisdiction without regard to the amount in controversy. If a party brings a civil action, the final decision of the Office of Workforce Development shall be implemented pending review by the court. In any action brought under this Subsection, the court shall:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), repromulgated LR 21:189 (February 1995), amended LR 24:958 (May 1998), LR 25:1266 (July 1999), LR 26:1634 (August 2000), LR 29:46 (January 2003), by the Workforce Commission, Rehabilitation Services, LR 47:

§109. Eligibility and Ineligibility

A. - A.1.a. ...

b. requires vocational rehabilitation services to prepare for, secure, retain, regain, or advance in employment; and

A.1.c. - E.1.c. ...

d. Louisiana Rehabilitation Services does not impose a residence requirement. Undocumented immigrants, however, cannot be served. Immigrants who are disabled who have a legal, unexpired work visa, and who otherwise meet the eligibility criteria, can be served.

F. - F.2.b.ii. ...

iii. a referral to any other agencies or programs from whom the individual may be eligible to receive services, including other components of the statewide workforce development system.

F.3. - I.1.c.i. ...

ii. whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time (extended period of time means three months or longer); and

I.1.c.iii. - K.4.a.i. ...

ii. the individual's significant physical or mental impairment seriously limits three or more functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time;

b. Selection Group II—Significantly Disabled. An eligible individual is considered significantly disabled when the following apply:

i. ...

ii. the individual's severe physical or mental impairment seriously limits one or two functional capacity areas; and

iii. the individual's vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time.

c. Selection Group III—Non-Significantly Disabled. An individual is considered non-significantly disabled when:

i. - ii. ...

iii. the individual does not meet the above stated criteria for an individual who is either "most significantly disabled" or "significantly disabled."

4.d. - 5. ...

6. Information and Referral. LRS will, as appropriate, refer those individuals in selection groups not being served to other components of the statewide workforce development system that are best suited to address the specific employment needs of the individual with a disability.

7. - 8.a....

b. When it is impossible to serve all eligible individuals within a priority category, the individuals (in addition to referral to other components of the statewide workforce development system) will be placed on a deferred services waiting list. Individuals on the deferred services waiting list will be served in chronological order based on the date of application.

8.c. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:191 (February 1995), LR 22:993 (October 1996), LR 23:995 (August 1997), LR 25:1267 (July 1999), LR 27:211 (February 2001), by the Workforce Commission, Rehabilitation Services, LR 47:

§110. Information and Referral Services

A. - A.1. ...

2. to ensure that such individuals, as appropriate, are referred to other federal and state programs, including other components of the statewide workforce development system.

B. - B.1.a.ii. ...

iii. supervised job placement referrals to Workforce Development;

1.a.iv.-2.b.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 25:1270 (July 1999), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§115. Financial

A. Comparable Services and Similar Benefits

1. Determination of Availability

a. Prior to providing any vocational rehabilitation service to an eligible individual, except those services

specified below in Subclauses c.i.(a)-(f), LRS will determine whether comparable services and benefits are available under any other program (other than a program carried out under Title IV, Rehabilitation Act Amendments of 2014) unless such a determination would interrupt or delay:

A.1.a.i. - B.1. ...

2. LRS will consider, through budgetary analysis of assets, income, disability-related expenses and comparable services and benefits, the financial need of eligible individuals; and individuals who are in trial work periods for purposes of determining the extent of the individual's participation in the costs of certain vocational rehabilitation services.

a. ...

i. assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an evaluation to explore the individual's abilities, capabilities, and capacity to perform in work situations (trial work periods);

2.a.ii. - 3.d.ii....

C. LRS shall determine an individual's financial need for certain vocational rehabilitation services, as listed in Subparagraph B.2.b above, based on the individual's disability related expenses, available assets, and a multiple of 250-500 percent of the current U.S. Department of Health and Human Services' poverty guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23-3022.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:837 (August 1995), LR 24:959 (May 1998), LR 25:1273 (July 1999), LR 27:212 (February 2001), LR 27:1561 (September 2001), LR 29:47 (January 2003), LR 30:1488 (July 2004), LR 34:1038 (June 2008), amended by the Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015), repromulgated LR 41:2180 (October 2015), amended LR 47:

§117. Vocational Rehabilitation Services

A. Vocational Rehabilitation Services are any services described in an IPE necessary to assist an individual with a disability in preparing for, securing, advancing in, retaining, or regaining an employment goal that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including:

1.-15. ...

16. supported employment and customized employment services;

A.17. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23-3001.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 25:1274 (July 1999), amended by the Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015), LR 47:

Chapter 2. Community Rehabilitation Program

§207. Fiscal Accounting Systems and Record Keeping

A. The CRP must maintain adequate fiscal records and accountability so as to demonstrate, upon request, receipt and utilization of funds from LRS. Each CRP must have an annual external audit and management letter and include a single audit where indicated or required by law.

B. The CRP must have adequate insurance, as appropriate to services provided, to protect against reasonable claims due to adverse events to protect persons served. This includes but is not limited to:

1. workers' compensation;
2. liability;
3. property;
4. vehicle;
5. directors' and officers' liability;
6. errors and omissions;
7. casualty;

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:1955 (October 1998), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§213. Confidentiality and Case Records

A. - A.2. ...

B. The CRP shall have safeguards in place for electronic records to protect the privacy of the consumer's information including:

1. safeguards for names, Social Security numbers, birthdates, medical information;
2. process for reporting breach of security;
3. notification of appropriate authorities;
4. notification of LRS;
5. timelines for reporting breaches of security.

C. Notification to Clients. Individuals asked to supply the CRP with information concerning themselves shall be informed of the CRP's need to collect confidential information and the policies governing its use, release, and access including:

1. a Consent to Release Case Record Information Form contained in case files which must document that individuals have been advised of the confidentiality of information pertinent to their case;
2. the principal purpose for which the CRP intends to use or release the requested data;
3. whether the individuals may refuse, or are legally required to supply the requested data;
4. any known consequence arising from not providing the requested information;
5. the identity of other agencies to which information is routinely released.

D. Release of Confidential Information. The case file must contain documentation concerning any information released with the individual's written consent.

E. No use shall be made of the name or picture of an individual served without the prior written consent of the individual, or his or her legal guardian.

F. Client Access to Data. When requested in writing by the involved individual or an authorized representative, clients or applicants have the right to see and obtain in a timely manner copies of any information that the CRP maintains on them, including information in their case files, except:

1. medical and/or psychological information, when the service provider states in writing that disclosure to the individual would be detrimental to the individual's physical or mental health;

2. medical, psychological, or other information which the CRP determines harmful to the individual;

NOTE: Such information may not be released directly to the individual, but must be released, with the individual's informed consent, to the individual's representative, or a physician or a licensed or certified psychologist.

3. personal information that has been obtained from another agency or organization. Such information may be released only by or under the conditions established by the other agency or organization.

G. Informed Consent. Informed consent means that the individual has signed an authorization to release information and such authorization is as follows:

1. in a language that the individual understands;
2. dated;
3. specific as to the nature of the information which may be released;
4. specifically designates the parties to whom the information may be released;
5. specific as to the purpose(s) for which the released information may be used;
6. specific as to the expiration date of the informed consent which must not exceed one year.

H. Release of Client Information without Informed Consent

1. The CRP must have written authorization to release confidential client information except in the following instance:

- a. the CRP can release personal information without informed written authorization to protect the client or others when the client poses a threat to his/her safety or to the safety of others;
- b. the CRP can only release that information necessary to protect the client or others;
- c. the CRP or employee providing the information must carefully record all the facts and circumstances in the client's case record.

2. Examples of Emergency Situations. Emergency situations that might require release of personal information without informed written authorization could possibly include the following:

- a. threats of murder and/or suicide;
- b. threats to the safety of the workplace;
- c. national security violations.

I. Confidentiality—HIV Diagnosis. Each time confidential information is released on applicants or clients who have been diagnosed as HIV positive, a specific informed written consent form must be obtained.

J. Location of Records

1. The CRP shall keep on site the following records:
 - a. all IPE's and Agency Service Plans;
 - b. all client plan updates and progress notes;
 - c. all client evaluations;
 - d. a copy of the CRP's policy and procedure manual(s);
 - e. a copy of the employee's criminal history check.
2. All other records shall be kept in the main office of the CRP, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:1955 (October 1998), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§219. Vocational Modules

A. - C.2. ...

3. The employment preparation should result in skills required for successful placement of the individual into competitive integrated employment based on the designated employment goal.

D. - D.4. ...

5. The CRP shall maintain a reporting system that reports on the performance of services provided to include:

- a. number of persons served;
- b. characteristics of person served;
- c. number/percentage of persons completing service;
- d. number/percentage of consumers achieving competitive integrated employment;
- e. number/percentage of consumers who retain 90 days of competitive integrated employment for six and twelve months after exit;
- f. number/percentage of job placements meeting high quality indicators;
- g. average rate of hourly pay of those achieving employment outcomes.

D.6. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:1957 (October 1998), amended by Louisiana Workforce Commission, Office of Rehabilitation Services, LR 38:148 (January 2012), LR 47:

§223. Denial or Revocation of Vendorship

A. - A1. ...

2. failure to provide required documents for the bi-annual renewal process or formal request for documents by LRS;

A.3. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by Louisiana Workforce Commission, Office of Rehabilitation Services, LR 38:148 (January 2012), amended LR 47:

Chapter 5. Business Enterprises Program Manual §505. Federal Legal Authority

A. The Rehabilitation Act of 1973 as amended by the Rehabilitation Act Amendments of 1986 and 1992, 1998 and 2014. In accordance with federal law under title I of the Rehabilitation Act of 1973 (Public Law 93-112) as amended, including the Rehabilitation Act amendments of 1986 (Public Law 99-506), and the Rehabilitation Act amendments of 1992 (Public Law 102-569), vocational and the Rehabilitation Act amendments of 1998 (Public Law 105-220) and the Rehabilitation Act amendments of 2014 (Public Law 114-95 enacted in 2015) other rehabilitation services are offered to individuals with disabilities through Louisiana Rehabilitation Services.

B. Code of Federal Regulations – Volume 34, Sections 361, 363, 370 and 395.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3022.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 25:527 (March 1999), amended by the Workforce Commission, Rehabilitation Services, LR 41:2177 (October 2015), LR 47:

§507. State Legal Authority

A. Louisiana Revised Statutes—R.S. 49:664. Section 6B (1)(b) (Legislative Act that created the Department of Health and Hospitals), R.S. 36:477(c) (Legislative Act that created the Department of Social Services), R.S. 36:301 (Legislative Act that created the Louisiana Workforce Commission).

B. Louisiana Act 19 of 1988, effected the merger of the Division of Rehabilitation Services with the Division of Blind Services to form Louisiana Rehabilitation Services. Louisiana Act 939 of 2010 transferred the agency from the Department of Social Services to the Louisianan Workforce Commission.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3022.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 25:528 (March 1999), amended by the Workforce Commission, Rehabilitation Services, LR 41:2178 (October 2015), LR 47:

Chapter 15. Independent Living Policy Manual

§1501. Agency Profile

A. - J. ...

K. Client Assistance Program. All programs, including centers for independent living, community rehabilitation programs, and projects that provide services to individuals with disabilities under the Rehabilitation Act Amendments of 2014 shall advise such individuals, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, of the availability and purposes of the Client Assistance Program, including information on means of seeking assistance under such program.

L. - R. ...

1. Individuals who obtain access to the services provided by LRS through means of misrepresentation, fraud, collusion, or criminal conduct shall be held responsible for the return of funds expended by LRS on the individual's behalf. Further, such actions shall result in the closure of the individual's independent living case record. Failure on the individual's part to make reparation of funds to the agency may result in legal action being taken by the Louisiana Workforce Commission.

2. In cases in which LRS is in possession of clear evidence of misrepresentation, fraud, collusion, or criminal conduct on the part of the individual for the purpose of obtaining services for which the individual would not otherwise be eligible, the individual's case will be referred to the Louisiana Workforce Commission's General Counsel for consultation and/or recommendation regarding judicial action. If Louisiana Workforce Commission's, General Counsel determines, through reviewing case data, that the individual has obtained services through misrepresentation, fraud, collusion, or criminal conduct, a certified letter will be directed to the individual by the LRS counselor demanding payment in full of funds which have been expended by the agency on the individual's behalf. The failure of the individual to comply with the demand for reparation may result in legal action being taken on behalf of LRS.

S. - T. ...

AUTHORITY NOTE: Promulgated in accordance with the Rehabilitation Act of 1973, as amended, R.S. 49:664 Section 6B, R.S. 36:477 (c), R.S. 46:331-335, R.S. 39:1595.3 and R.S. 39:1594 (I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:673 (June 1994), LR 26:2322 (October 2000), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§1503. Enabling Legislation

A. The Rehabilitation Act Amendments of 2014, as amended through P.L. 114-95, enacted December 10, 2015, Workforce Innovation and Opportunity Act, 29 USC Chapter 16: Vocational Rehabilitation and Other Rehabilitation Services.

B. Code of Federal Regulations, Volume 34, Section 365 and 45 Code of Federal Regulations Part 1329.

AUTHORITY NOTE: Promulgated in accordance with the Rehabilitation Act of 1973, as amended, R.S. 49:664 Section 6B, R.S.36:477(c), R.S. 46:331-335, R.S. 1595.3 and R.S. 39:1594(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 26:2323 (October 2000), amended LR 27:428 (March 2001), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§1505. Confidentiality

A. - C.1.a. ...

b. the Louisiana Workforce Commission and military services of the United States government;

C.1.c. - G.2.b. ...

c. inform the regional manager or designee if the above steps do not resolve the situation. In this case, the regional manager or designee will then turn the matter over to the Louisiana Workforce Commission's legal counsel;

3. - 3.d.iii. ...

AUTHORITY NOTE: Promulgated in accordance with the Rehabilitation Act of 1973, as amended, R.S. 49:664 Section 6B, R.S.36:477(c), R.S. 46:331-335, R.S. 1595.3 and R.S. 39:1594(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 26:2323 (October 2000), amended by the Workforce Commission, Rehabilitation Services, LR 47:

Chapter 17. Grant Policy

§1713. Financial Administration

A. - A.3.d. ...

e. Allowable Cost. Applicable cost principles, applicable state laws and regulations, agency program regulations, and the terms of grant agreement will be followed in determining the reasonableness, allowability and allocability of costs;

3.f. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:585 (June 1995), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§1717. Cost Principles

A. Recipients shall adhere to applicable cost principles found in 2 CFR Part 200, Subpart E. All project costs charged to this grant will be reasonable, necessary, allowable, and allocable according to the applicable cost principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:585 (June 1995), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§1723. Property

A. - A.2. ...

a. Tangible personal property having an acquisition cost of \$5,000 or more per unit.

b. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:586 (June 1995), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§1735. Contract Provisions

A. - B. ...

C. Audit Requirements. 2 CFR Part 200, Subpart F.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:588 (June 1995), amended by the Workforce Commission, Rehabilitation Services, LR 47:

Chapter 21. Randolph-Sheppard Trust Fund Policy

§2105. Definitions

Agency—Louisiana Rehabilitation Services of the Office of Workforce Development within the Louisiana Workforce Commission, which licenses blind vendors.

Blind Enterprise Program—the services available to establish business enterprises and other similar programs for persons who are blind as provided in the Randolph-Sheppard Act.

Blind Vendors—those individuals who are classified under state and federal regulations as legally blind and who are licensed to and have a permit to operate vending facilities on state, federal, or other property.

Board—the Blind Vendors Trust Fund Advisory Board.

Department—the Louisiana Workforce Commission.

Director—the director of Louisiana Rehabilitation Services.

Fund—the Blind Vendors Trust Fund.

Randolph-Sheppard Act—the federal law which enables the Blind Enterprise Program under the authority of 20 U.S.C. 107 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 22:119 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:2180 (October 2015), amended by the Workforce Commission, Rehabilitation Services, LR 47:

§2115. General Requirements

A. ...

B. Civil Rights and Equal Employment Opportunities with Regard to Employees or Agencies Delivering Services. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination because of race, color, or national origin; Title V of the Rehabilitation Act of 1973, as amended, and Title I of the Americans with Disabilities Act PL 101-336 prohibit discrimination because of disabling

condition. The provisions of these acts apply to services and programs administered by Louisiana Rehabilitation Services.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 22:120 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:2180 (October 2015), amended by the Workforce Commission, Rehabilitation Services, LR 47:

Family Impact Statement

In compliance with R.S. 49:972, the impact of this proposed rule on the family formation, stability, and autonomy has been considered. This proposed Rule has a positive impact on family functioning and family budgets by reducing the number of families who would otherwise be required to take out loans to obtain services that LRS will now be able to provide.

Small Business Analysis

Pursuant to R.S. 49:978.4 and the small business regulatory flexibility analysis, as set forth in R.S. 49:978.5 the methods for reduction of the impact on small business has been considered when creating this proposed Rule. This proposed rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Poverty Impact Statement

In accordance with R.S. 49:973, the impact of this proposed Rule on child, individual, and family poverty in relation to individual or community asset development has been considered.

It is anticipated that this proposed rule will have a positive impact on household income, assets, and financial security by not requiring certain families to obtain loans in order to obtain services that LRS will now be able to provide.

It is anticipated that this proposed rule will have a positive impact on postsecondary education development by providing an opportunity for more LRS participants to attend training.

It is anticipated that this proposed rule will have a positive impact on employment and workforce development by providing additional financial resources to LRS participants to acquire training and supports needed to obtain, maintain and advance in employment.

Taxes and tax credits. A recently completed cost-benefit study by Louisiana State University in 2019 found that for every \$1 spent on vocational rehabilitation services, there is an estimated \$18.37 return on investment over a five-year period for applicants during state fiscal year 2017. It further indicates that over a five-year period, cases closed in employment generate an estimated \$54.4 million in state and local taxes. As individuals with disabilities become gainfully employed, there is a reduction in the need for various government programs and public assistance. Though the study did not anticipate the proposed action, LWC expects

this measure, once implemented, to improve the return on investment.

It is not anticipated that this proposed Rule will impact child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is not anticipated that this Rule will impact the staffing level requirements or qualifications required to provide the same level of service; the cost to the provider to provide the same level of service, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Melissa Bayham, Director, Rehabilitation Services, P.O. Box 70821, Baton Rouge, LA 70821. She is responsible for responding to inquiries regarding this proposed Rule. All comments must be received by 4:30 p.m. on Thursday, August 19, 2021.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by LRS within 20 days of the date of this notice. If a public hearing is requested in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 26th day of August, 2021, starting at 10 o'clock a.m. at the Louisiana Workforce Commission, 1001 N. 23rd Street, Baton Rouge, LA 70802. Any person wishing to attend should call the Office of Rehabilitative Services to confirm that a hearing is being held, as the attendance may need to occur virtually. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services hold contact the Louisiana Rehabilitative Services unit at least seven working days in advance of the hearing.

Ava Cates
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rehabilitative Services

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

Implementation costs associated with the proposed rule changes are the cost of publishing the rule, which is estimated to be approximately \$1,200 (100% Federal Funds). Publishing cost is routinely included in the Agency's annual budget.

Louisiana Rehabilitation Services (LRS) proposes to amend the provisions of the Louisiana Administrative Code related to programs that are applicable to the Rehabilitation Services, and no longer the responsibility of the Department of Children and Family Services. More specifically, the Vocational Rehabilitation, Independent Living, Independent Living Services for Older Individuals Who are Blind, Supported Employment, and Randolph-Sheppard Blind Vending Facility Programs are the responsibility of the LRS. The amendments also update "enabling legislation" language.

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

There is no anticipated effect on revenue collections or local governmental units

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change modifies the Order of Selection used to determine the placement category of individuals eligible for vocational rehabilitation services from five groups to three groups. Also, the rule change amends the financial need multiple scale from 250 percent to a range of 250 percent -500 percent of the federal poverty guideline to allow the agency flexibility at the start of each new budget year. The impact on existing clients that receive services and applicants for services cannot be determined

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this rule will have an effect on the number of participants that may benefit from the proposed changes.

Renita Williams
Deputy Secretary
2107#046

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDA

Office of the Governor Division of Administration

PPM 49—General Travel Regulations
(LAC 4:V.Chapter 15)

Title 4

ADMINISTRATION

Part V. Policy and Procedure Memoranda

Chapter 15. General Travel Regulations—PPM Number 49

§1501. Authorization and Legal Basis

A. In accordance with the authority vested in the Commissioner of Administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968 as amended, notice is hereby given of the revision of Policy and Procedures Memorandum No. 49, the state general travel regulations, effective July 1, 2021. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source.

Please note that when political subdivisions are required to follow PPM 49 for any pass through money issued by the State of Louisiana, any and all required approvals must be sent to the correct appointing authority, not to the Commissioner of Administration.

B. Legal Basis (R.S. 39:231.B). The Commissioner of Administration, with the approval of the governor, shall, by rule or regulation prescribe the conditions under which each of various forms of transportation may be used by state officers and employees in the discharge of the duties of their respective offices and positions in the state service and the conditions under which allowances will be granted for traveling expenses.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), republished LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009), LR 36:1647 (July 2010), LR 42:981 (July 2016), LR 43:1110 (June 2017), LR 45:811 (June 2019), LR 46:840 (June 2020), LR 47:814 (June 2021), LR 47:1052 (July 2021).

§1502. Definitions

A. For the purposes of this PPM49, the following words have the meaning indicated.

Authorized Persons—

a. advisors, consultants, contractors and other persons who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services;

b. members of boards, commissions, and advisory councils required by federal or state legislation or regulation. Travel allowance levels for all such members and any staff shall be those authorized for state employees unless specific allowances are legislatively provided;

c. the department head or his/her designee is allowed to deem persons as an authorized traveler for official state business only.

NOTE: College/University Students must be deemed authorized travelers to be reimbursed for state business purposes. Documentation of all approvals must be maintained on file with the agency.

i. Documentation of all approvals must be maintained on file with the agency.

NOTE: Contractors are not exempted from paying state sales taxes; therefore, if a contractor is working on behalf of an agency, the agency may reimburse them for the state sales taxes.

Allowance—maximum amount allowed for travel expenses while traveling on official state business.

Conference/Convention—an event (other than routine) for a specific purpose and/or objective. Non-routine event can be defined as a seminar, conference, convention, or training. Documentation required is a formal agenda, program, letter of invitation, or registration fee. Participation as an exhibiting vendor in an exhibit /trade show also qualifies as a conference. For a hotel to qualify for conference rate lodging it requires that the hotel is hosting or is in "conjunction with hosting" the meeting. In the event the designated conference hotel(s) have no room available, a department head may approve to pay actual hotel cost not to exceed the conference lodging rates for other hotels located near the conference hotel.

Controlled Billed Account (CBA)—credit account issued in an agency's name (no plastic card issued). These accounts are direct liabilities of the state and are paid by each agency. CBA accounts are controlled through an authorized approver(s) to provide a means to purchase airfare, registration, lodging, rental vehicles, pre-paid shuttle service and any other allowable charges outlined in the current state of Louisiana State Liability Travel and CBA Policy. Each department head determines the extent of the account's use.

Corporate Travel Card—credit cards issued in a state of Louisiana employee's name used for specific, higher cost official business travel expenses. Corporate travel cards are state liability cards, paid by each agency.

Emergency Travel—each department shall establish internal procedures for authorizing travel in emergency situations. Approval may be obtained after the fact from the Commissioner of Administration with appropriate documentation, under extraordinary circumstances when PPM 49 regulations cannot be followed but where the best interests of the state requires that travel be undertaken.

Executive Traveler—the governor of the state of Louisiana. He/she should sign as the traveler but have his/her Chief of Staff and director of budget sign for travel authorization and travel expenses.

Extended Stays—any assignment made for a period of 31 or more consecutive days at a place other than the traveler's official domicile.

Higher Education Entities—entities listed under Schedule 19, Higher Education of the General Appropriations Bill.

Higher Education Entity Head—president of a university.

In-State Travel—all travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when such is the most efficient route.

International Travel—all travel to destinations outside the 50 United States, District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam and Saipan.

Lowest Logical Airfare—The lowest logical airfare is the cheapest available at the time of booking without causing undo inconvenience, these types of airfares are non-refundable, penalty tickets. Penalties could include restrictions such as advanced purchase requirements, weekend stays, etc. Prices will increase as seats are sold. When schedule changes are required for lowest logical tickets, penalty fees are added.

Official Domicile—every state officer, employee, and authorized person, except those on temporary assignment, shall be assigned an official domicile:

a. except where fixed by law, official domicile of an officer or employee assigned to an office shall be, the parish in which the office is located. The department head or his designee should determine the extent of any surrounding area to be included, such as a region. As a guideline, a radius of at least 30 miles is recommended. The official domicile of an authorized person shall be the parish in which the person resides, except when the department head has designated another location (such as the person's workplace);

b. A traveler whose residence is other than the official domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence;

c. The official domicile of a person located in the field shall be the parish where the majority of work is performed, or such area or region as may be designated by the department head, provided that in all cases such designation must be in the best interest of the agency and not for the convenience of the person;

d. The department head or his/her designee may authorize approval for an employee lodging expenses to be placed on agency CBA or state LaCarte/or travel card within an employee's domicile with proper justification as to why this is necessary and in the best interest of the state.

Out-of-State Travel—travel to any of the other 49 states plus District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam, and Saipan.

Passport—a document identifying an individual as a citizen of a specific country and attesting to his or her identity and ability to travel freely.

Per Diem—a flat rate paid in lieu of travel reimbursements for people on extended stays only.

Receipts/Document Requirements—supporting documentation, including original receipts, must be retained according to record retention laws. It shall be at the discretion of each agency to determine where the receipts/documents will be maintained.

Routine Travel—travel required in the course of performing his/her job duties. This does not include non-routine meetings, conferences and out-of-state travel.

State Employee—employee below the level of state officer.

State Officer—

a. state elected officials;

b. department head as defined by Title 36 of the *Louisiana Revised Statutes*, and the equivalent positions in higher education and the office of elected officials.

Suburb—an immediate or adjacent location (overflow of the city) to the higher cost areas which would be within approximately 30 miles of the highest cost area.

Temporary Assignment—any assignment made for a period of less than 31 consecutive days at a place other than the official domicile.

Travel Period—a period of time between the time of departure and the time of return.

Travel Routes—the most direct traveled route must be used by official state travelers.

Travel Scholarships—if any type of scholarship for travel is offered/received by a state traveler, it is the agency/employee's responsibility to receive/comply with all ethic laws/requirements (see R.S. 42:1123).

Traveler—a state officer, state employee, or authorized person performing authorized travel.

Visa—a document or, more frequently, a stamp in a passport authorizing the bearer to visit a country for specific purposes and for a specific length of time.

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§1503. General Specifications

A. Department Policies

1. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the Commissioner of Administration. Three copies of such regulations shall be submitted for prior review and approval by the Commissioner of Administration. One of the copies shall highlight any exceptions/deviations to PPM-49.

2. Department and agency heads will take whatever action necessary to minimize all travel to carry on the department mission.

3. All high cost expenditures (airfare, lodging, vehicle rentals, and registration) must be placed on the LaCarte

purchasing card, travel card or agency CBA programs unless prior approval is granted from the Commissioner of Administration.

4. Department Heads must submit fiscal year exemption request(s) annually. No exemption request(s) is granted on a permanent basis.

5. Grant Funds. Any grant funds paid directly to an agency/university/board must follow PPM 49 rules and regulations

6. Contracted Travel Service. The state has contracted for travel agency services which use is mandatory for airfares unless exemptions have been granted by the Division of Administration, Office of State Travel, prior to purchasing airfare tickets. The contracted travel agency has an online booking system which can and should be used by all travelers for booking airfare. Use of the online booking system can drastically reduce the cost paid per transaction and state travelers are strongly encouraged to utilize.

7. Contracted Hotel Services. The state has a contract for hotel services, with HotelPlanner,

NOTE: Travelers will be responsible for adhering to hotel's cancellation policy that is set by the hotel when booking through Hotelplanner. If a traveler does not cancel a hotel stay within the cancellation time frame that is set by the hotel, the traveler will be responsible for payments. No exceptions unless approval is granted from the Commissioner of Administration.

8. Contracted Vehicles Rentals. The state has contracts for all rentals based out of Louisiana through Enterprise National and Hertz, which use is mandatory.

a. The state has contracts for all out-of-state rental vehicles which use is mandatory. Travelers shall use Hertz, Enterprise, or National for business travel. These contracts are also applicable to all authorized travelers, and contractors.

9. When a state agency enters into a contract with an out-of-state public entity, the out-of-state public entity may have the authority to conduct any related travel in accordance with their published travel regulations.

10. Authorization to Travel

a. All non-routine travel must be authorized with prior approvals in writing by the head of the department, board, or commission from whose funds the traveler is paid. A file shall be maintained, by the agency, on all approved travel authorizations.

b. Annual travel authorizations are no longer a mandatory requirement of PPM-49 for routine travel, however, an agency can continue to utilize this process if determined to be in your department's best interest and to obtain prior approval for annual routine travel. A prior approved travel authorization is still required for non-routine meetings, conferences and out-of-state travel. No agency/university/board may have a blanket authorization for out of state travel.

c. Executive traveler must sign as the traveler but have his/her chief of staff and director of budget sign for travel authorization and travel expenses.

B. Funds for Travel Expenses

1. Persons traveling on official business will provide themselves with sufficient funds for all routine travel expenses not covered by the corporate travel card, LaCarte purchasing card, if applicable, and/or agency's CBA

account. Advance of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the Travel expense form covering the related travel, no later than the fifteenth day of the month following the completion of travel.

2. Exemptions. Cash advance(s) meeting the exception requirement(s) listed below, must have an original and itemized receipt to support all expenditures in which a cash advance was given, including meals. At the agency's discretion, cash advances may be allowed for:

a. state traveler whose salary is less than \$30,000/year;

b. state traveler who accompany and/or are responsible for students or athletes for a group travel advance;

NOTE: In this case and in regards to meals, where there are group travel advancements, a roster with signatures of each group member along with the amount of funds received by each group member, may be substituted for individual receipts (This exception does not apply when given for just an individual employee's travel which is over a group.)

c. state travelers who accompany and/or responsible for client travel;

d. new employees who have not had time to apply for and receive the state's corporate travel card;

e. employees traveling for extended periods, defined as 30 or more consecutive days;

f. employees traveling to remote destinations in foreign countries, such as jungles of Peru or Bolivia;

g. lodging purchase, if hotel will not allow direct bill or charges to agency's CBA and whose salary is less than \$30,000/year;

h. registration for seminars, conferences, and conventions;

i. any ticket booked by a traveler 30 days or more in advance and for which the traveler has been billed, may be reimbursed by the agency to the traveler on a preliminary expense reimbursement request. The traveler should submit the request with a copy of the bill or invoice. Passenger airfare receipts are required for reimbursement;

j. employees who infrequently travel or travelers that incur significant out-of-pocket cash expenditures and whose salary is less than \$30,000/year.

NOTE: For agencies/boards/universities participating in the LaCarte/Travel CBA card programs, group travel must be placed on one of the card programs. This does not eliminate any approvals that must be granted from the Commissioner of Administration and/or Office of State Travel.

3. Sponsored Travel, as related to Act 200, revised August 2018, requires completion of Ethics Disclosure Form 413. It is the traveler's responsibility to properly complete and submit to the Board of Ethics in the time required. The form can be downloaded from <http://ethics.la.gov/pub/CampFinan/Forms/Form413f.pdf?20190402>.

4. Expenses Incurred on State Business. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed herein.

5. CBA (controlled billed account) issued in an agency's name, and paid by the agency may be used for airfare, registration, rental cars, prepaid shuttle charges, lodging and any allowable lodging associated charges such

as parking and internet charges. Other credit cards issued in the name of the state agency are not to be used without written approval.

6. No Reimbursement when No Cost Incurred by Traveler. This includes but is not limited to reimbursements for any lodging and/or meals furnished at a state institution or other state agency, or furnished by any other party at no cost to the traveler. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

C. Claims for Reimbursement

1. All claims for reimbursement for travel shall be submitted on the state's Travel Expense Form, BA-12, unless exception has been granted by the Commissioner of Administration, and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. In all cases the date and hour of departure from and return to domicile must be shown, along with each final destination throughout the trip clearly defined on the form. On the state's Travel Authorization Form GF-4, the second page must be completed with breakdown of the estimated travel expenses. This is necessary for every trip, not just when requesting a travel advance. For every travel authorization request, the "purpose of the trip" for travel must be stated in the space provided on the front of the form.

2. Except where the cost of air transportation, registration, lodging, rental vehicles, shuttle service, and all other allowable charges outlined in the current state of Louisiana State Liability Travel and CBA Policy are invoiced directly to the agency or charged to a state liability card, any and all expenses incurred on any official trip shall be paid by the traveler and his travel expense form shall show all such expenses in detail so that the total cost of the trip shall be reflected on the travel expense form. If the cost of the expenses listed above are paid directly or charged directly to the agency/department, a notation will be indicated on the travel expense form indicating the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler must provide receipts, for all items charged or billed direct to the agency.

3. In all cases, and under any travel status, cost of meals shall be paid by the traveler and claimed on the travel expense form for reimbursement, and not charged to the state department, unless otherwise authorized by the department head or his designee, allowed under the State Liability Travel, CBA and/or LaCarte Purchasing Card Policy or with written approval from the Office of State Purchasing and Travel. A file must be kept containing all of these special approvals.

4. Claims should be submitted within the month following the travel, but preferably held until a reimbursement of at least \$25 is due. Department heads, at their discretion, may make the 30-day submittal mandatory on a department wide basis.

5. Any person who submits a claim pursuant to these regulations and who willfully makes and subscribes to any claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim, which is fraudulent or is false as to any material matter shall be guilty of official misconduct.

Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to disciplinary action as well as being criminally and civilly liable within the provisions of state law.

6. Agencies are required to reimburse travel in an expeditious manner. In no case shall reimbursements require more than 30 days to process from receipt of complete, proper travel documentation.

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§1504. Methods of Transportation

A. Cost-Effective Transportation. The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered are length of travel time, employee's salary, cost of operation of a vehicle, cost and availability of common carrier services, etc. Common carrier shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

B. Air

1. Private Owned or Charter Planes. Before travel by privately-owned or by chartered aircraft is authorized for individual's travel by a department head, the traveler shall certify that: at least two hours of working time will be saved by such travel; and no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose.

a. Chartering a privately owned aircraft must be in accordance with the Procurement Code.

b.i. Reimbursement for use of a chartered or un-chartered privately owned aircraft under the above guidelines will be made on the following basis:

(a). at the rate of \$1.26 per mile; or

(b). at the lesser of coach economy airfare.

ii. If there are extenuating circumstances requiring reimbursement for other than listed above, approval must be granted by the Commissioner of Administration.

c. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be investigated, and such investigation shall be documented and readily available in the department's travel reimbursement files. Optimum utilization will be the responsibility of the department head.

2. Commercial Airlines (receipts required). All state travelers are to purchase commercial airline tickets through the state contracted travel agency. This requirement is mandatory unless approval is granted from the Office of State Travel. (In the event travelers seek approval to go

outside the travel agency, they shall submit their request through their agency travel program administrator, who will determine if the request should be submitted to the Office of State Travel.)

a. While state contractors are not required to use the state's contracted travel agency when purchasing airfare, it will be the agency's responsibility to monitor cost ensuring that the contractor(s) are purchasing the lowest, most logical airfare.

b. The state always supports purchasing the "best value" ticket. Therefore, once all rates are received, the traveler must compare cost and options to determine which fare would be the "best value" for their trip. To make this determination, the traveler must ask the question: Is there a likelihood my itinerary could change or be cancelled? Depending on the response, the traveler must determine if the costs associated with changing a non-refundable ticket (usually around \$200) would still be the best value.

i. Another factor to assist having a travel agent search the lowest fare is advising the agent if traveler is flexible in either your dates or time of travel. By informing the travel agent of your "window of time" for your departure and return will assist them to search for the best price.

ii. Travelers are to seek airfares allowing an ample amount of lead time prior to departure date. The lead-time should be about 10 to 14 days in advance of travel dates to ensure the lowest fares are available.

NOTE: Cost of a preferred or premium seat is not reimbursable. To avoid these charges or to avoid being bumped, a traveler must check in as early as possible. A traveler should check-in online 24 hours prior to a flight or check-in at the airport several hours prior to departure to obtain a seat assignment. Please be aware that it is a strict airline policy that a traveler must check-in, at a minimum, prior to 30 minutes of departure. The airlines are very strict about this policy. Airline rules typically state that if you don't arrive at least 30 minutes before the schedule departure, you may forfeit your reservation. The earlier you arrive at the gate increases the chances of retaining your original reservation and assurance of a seat on the flight purchased.

c. Commercial air travel will not be reimbursed in excess of lowest logical airfare when it has been determined to be the best value (receipts required). The difference between coach/economy class rates and first class or business class rates will be paid by the traveler. Upgrades at the expense of the state are not permitted, without prior approval of the Commissioner of Administration. If space is not available in less than first or business class air accommodations in time to carry out the purpose of the travel, the traveler will secure a certification from the airline or contracted travel agency indicating this fact. The certification is required for travel reimbursement.

d. The policy regarding airfare penalties is that the state will pay for the airfare and/or penalty incurred for a change in plans or cancellation when the change or cancellation is required by the state or other unavoidable situations approved by the agency's department head. Justification for the change or cancellation by the traveler's department head is required on the travel expense form.

e. When an international flight segment is more than 10 hours in duration, the state will allow the business class rate not to exceed 10 percent of the coach rate. The traveler's itinerary provided by the travel agency must document the flight segment as more than 10 hours and must be attached to the travel expense form.

f. A lost airline ticket is the responsibility of the person to whom the ticket was issued. The airline fee of searching and refunding lost tickets will be charged to the traveler. The difference between the prepaid amount and the amount refunded by the airlines must be paid by the employee.

g. Traveler is to use the lowest logical airfare whether the plane is a prop or a jet.

h. Employees may retain hotel reward points and frequent flyer miles, earned on official state travel, unless an agency deems them property of the state. However, if an employee makes travel arrangements that favor a preferred airline/supplier to receive points and this circumvents purchasing the most economical means of travel, they are in violation of this travel policy. Costs for travel arrangements subject to this violation are non-reimbursable.

i. When making airline reservations for a conference, let the travel agent know that certain airlines have been designated as the official carrier for the conference. In many instances, the conference registration form specifies that certain airlines have been designated as the official carrier offering discount rates, if available. If so, giving this information to our contracted agency could result in them securing that rate for your travel.

j. Tickets which are unused by a traveler should always be monitored by the traveler and the agency. Traveler should ensure that any unused ticket is considered when planning future travel arrangements. Some airlines have a policy which would allow for a name change to another employee within the agency. A view of the latest airline policies regarding unused tickets are available at the State Travel Office's website <https://www.doa.la.gov/doa/ost/airfare-airport/>

i. Ultimately, it is the traveler's responsibility to determine, upon initial notification of an unused ticket and then every 30 days thereafter, if they will be utilizing the unused ticket. If it is determined that the ticket will not be utilized prior to expiration and there is a possibility to transfer the ticket, the traveler must immediately advise the agency travel administrator that the ticket is available for use by another employee, section or agency. The traveler administrator should then act accordingly.

ii. In addition, the department head, at a minimum of three months prior to expiration, must review all unused airfare to determine, based on the traveler's justification, if reimbursement from the traveler must be made to the agency for the amount of the unused ticket. All files must be properly documented.

iii. This may be accomplished with the unused ticket report sent to each agency program administrator each month from the contracted travel agency. This report in conjunction with employee notifications while booking other flights and employee email notifications every 120, 90, 60, 30 and 14 days prior to ticket expiration should be more than sufficient to reduce the loss of reusable airfare.

C. Motor Vehicle

1. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid U.S. driver's license. Safety restraints shall be used by the driver and passengers of vehicles. All accidents, major or minor, shall be reported first to the local police department or appropriate law

enforcement agency. In addition, an accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and must be returned to ORM, together with names and addresses of principals and witnesses. Any questions about this should be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

2.a. Operating a state owned vehicle, state-rented vehicle or state-leased vehicle or operating a non-state-owned vehicle for state business while intoxicated as set forth in R.S. 14:98 and 14:98.1 is strictly prohibited, unauthorized, and expressly violates the terms and conditions of use of said vehicle. In the event such operation results in the employee being convicted of, pleading nolo contendere to, or pleading guilty to driving while intoxicated under R.S. 14:98 and 14:98.1, such would constitute evidence of the employee:

- i. violating the terms and conditions of use of said vehicle;
- ii. violating the direction of his/her employer; and
- iii. acting beyond the course and scope of his/her employment with the state of Louisiana.

b. Personal use of a state-owned, state-rented or state-leased vehicle is not permitted.

3. No person may be authorized to operate or travel in a state owned or rental vehicle unless that person is a classified or unclassified state officer or employee of the state of Louisiana; any duly appointed member of a state board, commission, or advisory council; or any other person who has received specific approval and is deemed as an "authorized traveler" on behalf of the state, from the department head or his designee to operate or travel in vehicle on official state business only. A file must be kept containing all of these approvals.

4. Any persons who are not official state employees, as define above must sign an Acknowledgement of non-state employees utilizing state vehicles form, located at the Office of State Travel's website, <https://www.doa.la.gov/oa/ost/forms/> prior to riding in or driving a state-owned vehicle or rental vehicle on behalf of the State. Each agency is responsible in ensuring that this along with any other necessary documents and requirements are completed and made part of the travel file prior to travel dates.

5. Students not employed by the state shall not be authorized to drive state-owned or rented vehicles for use on official state business. A student may be deemed as an "authorized traveler" on behalf of the state by the department head or his designee. An authorized traveler can be reimbursed for their travel expenses. The acknowledgement of non-state employees utilizing state vehicles form acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel must be signed as part of the approval process. A file must be kept containing all of these approvals.

6. Persons operating a state owned, rental or personal vehicle on official state business will be completely responsible for all traffic, driving, and parking violations received. This does not include state-owned or rental vehicle violations, i.e. inspections sticker, as the state and/or rental

company would be liable for any cost associated with these types of violations.

7. State-Owned Vehicles

a. Travelers in state-owned automobiles who purchase needed fuel, repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Reimbursements require a receipt and only regular unleaded gasoline, or diesel when applicable, must be used. This applies for both state owned vehicles and rental vehicles, as mid-grade, super, plus or premium gasoline is not necessary. If traveler utilizes anything other than regular unleaded gasoline unless vehicle requires diesel, or any other manufactory mandated grade, without justification and prior approval from the agency department head, traveler must reimburse the agency the difference between what was paid and the state average gasoline rates. Each agency/department shall familiarize itself with the existence of the fuel/repair contract(s), terms and conditions as well as location of vendors.

b. State-owned vehicles may be used for out-of-state travel only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files. When the use of a state-owned vehicle has been approved by the department head for out-of-state travel for the traveler's convenience; the traveler is personally responsible for any other expense in-route to and from their destination, which is inclusive of meals and lodging. If a traveler, at the request of the department, is asked to take his/her personally, owned vehicle out-of-state for a purpose that will benefit the agency, then the department head may on a case-by-case basis determine to pay a traveler for all/part of in-route travel expenses.

c. Unauthorized persons should not be transported in state vehicles. Approval of exceptions to this policy may be made by the department head if he determines that the unauthorized person is part of the official state business and the passenger (or passenger's guardian) signs an acknowledgement of non-state employees utilizing state vehicles form acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

d. If a state vehicle is needed/requested to be brought to the home of a state traveler overnight, then the agency/traveler should ensure it is in accordance with requirements outlined in R.S. 39:361-364.

8. Personally Owned Vehicles

a. When two or more persons travel in the same personally owned vehicle, only one charge will be allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

b. At the discretion of the Department head or his/her designee, mileage to and from airport(s) may be allowed while on official state business. This approval may include reimbursement for an employee who is being dropped off and/or picked up from airports. Reimbursement

may not exceed a maximum of 99 miles per round trip and/or day at a rate of .56 cents per mile. Personal vehicle mileage reimbursements require an odometer reading or website mileage calculator.

c. A mileage allowance shall be authorized for travelers approved to use personally-owned vehicles while conducting official state business. Mileage may be reimbursable at no more than \$0.56 per mile, based on actual physical addresses and in accordance with the following.

i. For official in-state business travel:

(a). employee should utilize a state vehicle when available;

(b). employee may rent a vehicle from the State's in-state contracts Enterprise, National and Hertz if a state vehicle is not available and travel exceeds 100 miles; or

(c). if an employee elects to use his/her personal vehicle, reimbursement may not exceed a maximum of 99 miles per round trip and/or day (day or the return to domicile) at \$0.56 per mile.

Please note that mileage is applicable for round trip (multiple days) and/or round trip (one day).

Example No. 1: If someone leaves Baton Rouge, travels to New Orleans and returns that same day, they are entitled to 99 miles maximum for that day trip if they choose to drive their personal vehicle.

Example No. 2: If someone leaves Baton Rouge, travels to New Orleans, and returns two days later, they are entitled to 99 miles maximum for the entire "trip" if they choose to drive their personal vehicle.

Example No. 3: If someone leaves Baton Rouge, travels to New Orleans then on to Lafayette, Shreveport, Monroe and returns to the office four days later, they are entitled to 99 miles maximum for the entire "trip" if they choose to drive their personal vehicle.

d. Mileage shall be computed by one of the following options:

i. on the basis of odometer readings from point of origin to point of return;

ii. by using a website mileage calculator or a published software package for calculating mileage such as Tripmaker, How Far Is It, Mapquest, etc. Employee is to print the page indicating a physical address, mileage and attach it with his/her travel expense form.

e. An employee shall never receive any benefit from not living in his/her official domicile. In computing reimbursable mileage, while the employee is on official state travel status, to an authorized travel destination from an employee's residence outside the official domicile, the employee is always to claim the lesser of the miles from their official domicile or from their residence. If an employee is leaving on a non-work day or leaving significantly before or after work hours, the department head may determine to pay the actual mileage from the employee's residence not to exceed a maximum of 99 miles per round trip and/or day at \$0.56 per mile. See example in Subparagraph C.8.b above.

f. The department head or his designee may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties; this may include domicile travel if such is a regular and necessary part of the employee's duties, but not for

attendance to infrequent or irregular meetings, etc., within the city limits where his/her office is located, the employee may be reimbursed for mileage only not to exceed a maximum of 99 miles per round trip and/or day at \$0.56 per mile. See example in Subparagraph C.8.b above.

g. Reimbursements will be allowed on the basis of \$0.56 per mile, not to exceed a maximum of 99 miles per round trip and/or day, to travel between a common carrier/terminal and the employees point of departure, i.e., home, office, etc., whichever is appropriate and in the best interest of the state. See example in Subparagraph C.8.b above.

h. When the use of a privately-owned vehicle has been approved by the department head for out-of-state travel for the traveler's convenience, the traveler will be reimbursed for mileage on the basis of \$0.56 per mile only not to exceed a maximum of 99 miles per round trip and/or day. If prior approval for reimbursement of actual mileage is requested and granted by the Commissioner of Administration, the total cost of the mileage reimbursement may never exceed the cost of a rental vehicle or the cost of travel by using the lowest logical airfare obtained at least 14 days prior to the trip departure date, whichever is the lesser of the two. The reimbursement would be limited to one lowest logical airfare quote, not the number of persons traveling in the vehicle. The traveler is personally responsible for any other expenses in-route to and from destination which is inclusive of meals and lodging. If a traveler, at the request of the department, is asked to take his/her personally owned vehicle out-of-state for a purpose that will benefit the agency, then the department head may on a case-by-case basis determine to pay a traveler for all/part of in-route travel expenses, however, mileage reimbursement over 99 miles would still require prior approval from the Commissioner of Administration's approval. In this case, once approval is obtained from the Commissioner of Administration to exceed 99 miles, then the department head may authorize actual mileage reimbursements. File should be justified accordingly.

i. When a traveler is required to regularly use his/her personally owned vehicle for agency activities, the agency head may request prior authorization from the Commissioner of Administration for a lump sum allowance for transportation or reimbursement for transportation (mileage). Request for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route and justification why a rental vehicle is not feasible. Miscellaneous travel must be justified by at least a three-month travel history to include a complete mileage log for all travel incurred, showing all points traveled to or from and the exact mileage. Request for lump sum allowance shall be granted for periods not to exceed one fiscal year. A centralized file must be kept containing all approvals.

NOTE: Once someone is given a monthly vehicle allowance or lump sum allowance, they are not to be reimbursed for mileage, fuel or rental vehicles. Rental could be allowed only when flying out of state.

j. In all cases, the traveler shall be required to pay all operating expenses for his/her personal vehicle including fuel, repairs, and insurance.

k.i. The only exemptions which would not require the Commissioner of Administration's prior approval for actual mileage exceeding 99 miles are for:

(a). members of boards and commissions, not administration/office personnel;

(b). students who are traveling on a grant, scholarship, and any other occasion where the student's use of a personal vehicle is the best and/or only method of transportation available.

ii. Although the Commissioner's approval is not necessary, Department head approval is still required.

9. Rented Motor Vehicles (Receipts Required). Any rental vehicles not covered in the state's in-state or out-of-state contracts should be bid in accordance with proper purchasing rules and regulations. The state has contracts for all vehicle rentals based out of Louisiana through Enterprise, National and Hertz which use is mandatory for business travel. These contracts are applicable to all authorized travelers, and contractors. The state has contracts for out-of-state vehicles rentals. Travelers shall use Hertz, Enterprise-Rent-A-Car, or National which use is mandatory for business travel. These contracts are also applicable to all authorized travelers, and contractors.

a. In-State Vehicle Rentals. The state has contracted for all rentals based out of Louisiana through Enterprise, National and Hertz Rental Contract, which use is mandatory, for business travel which applies to all state of Louisiana employees and/or authorized travelers, contractors, etc. traveling on official state business.

i. A rental vehicle should be used, if a state owned vehicle is not available, for all travel over 99 miles. All exemptions must be requested and granted by the Commissioner of Administration for reimbursements which exceed 99 miles prior to the trip. Requests for exemption must be accompanied by a detailed explanation as to why a rental is not feasible. If an exemption from the program is granted by the Commissioner of Administration as stated above, then the employee will not be required to rent a vehicle and may receive actual mileage reimbursement up to \$0.56 per mile.

ii. All state contractors, who have entered into a contract with the state of Louisiana, and whose contracts are required to follow PPM 49 for travel reimbursements, are required to utilize both in-state and out-of-state mandatory contracts awarded by the State.

iii. Although exemptions may be granted, by the Commissioner of Administration, all must adhere to the current mileage reimbursement rate of no more than \$0.56 per mile.

iv. The only exemption which would not require the Commissioner of Administration's prior approval for exceeding the 99 miles reimbursement and receiving actual mileage reimbursements is for members of boards and commissions, not administration/office personnel, and for students which are traveling on a grant, scholarship, or any other occasion where use of a personal vehicle is the best and/or only method of transportation available. Department head approval is required. Board and commission members may receive actual mileage reimbursement of no more than \$0.56 per mile.

v. For trips of 100 miles or more, any employee and/or authorized traveler, should use a state owned vehicle

or rental from Enterprise, National and Hertz State Motor Pool Rental Contract, when a state vehicle is not available.

vi. For trips of less than 100 miles employees should utilize a state vehicle when available, may utilize their own vehicle and receive mileage reimbursement not to exceed a maximum of 99 miles per round trip and/or day at \$0.56 per mile or may rent a vehicle from Enterprise State Motor Pool Rental Contract.

vii. Reservations are not to be made at an airport location for daily routine travel, as this will add additional unnecessary cost to your rental charges. An employee must purchase gasoline with the State's Fuel Card or any other approved credit card at reasonable cost from a local gasoline station prior to returning the rental. Pre-paid Fuel Options or replacement of gasoline, in any way, from the rental company, for rental vehicles, are not allowed. If traveler utilizes any gasoline options or programs allowing rental vehicle companies to replace gasoline; or uses anything other than regular unleaded gasoline, unless vehicle requires diesel or any other manufactory-mandated grade, without justification and prior approval from the agency Department Head, traveler must reimburse the agency the difference between what was paid and the state average gasoline rate. Each agency/department shall familiarize itself with the existence of the State's fuel/repair contract(s), terms and conditions as well as locations of vendors.

b. Payments Rentals through the State Rental Contracts may be made using the "LaCarte" purchasing card, an agency's CBA account, an employee's state corporate travel card or by direct bill to the agency. This will be an agency decision as to the form of payment chosen. If direct bill is chosen, agency must set up account billing information with Enterprise, National and Hertz. An account for Enterprise and National may be established by contacting Joseph Rosenfeld at 225-445-7250, joseph.g.rosenfeld@ehi.com and for Hertz Nadika Perera at 239-301-7635 or Nadika.Perera@hertz.com

c. Out-of-State Vehicle Rentals. The state has contracted for rental vehicles for domestic and out-of-state travel, excluding Louisiana and international travel, utilizing the state of Louisiana's out-of-state contracts, which use is mandatory. All state of Louisiana employees and/or authorized travelers, contractors are mandated to use these contracts due to exceptional pricing which includes CDW (Collision Damage Waiver) and \$1,000,000 liability insurance. The state of Louisiana out-of-state participating vendors include Enterprise Rent-A-Car, National Car Rental and Hertz Car Rental Corporation. It is the traveler's discretion which rental company is utilized.

d. All state contractors who have entered into a contract with the state of Louisiana, and whose contracts are required to follow PPM49 for travel reimbursements, are required to utilize both in-state and out-of-state mandatory contracts awarded by the state.

e. Although exemptions may be granted, by the Commissioner of Administration, all must adhere to the current mileage reimbursement rate of no more than \$0.56 per mile.

f. The only exemption which would not require the Commissioner of Administration's approval for exceeding 99 miles reimbursement and receiving actual mileage reimbursements is for students which are traveling on a

grant, scholarship, or any other occasion where use of a personal vehicle is the best and/or only method of transportation available. Department head approval is required.

g. Approvals. Written approval of the department head or his designee prior to departure is not required for the rental of vehicles, however, if your agency chooses, approval may be made mandatory or handled on an annual basis if duties require frequent rentals. Special approval is required, from the department head or his/her designee, for rental of any vehicle in the "full size" category or above. File must include proper justification.

h. Vehicle Rental Size

i. Only the cost of a compact or standard/intermediate model is reimbursable, unless:

(a). non-availability is documented; or

(b). the vehicle will be used to transport more than two persons.

NOTE: When a larger vehicle is necessary as stated in 1 or a larger vehicle is necessary due to the number of persons being transported, the vehicle shall be upgraded only to the next smallest size and lowest price necessary to accommodate the number of persons traveling.

ii. A department head or his/her designee may, on a case-by-case basis, authorize a larger size vehicle provided detailed justification is made in the employee's file. Such justification could include, but is not limited to, specific medical requirements when supported by a doctor's recommendation.

i. Personal Use of Rental. Personal use of a rental vehicle, when rented for official state business, is not allowed.

10. Gasoline (Receipts Required). Reimbursements require an original receipt and only regular unleaded gasoline, or diesel when applicable, must be used. This applies for both state-owned vehicles and rental vehicles, as mid-grade, super, plus or premium gasoline is not necessary. An employee must purchase gasoline from a local gasoline station prior to returning the rental. Pre-paid fuel options or replacement of gasoline, in any way, from the rental company, for rental vehicles, are only to be allowed. If traveler utilizes any gasoline options or programs allowing rental vehicle companies to replace gasoline; or uses anything other than regular unleaded gasoline, unless vehicle requires diesel or any other manufactory mandated grade, without justification and prior approval from the agency department head, traveler must reimburse the agency the difference between what was paid and the state average gasoline rate. Each agency/department shall familiarize itself with the existence of the fuel/repair contract(s), terms and conditions as well as locations of vendors.

11 Insurance for Vehicle Rentals within the 50 United States. Insurance billed by car rental companies is not reimbursable. All insurance coverage for rental vehicles, other than the state's in-state and out-of-state mandatory contracts, is provided by the Office of Risk Management. Should a collision occur while on official state business, the accident should immediately be reported to the Office of Risk Management and rental company. Any damage involving a third party must be reported to appropriate law enforcement entity to have a police report generated.

a. CDW/damage waiver insurance and \$1 million liability protection coverage is included in the state in-state and out-of-state rental contract pricing.

NOTE: Lost keys and car door unlocking services for rental vehicles are not covered under the damage waiver policy and are very costly. The agency should establish an internal procedure regarding liability of these costs.

b. No other insurance will be reimbursed when renting, except when renting outside the 50 United States, see §1504.C.3.i. There should be no other charges added to the base price, unless the traveler reserves the vehicle at an airport location (which is not allowed for daily routine travel unless prior approval from the Commissioner of Administrator). Reimbursable amounts would then be submitted at the end of the trip on a travel expense form.

c. Insurance for Vehicles Rentals outside the 50 United States (Receipts Required). The Office of Risk Management (ORM) recommends that the appropriate insurance (liability and physical damage) provided through the car rental company be purchased when the traveler is renting a vehicle outside the 50 United States. With the approval of the department head or his/her designee required insurance costs may be reimbursed for travel outside the 50 United States only.

12. The following are insurance packages available by rental vehicle companies which are reimbursable:

a. collision damage waiver (CDW)—should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and submit a reimbursement claimed on a travel expense form. The accident should also be reported to the Office of Risk Management;

b. loss damage waiver (LDW);

c. auto tow protection (ATP)—*approval of department head;

d. supplementary liability insurance (SLI)—*if required by the rental company;

e. theft and/or super theft protection (coverage of contents lost during a theft or fire)—*if required by the car rental company;

f. vehicle coverage for attempted theft or partial damage due to fire—*if required by the car rental company.

13. The following are some of the insurance packages available by rental vehicle companies that are not reimbursable:

a. personal accident coverage insurance (PAC);

b. emergency sickness protection (ESP).

14. Navigation equipment (GPS system), rented not purchased, from a rental car company, may only be reimbursed if an employee justifies the need for such equipment and with prior approval of the department head or his designee.

D. Public Ground Transportation. The cost of public ground transportation such as buses, subways, airport shuttle/limousines, and taxis are reimbursable when the expenses are incurred as part of approved state travel. See receipt requirements below.

1. Public transportation to and from the airport, while on official state business, may be reimbursed with a receipt.

a. If utilizing Uber or Lyft type services, only a standard size vehicle is reimbursable with an itemized

receipt. Premium or larger vehicles size are not reimbursable. Any additional charges other than standard fare rates are not reimbursable (i.e. wait time fees). Travelers should utilize the most economic ground transportation without occurring additional markup fees.

b. When travelers utilize a free shuttle service, a \$5.00 tip may be allowed (no receipt is required). This is not an automatic tip reimbursement, as travelers must show proof that the service was utilized

2. Airport shuttle/limousines, taxi and all other public transportation where a receipt is available, requires a receipt for reimbursements. A driver's tip for shuttle/limousines and taxis may be given and must not exceed 20 percent of total charge. Amount of tip must be included on receipt received from driver/company.

3. All other forms of public ground transportation, where a receipt is not possible and other than those listed above, are limited to \$10 per day without a receipt, claims in excess of \$10 per day requires a receipt. At the agency's discretion, the department head may implement an agency wide policy requiring receipts for all public transportation request less than \$10 per day.

4. To assist agencies with verification of taxi fares, you may contact the taxi company for an estimate or visit sites such as taxifarefinder.com. An employee should always get approval, prior to a trip, if multiple taxis will be used; as it may be in the agency's best interest to rent a vehicle versus reimbursement of multiple taxi expenses.

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§1505. State Issued Travel Credit Cards/CBA Accounts

A. Use. All high cost expenditures (airfare, lodging, vehicle rentals, and registration) must be placed on the LaCarte purchasing card, travel card or agency CBA programs unless prior approval is granted from the Commissioner of Administration. The State Travel Office contracts for an official state corporate travel card to form one source of payment for travel. If a supervisor recommends an employee be issued a state travel card, the employee should complete an application through their agency travel program administrator. The State Travel Office contracts for an official state corporate travel card to form one source of payment for travel. If a supervisor recommends an employee be issued a state travel card, the employee should complete an application through their agency travel program administrator.

1. The employee's corporate travel card is for official state travel business purposes only. Personal use on the state travel card shall result in disciplinary action.

2. If a vendor does not accept credit card payment for, registration or lodging expense, the Department Head may

approve for payment(s) to be made by other means. Traveler must submit supporting documentation from vendor stating they do not accept credit card payments. The supporting document must be kept with the travel expense form.

B. Liability

1. The corporate travel card is the liability of the state. Each monthly statement balance is due in full to the card-issuing bank. The state will have no tolerance to assist those employees who abuse their travel card privileges.

2. The department/agency is responsible for cancellation of corporate travel cards for those employees terminating/retiring from state service.

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§1506. Lodging and Meals

A. Eligibility

1. Official Domicile/Temporary Assignment. Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless exception is granted in accordance with these regulations. Temporary assignment will be deemed to have ceased after a period of 30 calendar days, and after such period the place of assignment shall be deemed to be his/her official domicile. He/she shall not be allowed travel and subsistence unless permission to extend the 30-day period has been previously secured from the Commissioner of Administration.

2. Extended Stays. For travel assignments approved by the Commissioner of Administration involving duty for extended periods (31 or more consecutive days) at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reported on a per diem basis supported by lodging receipt. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel.

a. The only exemption, for travel of 31 days or more which does not require the Commissioner of Administration's approval, are students, professors or other state traveler which are traveling on a grant, scholarship, studying abroad or any other occasion where funds utilized are other than state general funds. Department head approval is required.

3. Single Day Travel

a. Meals are not eligible for reimbursements on single day travel. This means that when an authorized traveler of the state is in travel status where no overnight stay is required, no meals are eligible for reimbursement.

Each department head or their designees are to determine the reasonableness of when an overnight stay is justified.

b. However, the department head will be allowed to authorize single day meal reimbursements on a case-by-case basis or by type(s) of single day travel when it is determined to be in the best interest of the department. In those cases, the department must keep the approvals in the travel file and must be responsible to take appropriate steps to report the reimbursement as wages to the employee.

c. If a department head or his/her designee determines that single day meals will be provided for, they must adhere to the following allowances. To receive any meal reimbursement on single day travel, an employee must be in travel status for a minimum of 12 hours.

i. The maximum allowance for meal reimbursement for single-day travel will be \$45:

(a). breakfast and lunch: (\$28). The 12-hours travel duration must begin at or before 6 a.m.;

(b). lunch: (\$16); requires a 14-hour duration in travel status;

(c). lunch and dinner: (\$45). The 12-hour travel duration must end at or after 8 p.m.

4. Travel with Over-Night Stay (minimum of 12 hours in travel status). Travelers may be reimbursed for meals according to the following schedule:

a. breakfast—when travel begins at/or before 6 a.m. on the first day of travel or extends at/or beyond 9 a.m. on the last day of travel, and for any intervening days;

b. lunch—when travel begins at/or before 10 a.m. on the first day of travel or extends at/or beyond 2 p.m. on the last day of travel, and for any intervening days;

c. dinner—when travel begins at/or before 4 p.m. on the first day of travel or extends at/or beyond 8 p.m. on the last day of travel, and for any intervening days.

5. Alcohol. Reimbursement for alcohol is prohibited.

B. Exceptions

1. Routine Lodging Overage Allowances (Receipts Required). Department head or his/her designee has the authority to approve actual costs for routine lodging provisions on a case by case basis, not to exceed 50 percent over PPM-49 current listed rates. (Note this authority is for routine lodging only and not for conference lodging or any other area of PPM-49) Justification and approval must be maintained in the file to show that attempts were made with hotels in the area to receive the state/best rate. In areas where the governor has declared an emergency, a department head or his/her designee will have the authority to approve actual routine lodging provisions on a case by case basis not to exceed 75 percent over PPM-49 current listed rates. Each case must be fully documented as to necessity (e.g., proximity to meeting place) and cost effectiveness of alternative options. Documentation must be readily available in the department's travel reimbursement files.

2. Actual Expenses for Elected Officials, Board Members (if allowed by the Board) and State Officers (Itemized receipts are required for each item claimed): Elected Officials, Board Members (if allowed by the Board) and State Officers and others so authorized by statute, or any individual preapproved exception will be reimbursed on an actual expense basis for meals and lodging, while in travel status, except in cases where other provisions for reimbursement have been made by statute. (Itemized

Receipts(s) Required) Request shall not be extravagant and will be reasonable in relation to the purpose of travel. Elected Officials, Board Members (if allowed by the Board) and State officers entitled to actual expense reimbursements are only exempt from meals and lodging rates; they are subject to the time frames and all other requirements as listed in these travel regulations.

C. Meals and Lodging Allowances (meal rates are not a per diem; only the maximum allowed while in travel status)

1. Meal Allowance (includes tax and tips). Receipts are not required for routine meals within these allowances, unless a cash advance was received. (See §1503.B.2). Number of meals claimed must be shown on travel expense form. For meal rates, the inclusion of suburbs (see definition of *suburb*) shall be determined by the department head or his/her designee on a case-by-case basis. See tier pricing below. Partial meals such as continental breakfast or airline meals are not considered meals.

NOTE: If a meal is included in a conference schedule, it is part of the registration fee, therefore, an employee cannot request/receive additional reimbursement for that meal.

2. Meals with relatives or friends may not be reimbursed unless the host can substantiate costs for providing for the traveler. The reimbursement amount will not automatically be the meal cost for that area, but rather the actual cost of the meal.

Example: The host would have to show proof of the cost of extra food, etc. Cost shall never exceed the allowed meal rate listed for that area.

3. Routine Lodging Allowance. The state has contracted for all hotel expenditures through HotelPlanners contract. Lodging rate, plus tax and any mandatory surcharge. (Receipts are required.) For lodging rates, the inclusion of suburbs (see definition of *suburb*) shall be determined by the department head on a case-by-case basis. Employees should always attempt to use the tax exempt form located on the State Travel website for all in-state lodging <https://www.doa.la.gov/media/er0b21wj/travelexemption-travelexpense.pdf>. When traveling in-state on official state business, and must be used if hotel expenses are being charged to employee's state corporate travel card, the LaCarte Card or the agency's CBA account. When two or more employees on official state business share a lodging room, the state will reimburse the actual cost of the room; subject to a maximum amount allowed for an individual traveler times the number of employees.

NOTE: For any overages which exceed PPM 49 (i.e. hotels, rentals etc...), without prior approval, along with justification, the traveler will be responsible for reimbursing the agency.

4. Lodging with relatives or friends may not be reimbursed unless the host can substantiate costs for accommodating the traveler. The amount will not automatically be the lodging cost for that area, but rather the actual cost of accommodations. Example: The host would have to show proof of the cost of extra water, electricity, etc. Cost shall never exceed the allowed routine lodging rate listed for that area. Department head or his/her designee's approval must be provided to allow lodging expenses to be direct billed to an agency.

5. Conference Lodging Allowance. Employees may be allowed lodging rates, plus tax (other than state of Louisiana tax) and any mandatory surcharge. Receipts are required along with documentation showing the actual conference rate. Department head or his/her designee has the

authority to approve the actual cost of conference lodging, for a single occupancy standard room, when the traveler is staying at the designated conference hotel. If there are multiple designated conference hotels, the lower cost designated conference hotel should be utilized, if available. In the event the designated conference hotel(s) have no room availability, a department head or his/her designee may approve to pay actual hotel cost not to exceed the conference lodging rates for other hotels in the immediate vicinity of the conference hotel. This allowance does not include agency hosted conference lodging allowances; see §1510 for these allowances. In the event a traveler chooses to stay at a hotel which is not associated with the conference, then the traveler is subject to making reservation and getting reimbursed within the hotel rates that will be allowed in routine lodging only, as listed below.

NOTE: Training courses which are several days and have a designated hotel and rate, can be considered a "conference hotel" and therefore the designated rate can be allowed.

6. Resort fees are not allowed unless attending a conference and/or if a traveler is staying in a city where all hotels are charging a resort fee.

NOTE: Resort fees, added value charges, cleaning fees, etc... are not reimbursable.

7. Tax Recovery Charges, Service fees and/or Booking fees are not allowed when booking through companies other than State of Louisiana Mandate Travel Agency or their affiliated company.

8. Traveler will be responsible for reimbursing agency for any In-state taxes when tax exemption form is not presented at time of check-in at hotel.

9. No reimbursements are allowed for functions not relating to a conference, i.e., tours, dances, golf tournaments, etc.

10. If staying at a designated conference hotel or the overflow hotel(s) you may not rent a vehicle unless prior approval is granted from the department head. Rental must be for official state business needs with supporting documentation maintained in the file.

TIER I	
Breakfast	\$12
Lunch	\$16
Dinner	\$29
Total	\$57
Lodging Area	
In-State Cities (except as listed)	\$96
Alexandria/Leesville/Natchitoches	\$99
Baton Rouge-EBR	\$99
Covington/Slidell-St.Tammany	\$96
Lake Charles-Calcasieu	\$96
Lafayette	\$96

TIER II	
Breakfast	\$13
Lunch	\$18
Dinner	\$31
Total	\$62

TIER II	
Lodging Area	Routine Lodging
New Orleans – Orleans, St. Bernard, Jefferson and Plaquemines Parishes	\$136
July- September	\$136
October - December	\$158
January - May	
Out-Of-State (Except Cities Listed in Tier III & IV)	\$96

TIER III	
Breakfast	\$13
Lunch	\$19
Dinner	\$33
Total	\$65
Lodging Area	
Austin, TX; Atlanta, GA; Cleveland, OH; Dallas/Fort Worth, TX; Denver, CO; Ft. Lauderdale, FL; Hartford, CT; Houston, TX; Kansas City, MO; Las Vegas Los Angeles, CA; Miami, FL; Minneapolis/St. Paul, MN; Nashville, TN; Oakland, CA; Orlando, FL; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Portland, OR; Sacramento, CA; San Antonio, TX; San Diego, CA; Sedona, AZ; St. Louis, MO; Wilmington, DE; all of Alaska and Hawaii; Puerto Rico; Virgin Island; American Samoa; Guam, Saipan	\$170

TIER IV	
Breakfast	\$14
Lunch	\$21
Dinner	\$36
Total	\$71
Lodging Area	
Baltimore, MD; San Francisco, CA; Seattle, WA; Chicago, IL; Boston, MA	\$212
Alexandria, VA; Arlington, VA; New York City, NY; Washington DC	\$225
International Cities	\$200

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§1507. Parking and Related Parking Expenses

A. Parking at the Baton Rouge Airport. The state's current contract rate is \$4.50 per day (receipts required) for parking in the indoor parking garage as well as the outside, fenced parking lot at the Baton Rouge airport. Documentation required to receive the contract price is the

airport certificate and a state ID. If the agency does not issue a state ID, the traveler would need a business card and a driver's license along with the certificate to be eligible for the state contracted rate. Airport certificate may be found on State Travel Office's website at <https://www.doa.la.gov/oa/ost/parking/>

B. New Orleans Airport Parking. At this time, only USPARK's, uncovered parking is reimbursable at a rate of \$14/day plus tax with a receipt (as published on USPARK.net). In the event that USPARK has no availability, prior approval from the Office of State Travel must be obtained to receive actual reimbursement for other airport parking in New Orleans.

C. Travelers using motor vehicles on official state business may be reimbursed for all other parking, including airport parking except as listed in A and B above, ferry fares, and road and bridge tolls. For each transaction over \$5, a receipt is required.

D. Tips for valet parking not to exceed \$5 per day.

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§1508. Reimbursement for Other Expenses (These charges are while in travel status only.)

A. The following expenses incidental to travel may be reimbursed.

1. Communications Expenses

a. For Official State Business—all business communication costs may be reimbursed (receipts required).

NOTE: If a traveler has an official state phone and/or is receiving a monthly stipend, reimbursements are not allowed.

b. For Domestic Overnight Travel—up to \$3 for personal calls upon arrival at each destination and up to \$3 for personal calls every second night after the first night if the travel extends several days. Note: If a traveler has an official state phone and/or is receiving a monthly stipend, reimbursements are not allowed.

c. For International Travel—up to \$10 for personal calls upon arrival at each destination and up to \$10 for personal calls every second night after the first night if the travel extends several days. Note: If a traveler has an official state phone and/or is receiving a monthly stipend, reimbursements are not allowed.

d. Internet access charges for official state business from hotels or other travel locations are treated the same as business telephone charges. A department may implement a stricter policy for reimbursement of Internet charges. (Receipts required)

B. Charges for Storage and Handling of State Equipment. Materials can be placed on the agency's CBA account. (Receipts Required)

C. Baggage Tips

1. Hotel Allowances—up to \$5 tip per hotel check-in and \$5 tip per hotel checkout, if applicable.

2. Airport Allowances—up to \$5 tip for airport outbound departure trip and \$5 tip for inbound departure trip. (Maximum total for entire trip is not to exceed \$10.)

D. Luggage Allowances (Receipt Required). A department head or his designee may approve reimbursement to a traveler for airline charges for first checked bag for a business trip of 5 days or less and for the second checked bag for a 6-10 day business trip and/or any additional baggage which is business related and required by the department. The traveler must present a receipt to substantiate these charges.

1. Travelers will be reimbursed for excess baggage charges (overweight baggage) only in the following circumstances:

a. when traveling with heavy or bulky materials or equipment necessary for business;

b. the excess baggage consists of organization records or property.

NOTE: Traveler should always consider shipping materials to final destination or splitting materials into additional pieces of luggage to avoid the excess baggage charges in order to save their agency costs.

E. Registration Fees at Conferences (Meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head.). Note: If a meal is included in a conference schedule, it is part of the registration fee, therefore, an employee cannot request/receive additional reimbursement for that meal.

F. Laundry Services. Employees on travel for more than seven days may be reimbursed with department head or his/her designee's prior approval, up to actual, but reasonable, costs incurred. Receipts are required for reimbursement.

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§1509. Special Meals

A. Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement and where reimbursement is not available from another source. Requests should be within reason and may include tax and tips. Itemized receipts are required.

1. Visiting dignitaries or executive-level persons from other governmental units, and persons providing identified gratuity services to the state. This explicitly does not include

normal visits, meetings, reviews, etc., by federal or local representatives.

2. Extraordinary situations are when state officer or state employees are required by their supervisor to work more than a 12-hour weekday or six hours on a weekend (when such are not normal working hours to meet crucial deadlines or to handle emergencies).

B. All special meals must have prior approval from the Commissioner of Administration or, for higher education, the entity head or his designee in order to be reimbursed, unless specific authority for approval has been delegated to a department head for a period not to exceed one fiscal year with the exception in Subsection C, as follows.

C. A department head may authorize a special meal within allowable rates listed under meals, Tier 1, to be served in conjunction with a working meeting of departmental staff (sign-in sheet required). Reasonable delivery fee and tip may be allowed if ordered from outside vendor. No tip should ever exceed 20 percent.

D. In such cases, the department will report on a quarterly basis to the Commissioner of Administration all special meal reimbursements made during the previous three months. For higher education, these reports should be sent to the respective institution of higher education management board. These reports must include, for each special meal, the name and title of the person receiving reimbursement, the name and title of each recipient, the cost of each meal and an explanation as to why the meal was in the best interest of the state. Renewal of such delegation will depend upon a review of all special meals authorized and paid during the period. Request to the commissioner for special meal authorization must include, under signature of the department head:

1. name and position/title of the state officer or employee requesting authority to incur expenses and assuming responsibility for such;

2. clear justification of the necessity and appropriateness of the request;

3. names, official titles or affiliations of all persons for whom reimbursement of meal expenses is being requested;

4. statement that allowances for meal reimbursement according to these regulations will be followed unless specific approval is received from the Commissioner of Administration to exceed this reimbursement limitation:

a. all of the following must be reviewed and approved by the department head or his/her designee prior to reimbursement:

i. detailed breakdown of all expenses incurred, with appropriate receipts(s);

ii. subtraction of cost of any alcoholic beverages;

iii. copy of prior written approval from the Commissioner of Administration or, for higher education, the entity head or his/her designee.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1118 (June 2004), LR 31:1191 (June 2005), republished LR 1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009), LR 36:1656 (July 2010), LR 42:993 (July 2016), LR 43:1122 (June

2017), LR 45:823 (June 2019), LR 46:852 (June 2020), LR 47:826 (June 2021), LR 47:1064 (July 2021).

§1510. Agency-Hosted Conferences (Both In-State and Out-of-State)

A. State Sponsored Conferences. An agency must solicit three bona fide competitive quotes in accordance with the governor's Executive Order for small purchase.

B. Attendee Verification. All state-sponsored conferences must have a sign-in sheet or some type of attendee acknowledgment for justification of number of meals ordered and charged.

C. Conference Lunch Allowance. Lunch direct-billed to an agency in conjunction with a state-sponsored conference is to be within the following rates plus mandated gratuity. Any gratuity which is not mandated may not exceed 20 percent.

Lunch In-State excluding New Orleans \$30	\$25
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1. Any other meals such as breakfast and dinner require special approval from the Commissioner of Administration or for higher education, the entity head or his/her designee.

D. Conference Refreshment Allowance. Costs for break allowances for meetings, conferences or conventions are to be within the following rates.

a. Refreshments shall not exceed \$5.50 per person, per morning and/or afternoon sessions. A mandated gratuity may be added if refreshments are being catered.

E. Conference Lodging Allowances. Lodging rates may not exceed \$20 above the current listed routine lodging rates listed for the area in which the conference is being held.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), republished LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004), LR 31:1191 (June 2005), LR 32:941 (June 2006), republished LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009), LR 36:1657 (July 2010), LR 42:993 (July 2016), LR 43:1122 (June 2017), LR 45:824 (June 2019), LR 46:853 (June 2020), LR 47:827 (June 2021), LR 47:1065 (July 2021).

§1511. International Travel

A. International travel must be approved by the Commissioner of Administration. For higher education, the entity head or his designee prior to departure may approve International Travel. Requests for approval must be accompanied by a detailed account of expected expenditures (such as room rate, date, meals, local transportation, etc.), and an assessment of the adequacy of this source to meet such expenditures without curtailing subsequent travel plans.

B. International travelers will be reimbursed the Tier IV area rates for meals and lodging, unless U.S. State Department rates are requested and authorized by the Commissioner of Administration or, for Higher Education, the entity head or his designee, prior to departure. Itemized receipts are required for reimbursement of meals and lodging claimed at the U.S. state department rates. http://aoprals.state.gov/web920/per_diem.asp.

C. It is the agency's decision, if justification is given, to allow state travelers to be reimbursed for a VISA and/or immunizations when the traveler is traveling on behalf of the agency/university on official state business. However, it is not considered best practice for the state to reimburse for a passport, therefore, passport reimbursements must be submitted to the department head for approval along with detailed justification as to why this reimbursement is being requested/approved.

D. A Department Head or his/her designee may approve a traveler's reimbursement request for a rapid COVID-19 test, if the employee will be traveling on official state business (receipts are required). If the employee is traveling international and it is required that the traveler be quarantined for a certain period, hotel, meals and internet expenses are allowed to be reimbursed per PPM49 tier rates.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1119 (June 2004), LR 31:1192 (June 2005), republished LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009),

LR 36:1657 (July 2010), LR 42:994 (July 2016), LR 43:1123 (June 2017), LR 45:824 (June 2019), LR 46:853 (June 2020), LR 47:827 (June 2021), LR 47:1065 (July 2021).

§1512. Waivers

A. The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the state will be served. All waivers must obtain prior approvals, except in emergency situations.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1118 (June 2004), LR 31:1191 (June 2005), republished LR 1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009), LR 36:1656 (July 2010), LR 42:993 (July 2016), LR 43:1122 (June 2017), LR 45:825 (June 2019), LR 46:854 (June 2020), LR 47:829 (June 2021), LR 47:1066 (July 2021).

Garrett DeBate, CPA
State Travel Director

2107#009

Administrative Code Update

CUMULATIVE: Jan-June 2021

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:		
			Month	LR 46 Page #				Month	LR 46 Page #	
7	XXIII.701	Repromulgated	June	717	46	XXXIII.203,701	Amended	Feb.	236	
	XXXV.127,321	Amended	May	562		XXXIII.322,1502	Repromulgated	Jan.	042	
	XXXV.135	Repealed	May	562		XLV.323,361,363	Amended	June	729	
	XXXV.701,703,705,707,709,711,713,715	Adopted	Mar.	348		XLV.402,412	Amended	June	735	
	XXXIX.539	Amended	Feb.	229		XLV.433,435,437,439,441,443,444	Amended	June	727	
	XXXIX.1303,1307	Amended	May	564		XLV.445,447,449	Amended	June	727	
13	I.3303,3307	Amended	Jan.	037		XLV.1307	Amended	June	730	
						XLV.9301,9303,9305,9307,9309,9311	Adopted	June	734	
17	I.101	Amended	Jan.	079		XLV.9714	Adopted	June	736	
						XLV.9935	Adopted	June	726	
22	V.203,205,211	Amended	Mar.	358		LI.503,507,801	Amended	Feb.	237	
	XL102.103,121,501,504,511,513,514,705	Amended	Mar.	358		LIII.506,904	Amended	Feb.	244	
	XIII.301	Amended	Mar.	364		LIII.519	Amended	May	592	
28	IV.509,703,705,803,805	Amended	Jan.	038		LIII.2443,2451	Amended	May	590	
	VI.311	Amended	Jan.	042		LIII.2457	Amended	Feb.	246	
	VI.507,509,511,513,517,519,521	Amended	May	575		LIII.2719,2829,2901,2911,2917,2921,2929	Amended	Jan.	084	
	XL413	Repromulgated	May	565		LIII.2903,2905,2907,2909	Repealed	Jan.	084	
	XL5105,5107,5305,5701,5907,6153,6803	Amended	May	565		LIII.2914	Adopted	Jan.	084	
	XL5701	Repromulgated	June	721		LIII.3001,3003,3005	Adopted	May	590	
	XL6151,7703	Repealed	May	565		LIII.Chapter 12	Amended	Feb.	240	
	XL6819,6823,6825,6829,6901,6913,7209	Amended	May	565		LIII.Chapter 29	Amended	Feb.	247	
	XL7301,7501,7701,8301,8303,8306,8307	Amended	May	565		LV.101,301	Amended	Feb.	274	
	XL8501,8507	Amended	May	565		48	I.5038	Adopted	Jan.	047
	XXXV.101,103,105,107,109,111	Adopted	June	721			I.6101,6103,6105	Amended	June	742
	CXXXI.203	Repromulgated	May	574		50	I.2111	Amended	Mar.	369
	CXXXIX.103,311,503,511,513,515	Amended	May	569			II.10137	Amended	Mar.	371
	CXLVII.105,301,305	Amended	Mar.	354			III.2525	Amended	June	737
CXLIX.2101	Amended	Mar.	355	IX.601,701,703,705,901,903,905	Amended		Jan.	048		
CLXV.509,515	Amended	May	573	IX.8301,8305	Amended		Jan.	049		
CLXV.707	Repromulgated	May	574	IX.8501,8501	Amended		Jan.	049		
33	III.505,507,2160,3003,5116,5122,5311,5901	Amended	Mar.	355	IX.8503		Repealed	Jan.	049	
	IX.4901,4903	Amended	Mar.	357	IX.8505		Repealed	Jan.	049	
34	V.109,301,303,307,311,315,317,319,327,325	Amended	May	578	VII.32903	Amended	Mar.	370		
	V.341,1313,2401,2601,2603,2605	Adopted	May	578	VII.32904	Adopted	May	593		
	V.501,509,905,907,1101,1103,1105,1107	Amended	May	578	XL10301,10303,10503,10701	Amended	Jan.	046		
	V.503,1705,1903,2533,2539,2542,2545	Repealed	May	578	XL16301,16303,16503,16701	Amended	Jan.	050		
	V.1111,1301,1307,1309,1501,1709,1901	Amended	May	578	XV.9501,9503,9505,9511,9521,9523,9525	Amended	June	738		
	V.1905,2105,2301,2305,2503,2512,2518	Amended	May	578	XV.9531,9533,9535,9541	Amended	June	738		
	V.2521,2527,2530,2536,2549,2551,2554	Amended	May	578	XV.12903,12913,12917,12919	Amended	May	593		
	V.2521	Repromulgated	June	722	XIX.Chapters 39,41,43	Amended	Feb.	250		
	V.2557,3101,3103	Amended	May	578	XXII.8101,8103,8105,8107,8109	Repromulgated	Jan.	043		
	V.2587,2703,2901	Repealed	May	578	XXII.8111,8301,8303,8501	Repromulgated	Jan.	043		
	37	XL501,503,505,507,509,511,513,515,517	Amended	May	594	51	II.105,107	Amended	Jan.	051
XL519,521,523,525,527,529,531		Amended	May	594	II.503,505		Amended	June	743	
XL701,703,705,707,709,711,713,715,717		Amended	May	599	52	I.2401,2403,2405,2407,2409,2411	Amended	June	718	
XL719,721,723,725,727,729,731,733		Amended	May	599		I.2413,2415,2417	Amended	June	718	
XL2501		Repealed	June	746		55	V.Chapter 34	Adopted	Feb.	253
XIII.705		Amended	Jan.	052			VII.801,803,805,807	Adopted	Jan.	080
XIII.1101	Amended	Jan.	052	61	III.1539-1546	Adopted	Feb.	272		
XIII.15501,15517	Amended	June	745		67	III.5553	Adopted	Jan.	036	
40	I.5117,5157	Amended	Jan.	606		III.5591	Amended	Mar.	350	
	42	III.102,104,105,107,120,1907	Amended	Feb.		255	V.3903	Amended	Jan.	036
		VII.Chapters 1-13	Amended	Feb.		255	V.6953,7103,7303,7503	Amended	Feb.	229
		XV.103,105,107,123,127,129,703,705,707	Amended	Mar.		366	V.7311,7313,7315,7321,7323	Amended	Mar.	350
XV.713,725,727,729,731,733,735,737	Amended	Mar.	366	VII.901,903,905,907,909,911,913,915	Amended	Mar.	371			
43	XVII.601,603,605,607,609,611,613,615	Adopted	Jan.	053	76	VII.917,919,921	Amended	Mar.	371	
	XVII.617,619,621,623,625,627,629,631,633	Adopted	Jan.	053		V.111	Amended	May	605	
46	V.2701,2801,2901-2907,3101,3701,3901	Amended	Feb.	230	VII.537	Amended	May	605		
	V.4301,4401-4405,4501,4701-4710	Amended	Feb.	230	VII.537	Repromulgated	June	746		
	XXIX.129	Amended	Mar.	364						

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Department of Agriculture and Forestry Board of Veterinary Medicine

Board Meeting Dates

The Members of the Louisiana Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates through 2022:

Thursday, August 5, 2021
Thursday, October 7, 2021
Thursday, December 2, 2021
Thursday, February 3, 2022 *
Thursday, April 7, 2022 *
Thursday, June 2, 2022 *
Thursday, August 4, 2022 *
Thursday, October 6, 2022 *
Thursday, December 1, 2022 *

* These dates will be ratified at the October '21 Board meeting and are subject to change. Please visit www.lsbvm.org/news or contact the board office via telephone at (225) 925-6620 or email at admin@lsbvm.org to verify actual meeting dates.

Jared B. Granier
Executive Director

2107#062

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Department of Agriculture and Forestry Board of Veterinary Medicine

Board Nominations

The Louisiana Board of Veterinary Medicine announces that nominations for the position of Board Member will be taken by the Louisiana Veterinary Medical Association (LVMA) at the annual winter meeting to be held in late January 2022. Interested persons should submit the names of nominees directly to the LVMA as per La. R.S. 37:1515. It is not necessary to be a member of the LVMA to be nominated. The LVMA may be contacted at (225) 928-5862.

Jared B. Granier
Executive Director

2107#062

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Department of Agriculture and Forestry Board of Veterinary Medicine

Examination Dates

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates can be seen online at www.lsbvm.org/sbe and are subject to change due to office closure (i.e. holiday, weather).

The Board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the International Council for Veterinary Assessment (ICVA), formerly National Board of Veterinary Medical Examiners (NBVME), and the National Board Examination Committee (NBEC), as follows:

Test Window Date	Deadline To Apply
November 15 - December 11, 2021	August 1, 2021
April 11 - April 23, 2022	February 1, 2022

The Board will also accept applications to take the Veterinary Technician National Examination (VTNE) which will be administered through American Association of Veterinary State Boards (AAVSB), for state registration of veterinary technicians as follows:

Test Window Date	Deadline To Apply
July 15 - August 15, 2021	June 15, 2021
November 15 - December 15, 2021	October 15

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information is available online at www.lbvm.org. Call 225-925-6620 or email admin@lsbvm.org with any questions.

Jared B. Granier
Executive Director

2107#062

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**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Kelley Oil Corporation	Franklin	L	Southeastern Public ser Co swd	001	158337(30)
Restal Drilling Co.	Grogan	S	Claude S Hinds	001	66856
Saba Energy of Texas Inc	Lisbon	S	LI TFL sua; Meadows U 13-5	004	43391
SSI Energy LLC	Laurel Ridge	L	10100 ra sua; Dugas & Leblanc	001	225367(30)
SSI Energy LLC	Laurel Ridge	L	A Jumonville et al	001	237282
SSI Energy LLC	Laurel Ridge	L	MIO RB sua; A Jumonville et al	002-ALT	238920
Tribal Oil Company	Eola	L	Glaze et al	001	22797(30)
Tribal Oil Company	Eola	L	Glaze et al	003	23089(30)

Richard P. Ieyoub
Commissioner

2107#021

POTPOURRI

**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

Notice of Consent Decree—2006 Calcasieu River Oil Spill

Action: Notice of Availability of a Consent Decree (CD) for Natural Resource Damages – LOSCO NRDA case file # LA2006_0621_0846. The CD for Natural Resource Damages is available for public review and comment for 30 days.

Agencies: Louisiana Oil Spill Coordinator’s Office, Department of Public Safety and Corrections (LOSOC); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); Louisiana Coastal Protection and Restoration Authority

(CPRA); the United States Department of the Interior, represented by the United States Fish and Wildlife Service (USFWS); and the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); collectively referred to herein as the “Trustees.”

Authorities: The Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), La. R.S. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from oil spill incidents in Louisiana. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at LAC 43:XXIX. In accordance with OPA, OSPRA, and the regulations, the Trustees have conducted a Natural Resource Damage Assessment (NRDA) for the 2006 oil discharge into the lower Calcasieu River estuary, approximately eight miles south-southwest of Lake Charles, Louisiana, in Calcasieu Parish (Incident). Citgo Petroleum Corporation (CITGO) was identified as the Responsible Party for the Incident.

Summary of Incident: On June 19, 2006, the Trustees were notified of a discharge of waste oil, oily wastewater, and oily sludge caused by the overflow from two stormwater tanks at CITGO’s Lake Charles Manufacturing Complex located along the Calcasieu River in the lower Calcasieu River estuary in Calcasieu Parish. An estimated 54,000 barrels (bbl) of waste oil as well as a significant volume of wastewater were discharged into the Indian Marais and ultimately into the Calcasieu River and downstream receiving waters and adjacent marshes, including Prien Lake, Moss Lake, Calcasieu Lake, and the Gulf Intracoastal Waterway. The discharge affected over 155 miles of shoreline along the Calcasieu River and associated waterbodies. The high toxicity of the waste oil led to substantial ecological effects. Based on information collected during the response and the NRDA process, the NRDA Trustees determined that the Incident caused injuries to marsh habitat, shallow subtidal and intertidal habitat, water column organisms, birds, and recreational human use. The Trustees and CITGO worked cooperatively to evaluate and quantify the nature and extent of injuries to natural resources and services, and to determine the need for, type of, and scale of appropriate restoration actions. The Trustees issued a Notice of Intent in the October 2014 edition of the *Louisiana Register* (Vol. 40, No. 10, pp. 2170-2172) to notify the public that they intended to conduct restoration planning for this Incident.

Purpose: Pursuant to LAC 43:XXIX, notice is hereby given that a proposed CD between the United States, the State of Louisiana, and CITGO is available for public review and comment. The Trustees and CITGO propose to expedite restoration for this Incident and to resolve CITGO’s liability for natural resource damages under Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702(a) and (b), and Section 2480 of OSPRA, La. R.S. 30:2480. By entering into this CD, the mutual objectives of the Parties are for CITGO (i) to provide funding to the Trustees for the restoration, replacement, or acquisition of the equivalent of natural resources and

services allegedly injured, destroyed, or lost as a result of the Incident; (ii) to reimburse the remaining unpaid natural resource damage assessment and restoration planning costs incurred by the Trustees; and (iii) to resolve its alleged civil liability for natural resource damages under OPA and OSPRA.

The CD is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review the CD and submit comments to the address listed below. The Parties will consider comments received during the public comment period on the CD before finalizing the document.

Public Participation: Interested members of the public are invited to view the CD at <http://www.losco.state.la.us> (look under Newsflash/current news for 2006 Calcasieu River Oil Spill Consent Decree Available for Public Comment) or by requesting a copy of the document from Charles K. Armbruster at the following address:

Charles K. Armbruster
Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
losco@la.gov

Public participation is encouraged. Opportunities to participate in the process include public availability of Administrative Record (AR) documents as well as an opportunity for the public to review and comment on the CD and forthcoming draft restoration planning documents that will identify the Trustees' preferred restoration project(s) for this Incident. The AR can be found at <https://data.losco.org> under "Search Administrative Records". Public participation is consistent with state and federal laws and regulations, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, La. R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX.

Comment Submittals: Comments to the CD must be submitted in writing or digitally to Charles K. Armbruster on or before the end of the 30-day comment period.

For Further Information: Contact Charles K. Armbruster at (225) 925-6606 or by email at losco@la.gov.

Sam Jones
Oil Spill Coordinator

2107#030

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Office of Public Safety and Corrections Oil Spill Coordinator's Office

Notice of Restoration Plan—2016 Green Canyon
248 Oil Spill

Action: Notice of Availability of a Draft Damage Assessment and Restoration Plan and Environmental Assessment with a 30-day public review and comment period—LOSCO NRDA case file LA2016_0512_0630 (Green Canyon 248 2016).

Agencies: Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); Louisiana Coastal Protection and Restoration Authority (CPRA); the United States Department of the Interior (DOI), represented by the U.S. Fish and Wildlife Service (USFWS); and the United States Department of Commerce, represented by the National Oceanic and Atmospheric Administration (NOAA); collectively referred to herein as the "Trustees".

Authorities: The Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), La. R.S. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from oil spill incidents in Louisiana. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at LAC 43:XXIX. In accordance with OPA, OSPRA, and the regulations, the Trustees have conducted a Natural Resource Damage Assessment (NRDA) for the May 12, 2016 crude oil discharge into offshore waters of the Gulf of Mexico from the Glider 4 Jumper (pipeline) in Green Canyon Block 248 (Incident). Shell was identified as the Responsible Party for the Incident.

Summary: Pursuant to 15 C.F.R. §§ 990.23, 990.55 and LAC 43:XXIX, Chapter 1, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan and Environmental Assessment, Shell – Green Canyon Block 248 Oil Spill, NRDA Case File# LA2016_0512_0630 (Green Canyon 248 2016)" (Draft DARP/EA) is available for public review and comment. The Draft DARP/EA identifies the natural resources and services that were determined to be injured by the Incident, describes the assessment procedures used to quantify injury, outlines the scaling approach and restoration alternative selection process, and presents the Trustees' proposed plan to restore natural resources or services equivalent to those lost as a basis for compensating the public for the injuries to natural resources and services resulting from the Incident. The Draft DARP/EA evaluates restoration alternatives that the Trustees considered and identifies the Trustees' preferred restoration alternative, which is a suite of restoration actions including: (1) the Calcasieu Lake & Sabine National Wildlife Refuge Living Shoreline Project; (2) the South Pass Bird Island (MR-172) Project; and (3) Genetic Stock Assessment of Pantropical Spotted Dolphins. After finalization of the Draft DARP/EA, the Trustees will prepare a Final Damage Assessment and Restoration Plan and Environmental Assessment (Final DARP/EA) and make it available to the public.

The Draft DARP/EA is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review this document and submit comments to the mailing or email address listed below. The Trustees will consider comments received during the public comment period before finalizing the Final DARP/EA. Public review of the Draft DARP/EA is

consistent with all federal and state laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, La. R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX, et. seq.

Public Participation: Interested members of the public are invited to view the Draft DARP/EA via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for 2016 Green Canyon 248 Draft Damage Assessment and Restoration Plan and Environmental Assessment Available) or by requesting a copy of the document from Charles K. Armbruster at the following address:

Charles K. Armbruster
Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
charles.armbruster@la.gov

Comment Submittals: Comments must be submitted in writing or digitally to Charles K. Armbruster at the above address on or before the end of the 30-day comment period.

For Further Information: Contact Charles K. Armbruster at (225) 925-6606 or by email at charles.armbruster@la.gov.

Supplementary Information: On July 20, 2018, the Trustees published a Notice of Intent to Conduct Restoration Planning and Notice of Availability of a Consent Decree for Natural Resource Damages in the Louisiana Register (Vol. 44, No. 07, pp. 1401-1403). The Notice stated that the Trustees were proceeding with restoration planning under OPA and OSPRA, opening an Administrative Record to facilitate public involvement in the restoration planning process, and seeking 30-day public review and comment on the proposed Consent Decree. The Trustees did not receive any comments and the Consent Decree was approved by the Court.

Sam Jones
Oil Spill Coordinator

2107#031

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