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Executive Orders

EXECUTIVE ORDER NO. DCT 84-3

WHEREAS, the State of Louisiana recognizes the importance of revitalizing its depressed areas to the state's economic, social and cultural well-being; and

WHEREAS, it is appropriate for government to help attract private sector investment into these areas; and

WHEREAS, the state and local governments are authorized to grant Enterprise Zone tax relief in order to encourage economic development in those depressed areas; and

WHEREAS, it is necessary to distinguish between those businesses that increase the economic development of an area and those that simply respond to existing commercial needs in that area; and

WHEREAS, the Governor has final approval authority with respect to Enterprise Zone tax relief, and it is the Governor's responsibility to see that tax relief is granted in the most efficacious manner possible;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby formalize the policy I have applied in approving Enterprise Zone applications.

Since the following institutions respond to existing economic needs and do not actually create new economic development, they have not been granted Enterprise Zone relief:

- 1) Retail establishments of any type
- 2) Service institutions such as nursing homes and hospitals, particularly in cases where they are licensed by the state
- 3) Financial institutions
- 4) Office buildings except where a major new tenant is being brought into the state
- 5) Professional services, partnerships or corporations

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 5th day of March, A.D. 1984.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER EWE 84-1

WHEREAS, Article IV, Section 5 of the Louisiana Constitution of 1974 designates the governor as the chief executive officer of the state;

WHEREAS, pursuant to the aforementioned constitutional grant of executive power, the legislature has vested in the governor, by Act No. 691 of the 1980 Regular Session, the absolute authority to prohibit and regulate the filling of vacancies in the executive branch of state government;

WHEREAS, due to the underestimation of and the decline in revenues in recent years, resulting in a serious deficit in the operating funds of the state, it has become necessary to reduce the level of expenditures presently being maintained throughout state government; and

WHEREAS, in order to avoid further jeopardy to the economic welfare and credit of the state, the governor must exercise that authority granted in Act No. 691 of 1980, and must undertake and implement a course of action to reduce the number of state employees without impairing, if possible, the quality of state services and without creating undue hardship on the people of this state,

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, hereby order and direct the following:

A. Effective April 13, 1984, each probational classified employee and each non-permanent classified employee shall be laid-off and eliminated from the state payroll. The following positions are exempt from this provision:

(1) Those required to comply with the mandate of any court order or to meet any certification or accreditation standard when so certified by the appointing authority and approved by the governor.

(2) Those which are funded fifty percent or more from federal funds.

(3) Those certified by the appointing authority to the governor and approved by him as being essential for the protection or preservation of life and property.

(4) Those in non-budgetary units of the state, such as port commissions, housing authorities levee boards and other similar entities, which operate totally from self-generated revenues or non-state general fund sources.

(5) Those funded exclusively by appropriations to the ancillary enterprise funds for certain state institutions, officials and agencies.

B. Any position which becomes vacant pursuant to the provisions of Section A shall be deleted from the budget of the employing entity. Such position may only be reestablished according to procedures determined and administered by the governor in accordance with law.

C. Except as hereinafter authorized, no vacancy existing or occurring on or after March 30, 1984, in a classified or unclassified position is to be filled without the governor's approval pursuant to provisions set forth in this order. The following, however, are exempt from this policy:

(1) Those positions required to comply with the mandate of any court order or to meet any certification or accreditation standard, including, but not limited to, those within the Department of Corrections and the Department of Health and Human Resources.

(2) Civil Service Commission reinstatments of classified employees.

(3) Employees laterally transferred or reassigned into equivalent or lower positions or employees who are demoted.

(4) Employees returning from military duty under the provisions of civil service rule 8.19 or applicable federal law.

(5) Members of the faculty and administrators (excluding staff) of any educational institution, including any vocational-technical school.

(6) Appointments by the governor to any board or commission created by the constitution, any statute, or by executive order.

(7) Employees of any non-budgetary unit of the state such as a port commission, housing authority, levee board or other similar entity which operates totally from self generated revenue or from non-state general fund sources.

D. The following may be excluded from the policy established in Section C provided prior authority is obtained from the governor.

- (1) Any agency with less than ten employees.
- (2) Any position certified by the appointing authority to the governor to be essential for the protection or preservation of life and property.
- (3) Any position funded fifty percent or more from federal funds.
- (4) Any position funded exclusively by appropriations to the ancillary enterprise funds for certain state institutions, officials and agencies.

E. Each secretary or other official subject to this order shall submit a report to the Division of Administration on or before April 13, 1984, which shall state the numbers and type of positions affected by the lay-off ordered herein and the annualized personnel and related benefits cost savings achieved by the lay-off. The report shall also provide the number and type of vacancies affected by the freeze and the annualized personnel and related benefits cost savings associated with those vacancies. In addition, each entity shall outline a plan to achieve a specific dollar savings by June 30, 1985. The plan shall reflect a target dollar savings figure established by the governor for that entity. Each secretary and official shall submit a report to the Division of Administration on the fifteenth day of each subsequent month, beginning May 15, 1984, which shall summarize the progress made toward achieving the target dollar savings figure during the period covered by the report and shall detail and account for personnel changes during that time. The report shall specify employment figures at the beginning and the end of each reporting period and shall state how many vacancies have or have not been filled in accordance with the terms of this order.

F. Except as otherwise provided herein, the provisions of this order shall apply to each department, agency, board, commission, and other instrumentality declared by the constitution or laws of this state to constitute a part of the executive branch of state government including each department or other entity under the authority, control and supervision of each statewide elected official.

G. Written request for an exemption, exclusion, or permission to fill a vacancy or to create or fill a new position shall be directed to the governor through the commissioner of administration.

H. Any provisions of any prior executive order which is inconsistent with the letter and spirit of this order is hereby rescinded.

I. If any provisions or item of this order or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this order which can be given effect without the invalid provision, item, or application, and to this end the provisions of this order are hereby declared severable.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 30th day of March, 1984.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture
Agricultural Finance Authority**

In accordance with the emergency provisions of the Administrative Procedure Act (LRS 49:953(B)), notice is hereby

given that the Department of Agriculture, Louisiana Agricultural Finance Authority, at a regularly scheduled meeting held on March 29, 1984, determined that an economic emergency continues to exist throughout the agricultural community with respect to the nonavailability of capital at reasonable interest rates for agricultural purposes.

The Authority further determined that, in order to expedite the release of bond proceeds for loans in the agricultural community and, in order to alleviate these conditions to the extent possible, it is necessary to reenact certain regulations on an emergency basis which had previously been adopted on December 8, 1983 and January 12, 1984.

Therefore, under the authority contained in the provisions of LRS 49:953(B) and LRS 3:266, the Authority adopted the following rules and regulations on an emergency basis.

Part I: General Provisions

1.01 Definitions

1. The terms "Authority", "Agricultural Loan", "Agriculture", "Bonds", "Commissioner", "Department", "Federal Government", "Lending Institution", "Persons", and "State" are defined in the Act and have the same meaning when used in these Rules as are ascribed to them in the Act.

2. "Act" means Chapter 3-B of Title 3, comprising Sections 261-284, inclusive, of the Louisiana Revised Statutes of 1950, as amended.

3. "Director" means the Director of the Authority when and if appointed by the Authority with the approval of the Commissioner. The Authority may also appoint, with the approval of the Commissioner, an Assistant Director.

4. "Program" means a program established by the Authority pursuant to Rule 2.01 hereof.

5. "Resolution" means a resolution of the Authority.

6. "Rules" means these emergency rules and regulations.

1.02 Acceptance of Aid and Guarantees

In connection with any Program, the Authority Resolution may accept financial or technical assistance, including insurance and guarantees, from the Federal or State governments or any Persons; agree to and comply with any condition attached thereto; and authorize and direct the execution on behalf of the Authority of any agreement which it considers necessary or appropriate to implement any such financial aid and technical assistance, insurance, guarantees or other aid. The Authority, by Resolution, may accept any guarantee or commitment to guarantee its Bonds and authorize and direct the execution on behalf of the Authority of any agreement which it considers necessary or appropriate with respect thereto.

1.03 Application Fee

All applicants for loans under this program shall pay a fee, which shall be non-refundable, for examination of the application as to eligibility for approval. The application fee shall be due and payable to the Authority only upon presentation to the Authority of a loan application which has been previously approved by a Lender. The fee shall be determined by the total amount of the loan sought, as follows:

	Fee Required
Loans of less than \$ 25,000	\$ 50
Loans of \$ 25,001 - \$200,000	\$100
Loans of more than \$200,000	\$200

1.04 Maximum Interest Rate on Variable Rate Loans

No loan containing variable interest rates shall be approved at any rate which exceeds 85 percent of the New York prime rate as stated in the Wall Street Journal as of the date on which interest to be due from the Borrower first begins to accrue and at any subsequent adjustment of said rate.

Part II: Programs

2.01 Establishment

The Authority, by Resolution, may establish a Program or Programs pursuant to which the Authority may purchase or contract to purchase and sell or contract to sell Agricultural Loans made by Lending Institutions. The Authority, by Resolution, may also establish a Program or Programs pursuant to which the Authority may make or contract to make loans to and deposits with Lending Institutions, provided that any such Program or Programs shall require that all proceeds of such loans or deposits, or an equivalent amount, shall be used by such Lending Institutions to make Agricultural Loans.

2.02 Treatment of Lending Institutions

Any Program established by the Authority shall provide for the fair, impartial, uniform and equitable treatment of all Lending Institutions. The Chairman is hereby authorized to establish such notification and communication procedures and arrangements as he shall determine to be reasonable under the circumstances to provide for effective and efficient information dissemination to Lending Institutions of the availability of the Authority's Programs.

2.03 Program Guidelines

The Authority shall cause guidelines or summary descriptions for or of any Program proposed to be established by the Authority and such shall contain discussions of the scope of such Program, the documentary structure of such Program, the legal requirements for participation by Lending Institutions and their borrowers and the procedures, terms, and conditions under which Lending Institutions may participate in such Programs.

2.04 Assistance

The Authority may provide staff services to assist Lending Institutions in complying with the requirements of the Act and these Rules in connection with any Program. The Chairman may establish a preapplication procedure in connection with any Program and may conduct or cause to be conducted such informational meetings in connection with any Program as he may deem appropriate under the circumstances. Forms to be employed as offers to participate or applications shall be prepared or approved by the Chairman and shall specify the information to be included therein and the supporting materials to be submitted therewith.

2.05 Determinations of Eligibility

The Authority shall review the analysis and recommendations of the Chairman with respect to responses by Lending Institutions concerning a proposed Program and, if the Authority, by Resolution, finds and determines that such responses evidence a demonstrated need for the implementation of such Program in accordance with the requirements of the Act and these Rules, the Authority, by Resolution, may determine to implement the Program.

2.06 Acceptance of Offers to Participate or Applications

The Authority from time to time, by Resolution, shall approve offers to participate or applications submitted by Lending Institutions in connection with a Program. Any such offer to participate or application shall have attached thereto and incorporated by reference therein the form or forms of the loan purchase agreement, loan agreement, depository agreement or other instrument to be entered into by and between the Authority and the Lending Institution under and pursuant to such Program (the "Program Documents"). Forms of the Program Documents and any other instruments relating to the issuance and sale of the Authority's Bonds to be issued for the purpose of providing the funds for the Program shall be prepared, and may be revised and amended, by the Authority under the direction of the Chairman on behalf of the Authority. Any such offer to participate or application

shall be a unilateral offer and shall be a binding contract between the Authority and Lending Institution upon acceptance and notice of acceptance by the Authority. Any such offer to participate or application shall state the aggregate principal amount of the Agricultural Loans which the Lending Institution offers to sell to the Authority or which the Lending Institution agrees to make upon the loan to or deposit with the Lending Institution of funds of the Authority, as the case may be, under and pursuant to the Authority's Program and the period within which such Agricultural Loans are to be sold or made. Any such offer to participate or application shall state the principal amount of the Agricultural Loans to be sold by the Lending Institution to the Authority and the price thereof or the principal amount of the Agricultural Loans agreed to be made by the Lending Institution upon the loan to or deposit with the Lending Institution of the specified amount of funds of the Authority, as the case may be, the insurance requirements, if any, of such Programs as provided in Rule 3.03 hereof and the amounts of the commitment, origination and/or servicing fees which the Lending Institution may charge its borrower.

2.07 Notification of Acceptance by Authority

The Authority shall notify each Lending Institution which has submitted an offer to participate or application as to the aggregate principal amount of Agricultural Loans, if any, which the Authority will agree to purchase or for which the Authority will lend to or deposit with the Lending Institution funds of the Authority, as the case may be, subject to the conditions set forth in the offer to participate or application. The aggregate principal amount of Agricultural Loans which the Authority will agree to purchase (or for which the Authority will lend or deposit funds of the Authority) from any Lending Institution shall not exceed the aggregate principal amount of Agricultural Loans offered to be sold or made by the Lending Institution and may be in a principal amount less than that requested. The Authority shall notify each Lending Institution of the interest rate or rates it may charge on the Agricultural Loans, the requirements to be met by such Lending Institution for the sale or making of such Agricultural Loans and the date of the expected availability of the proceeds of the Authority's Bonds for the purposes of the Program.

2.08 Allocation of Funds for Agricultural Loans

The Authority shall in its sole discretion reduce the amount of each offer to participate or application to an amount it deems reasonable in the event that the Authority receives offers to sell or make more Agricultural Loans than is practical. Such reduction shall be on a pro rata basis, provided that the Authority may consider the historic experiences of the Lending Institutions in making Agricultural Loans and other relevant factors. Priorities for allocations of Authority funds under a program may be established and reviewed by the Authority. Priorities may be based on criteria established by the Authority as best effectuating the purposes of the Act including, without limitation, a determination by the Authority of the geographic, demographic and other factors which may be evaluated by the Authority in the context of other Programs made or to be made available by the Authority.

Part III: Details of Agricultural Loans

3.01 Terms and Conditions of Agricultural Loans

Agricultural Loans to be sold or made by Lending Institutions pursuant to a Program or Programs shall be subject to and comply with such terms and conditions as shall be established by the Authority in the Program Documents. The Program Documents shall contain such terms, conditions and requirements as the Authority deems appropriate including such provisions designed to assure that there at all times shall be sufficient funds to enable the Authority to make the payments on its Bonds plus any administrative and other costs of the Authority with respect to the Bonds, the establishment and implementation of the Program and

otherwise in connection with the transactions contemplated thereby.

3.02 Administration and Servicing of Agricultural Loans

Each Lending Institution shall service and administer the Agricultural Loans in accordance with the terms of the Program Documents. In the event the Lending Institution is an institution regulated by a Federal or State regulatory agency, the Authority may require that such Lending Institution will agree to service the Agricultural Loans in the manner and according to the standards required by such regulatory agency and in no event at a lesser standard of service than is maintained on loans of the same character as the Agricultural Loans as are owned by such Lending Institution. Each Lending Institution, in addition, will agree to service the Agricultural Loans in such a manner so as to provide that any Federal, State or private insurance or guarantee will be maintained.

3.03 Insurance of Agricultural Loans

The Authority may establish a Program under which the Lending Institutions may be required to insure or under which the Authority may determine to insure and/or reinsure Agricultural Loans to be purchased by the Authority or to be made by the Lending Institutions from funds of the Authority loaned to or deposited with the Lending Institutions. All such terms, conditions, limitations, collateral and security provisions and reserve requirements shall be described in the guidelines or summary descriptions for or of the Program prepared by the Authority pursuant to Rule 2.03 hereof and shall be included in the Program Documents.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

This is to advise that the Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B amended the following emergency rules at its meeting of March 30, 1984 by unanimous resolution, and made such findings that the public welfare required the amendments of such rules.

RULE LAC 11-6:45.1 (Renumbered LAC 35:9901) is being amended by adding the following:

"In claiming races any horse is subject to being claimed for its entered price by any racing interest recognized by the Commission, by any licensed horse owner, or his authorized agent, but only for the account of the person making the claim, or for whom the claim was made by the agent (provided however, that no person shall claim his own horse or a horse in which he has an interest or cause his horse to be claimed directly or indirectly for his own account.) Also, a claim may be made by any person who has established his qualifications to claim by filing an application for license as a horse owner and has been granted a certificate authorizing the claim by the stewards at the meeting where a horse is to be claimed. A claim certificate shall not be issued until all conditions and qualifications for a horse owner's license have been met or completed. A claim certificate thus issued will be voided if no claim is made within thirty days of issuance, and the owner's license will be withdrawn."

Rule LAC 11-6:53.37.1 (LAC 35:8901) is amended to eliminate the provisions that ascorbic acid be added to the urine samples collected for testing.

RULE LAC 11-6:53.37.1 (Renumbered LAC 35:8901)

"The following procedure is hereby established for the testing of a split or referee sample.

After a horse has voided and its urine collected for testing, the volume of urine collected shall be split or divided into ap-

proximately equal parts, one being processed for initial laboratory testing for the detection of the presence of prohibited drugs or substances therein. The remaining part shall be identified as the split or referee sample to be processed for future testing under the procedures hereby established.

Should blood be drawn at the test or retaining barn for testing, it shall be split or divided in approximately equal parts to be processed for testing by the initial test and the split is referee test if timely requested. If the blood is from a two year old horse, the specimen tag shall so indicate.

The veterinarian in charge of the test barn shall indicate on the specimen or sample tag sent to the chemical testing laboratory along with any sample the fact that the specimen was taken from a two year old horse.

Within five days from the date the stewards notify a trainer that the initial laboratory test on a urine or blood specimen from a horse entered and raced by him was positive for the presence of a prohibited drug or substance, the trainer must request the stewards to have the split or referee sample tested by an alternate laboratory as provided herein. At the time of his request the trainer must deposit the sum of \$300 with the stewards to cover all expenses to be incurred in testing the split or referee sample. The stewards shall forward the \$300 deposit to the state chemical testing laboratory. Failure of a trainer to make a timely request to the steward constitutes a waiver of any and all rights to have the split or referee sample tested.

A trainer timely requesting a testing of a split or referee sample may select any one of the laboratories, classified and designated as alternate laboratories, to perform the testing."

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the legislative purpose of the racing statute, it is incumbent upon the Louisiana State Racing Commission to amend rules of racing relative to claiming horses and the treatment of urine samples with ascorbic acid.

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Real Estate Commission

The former Louisiana Real Estate Commission, at its March 8, 1984, regular monthly meeting, under the Emergency Rules procedure adopted an amendment to rule LAC 11-15:35.1 pertaining to information required with applications for timeshare registrants. The language contained in the amendment is as follows: "financial statements from the principals within a corporation or partnership and financial statements of that corporation and/or partnership". The entire rule, including the amendment, follows:

LAC 11-15:35 TESHARES

35.1 Every applicant for initial registration as a timeshare interest salesperson shall submit to the commission a fully completed application, including a current character/credit report from a recognized credit reporting agency and *financial statements from the principals within a corporation or partnership*** and financial statements of that corporation and/or partnership, on a form provided by the commission accompanied by the prescribed fee and satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency. All fees must be paid by way of a certified check, cashier's check, or a

** Adopted as an Emergency Rule at the March 8, 1984 meeting of the Louisiana Real Estate Commission

money order made payable to the Louisiana Real Estate Commission. Satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency may be established by the original or copy of the applicant's high school diploma, the applicant's university or college diploma, the applicant's certificate of high school equivalency, or, if none of the above is available, by an affidavit stating the date and place of the applicant's high school graduation or the granting of the applicant's certificate of high school equivalency.

35.2 Every developer of a lease timeshare interest in a multiple use project and every developer of each timeshare plan that has timeshare property located in Louisiana or who maintains a sales office in Louisiana for the sale of timeshare interests shall submit to the commission an affidavit attesting to the existence, location and account number of the account into which the developer is making deposits out of the sales price of every timeshare interest sold as required by R.S. 9:1131.17. The affidavit shall also authorize and empower the commission or its representatives to examine, inspect and copy the developer's timeshare escrow account. No timeshare escrow account may be closed until such time as all deposits therein have been properly disbursed according to law. Every developer shall notify the commission of his intention to close a timeshare escrow account at least 10 days prior to the intended closing date.

35.3 Every applicant for initial registration as a timeshare interest salesperson shall designate, on the application form provided by the commission, the name of the developer for whom he will be working following registration. Any timeshare interest salesperson who terminates his business relationship with his initial developer shall notify the commission in writing by certified mail of the intended action. Any timeshare interest salesperson who wishes to begin a new business relationship with another developer shall notify the commission in writing by certified mail of the intended action prior to beginning that business relationship.

35.4 All persons, including any developer, who receives a commission, salary or other compensation based upon the sale of timeshare interests must register with the commission in accordance with the provisions of R.S. 37:1437.1(A) unless that person is a licensed real estate broker, a licensed real estate salesperson working under his sponsoring broker, or the owner, other than the developer, of such timeshare interests.

In justifying the Emergency Rule Procedure the Commission heard testimony from Patricia J. Haiks, Louisiana Department of Justice, Consumer Protection and Commercial Fraud Unit, Assistant Attorney General, outlining the reasons providing threat to the public welfare and proof of a bonafide emergency situation.

1) With respect to failing to deliver title or complete timeshare facilities, Attorney General's Office has sued one New Orleans timeshare and has an injunction against their sales until they register with the Louisiana Real Estate Commission and until they show they can complete the property. The developing lender has advanced additional funds and the project should be completed in 60-90 days. However, the funds were not advanced or steps taken to complete the project until the suit was filed.

2) Another area timeshare project is currently subject to a grand jury investigation for fraud. Representatives from the New Mexico Attorney General's Office and a local District Attorney from New Mexico informed us that they have been involved in the bank fraud situation where bad timeshare cases were sold to a New Mexico bank that ultimately failed. The person selling the paper to the bank has been indicted under New Mexico's racketeering statute.

This case points out the significant danger that bad timeshare paper proposes not only to the consuming public but also to the financial institutions which may not be familiar with the type of arrangement that they are getting into.

3) A third timeshare which was sold in the New Orleans area but located out of the country has failed to deliver title to over half of the purchasers. The difficulty, and in some cases inability, to find out who owns the promissory note the consumers signed may result in litigation on the Attorney General's part at least to stop collection of the note.

4) Three additional timeshare developments in the New Orleans area are currently delivering facilities to consumers. However, calls have come in to the Attorney General's Office on all three developments from an attorney who has been instructed to file foreclosure proceedings against the real estate.

Haiks felt the above cited instances were more than sufficient information to meet the emergency rule requirement regarding the financial statement on timeshare applications. Since the effective time for enforcement of an emergency rule is only 120 days, the Louisiana Real Estate Commission fully intends to initiate the requirements of the Administrative Procedure Act pertaining to the adoption of rules and rule changes at the earliest possible date. We feel a serious need to initiate this and possibly more requirements to implement the timeshare law.

Anna-Kathryn Williams
Executive Director

Rules

RULE

Department of Agriculture State Entomologist

Revised Effective April 20, 1984

Notice is hereby given that the State Entomologist, Louisiana Department of Agriculture, under the authority contained in LRS 3:1652 and pursuant to notice given on January 20, 1984, has adopted the following quarantine and control regulation:

BURROWING NEMATODE REGULATION

- 1.0 Pest
- 2.0 Agent or Inspector
- 3.0 Scouting, Inspection, Control and Eradication Authority
- 4.0 Quarantined Areas
- 5.0 Regulated Products
- 6.0 Conditions Governing Shipment of Regulated Products
- 7.0 Control and Eradication Measures
- 8.0 Shipments of Regulated Products for Scientific Purposes
- 9.0 Penalties

* * * * *

1.0. Pest: Burrowing nematode, *Radopholus similis*
2.0. Agent or Inspector: An authorized representative of the State Entomologist and/or the Louisiana Department of Agriculture.

3.0. Scouting, Inspection, Control and Eradication Authority:

3.1 Agents of the Louisiana Department of Agriculture shall be allowed entrance onto any property or premises to determine if the pest exists on such and to take such action as, in the judgment of the State Entomologist, is necessary to control or eradicate the pest wherever found.

3.2 No person, firm or corporation shall in any way interfere with any agent of the Louisiana Department of Agriculture in carrying out the provisions of this regulation, or interfere with the application of suppressive measures for the control and eradication of the burrowing nematode.

4.0. Quarantined Areas:

4.1 Florida: the entire state

4.2 Commonwealth of Puerto Rico

4.3 Hawaii: the entire state

5.0. Regulated Products:

Regulated products shall consist of all plants with roots (except turf-grass); all earth; all sand; and all parts of plants produced below the soil level; except aquatic plants, if free from soil; air plants, including certain orchids which are grown on a soil-free media; air layered plants, provided the roots are still established in the original soil-free moss wrappings; dormant bulbs and corms, if free from roots and soil; all fleshy roots, corms, tubes and rhizomes for edible or medicinal purposes, if washed or otherwise freed of soil; and industrial sand and clay.

6.0. Conditions Governing Shipment of Regulated Products:

Regulated products from the quarantined areas will be prohibited entry into or movement within the State of Louisiana, unless each shipment or lot is accompanied by a certificate issued by and bearing the signature of the quarantine official of the state or commonwealth where shipment originated, certifying that it has been determined by competent, official survey that the burrowing nematode does not exist on the property or premise on which the regulated products originated or where grown; or that the regulated products in the shipment have been produced from seed, or from plant parts free from burrowing nematodes, and grown above ground in sterilized soil or other suitable material prepared or treated to assure freedom from burrowing nematodes, and otherwise protected from nematode infestation until shipped.

7.0. Control and Eradication Measures:

Regulated products shipped into the State of Louisiana in violation of this regulation are subject to destruction or return to the point of origin, at the discretion of the State Entomologist.

8.0. Shipments of Regulated Products for Scientific Purposes:

Regulations of this quarantine do not apply to shipments of regulated products to the U. S. Department of Agriculture or to other recognized institutions for scientific purposes except that a special permit must be secured for the entry into or movement within the State of Louisiana of such products.

9.0. Penalties:

Any person, firm, or corporation found guilty of violating the provisions of R.S. 3:1651 -5 shall upon conviction be subjected to a penalty of not less than \$25, nor more than \$500, or imprisoned for not less than 10 days, nor more than six months, or both.

Bob Odom
Commissioner

RULE

Department of Commerce Board of Certified Public Accountants

Notice is hereby given that under authority granted by Louisiana Revised Statutes of 1950 37:80 (E), and in accordance with the provisions of LSA 49:951 et seq., the State Board of Certified Public Accountants has readopted Rules 5.5.3, 5.5.4 and 5.5.5 March 29, 1984.

Advertising, Solicitation or Public Communications

5.5.3 Advertising.

A. Licensees shall have the right to advertise. However, a licensee shall not use or participate in the use of any public communication or advertisement which contains a false, fraudu-

lent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes but is not limited to a statement or claim which:

1. Contains a misrepresentation of facts; or
2. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or

3. Contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality, or statements intended to attract clients by use of showmanship, hucksterism, slogans, jingles, or other garish language; or

4. Is intended or likely to create false or unjustified expectations of favorable results; or

5. Implies educational or professional attainments or licensing recognition not supported in fact; or

6. States, implies, or claims that the licensee has received formal recognition as a specialist or has any specialized expertise in any aspect of the practice of public accountancy without stating from whom the recognition has been received; or

7. States or implies that the licensee's ingenuity and/or prior record are principal factors likely to determine the results of the services rather than the merit of the facts involved, or contains statistical data or information so as to reflect past performance or predict future success; or

8. Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or

9. Contains other representations or implications beyond those set forth in B below that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived; or

10. Implies the ability to influence any court, tribunal, regulatory agency or similar body or any official thereof; or

11. Makes comparison with other CPAs.

B. As an example, a licensee may use or participate in the use of a public communication which states in a dignified manner the following information about the licensee and any associated licensees:

1. Name, firm name, address, telephone numbers, office hours, and telephone-answering hours;

2. Biographical and educational background;

3. Professional memberships and attainments;

4. Description of services offered;

5. The limitation of practice to certain areas of service;

6. The opening or change in location of any office and changes in personnel;

7. Fees charged for the initial consultation, for specific services of average complexity, and hourly rates. Quoted fees must be adhered to for a reasonable period not less than 30 days after the publication.

C. All licensees shall retain copies or recordings of all public communications by date of publication for a period of at least three years.

5.5.4 Solicitation. A licensee shall not by any direct uninvited personal communication solicit an engagement to perform professional services:

A. If the communication would violate Rule 5.5.3 above if it were a public communication; or

B. By the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; or

C. Where the solicitation is done in-person or by telephone by the licensee or an employee or agent of the licensee.

Any written solicitation shall be subject to the provisions of Rule 5.5.5.

5.5.5 Written Advertisements, Solicitations, and Other Public Communications.

A licensee shall have the right to mail or deliver advertisements, solicitations and other public communications, subject to the following provision:

A. A licensee shall not mail or deliver any advertisement, solicitation or other public communication if such advertisement, solicitation or other public communication would violate Rule 5.5.3 or Rule 5.5.4 above.

For purposes of this Rule, a public communication shall be deemed to include newsletters, brochures, magazines, books, announcements, notices, reports, notes, journals, letters, cards, inquiries, tapes, recordings and all other written, printed or recorded materials mailed or delivered to one or more addressees who are not clients of the licensee at the time of such mailing or delivery. Materials disseminated only to clients of the licensee shall not be deemed to be a public communication.

Albert J. Derbes, III, CPA
Secretary

RULE

**Department of Commerce
Board of Examiners of Certified Shorthand Reporters**

AMENDMENT TO RULES AND REGULATIONS

Article IX of the Rules and Regulations of the Board of Examiners of Certified Shorthand Reporters is hereby amended as follows:

IX. FEES

The following fees shall be paid to the Board:

A. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate as a certified shorthand reporter shall be \$35 for the written examination and \$50 for the dictated portion.

B. The fee to be paid for the issuance of a certificate or registration without Board examination is \$50.

C. The fee to be paid upon the renewal of the certificate or registration is \$75.

D. The fee to be paid for the issuance of a temporary certificate is \$50.

E. The fee to be paid for the reinstatement of a certificate shall be the payment of all delinquent fees, plus \$15.

F. The fee to be paid for regrading an examination shall be \$30.

G. The fee to be paid for a C.S.R. seal is \$40.

H. The fee to be paid for the purchase of Examination Materials is \$5 for written materials and \$10 for cassettes.

Patrick M. Schott
Chairman

RULE

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

Guidelines for Act 455 Matching Funds Program

Notice is hereby given that the Louisiana Office of Tourism, pursuant to the Notice of Intent published in the January 20, 1984, issue of the *Louisiana Register*, is adopting the following guidelines of the Act 455 Matching Funds Program.

1. Any non-profit organization desiring funds for a specific tourist promotion project must first be recognized by the Office of Tourism as "a Tourist Promotional Agency or Agencies" in accordance with the Act.

2. A proposal known as a "letter of intent" shall be made. This letter will be prepared by the Tourist Promotion Agency giving basic details about the project and why it is needed.

3. The applicant must show proof of local funds. In doing so, applicant must submit a copy of a bank deposit slip showing applicant has matching funds covering at least the amount of the request. There will be no in-kind monies for projects. All money must be on a dollar-per-dollar value for matching funds grants.

4. Tourist Promotion Agencies applying through a designated Economic Development District shall first submit to that Economic Development District their proposals for participating in the Matching Funds Program provided under Act 455, passed by the Legislature of 1970. Said proposals shall be drawn up according to the requirements of said Act, and subsequently screened by the respective Economic Development District Directors. All applications must be submitted for review no later than April 1 each year. The staff of the various Economic Development Districts shall assist local communities, parishes, or combinations of parishes in the development of their respective programs. After screening these applications, the Economic Development District Directors will forward the applications with proper recommendations to the Matching Funds Committee of the Louisiana Tourism Development Commission, by May 1 of each year.

5. Tourist Promotion Agencies which overlap Economic Development Districts or which are composed of more than one entity shall apply under the existing requirements of the Act and guidelines, directly to the Louisiana Tourism Development Commission by April 1 of each year.

6. The Economic Development District, in making recommendations to the Louisiana Tourism Development Commission with respect to Matching Funds projects authorized by Act 455, will direct attention to the fact that all recommendations for project approval which involve the expenditures of these matching funds on projects involving capital improvement or other developments shall be on property other than that which is owned, controlled and operated by private individuals, firms or corporations.

7. The Matching Funds Committee of the Louisiana Tourism Development Commission, shall make recommendations for the approval of the application for funds for any and all programs submitted. The Louisiana Tourism Development Commission will make final recommendations to the Secretary of the Department of Culture, Recreation and Tourism. The Secretary will then make the final decision on the approval of applications. Following this approval, notice to proceed will be provided to the Tourist Promotions Agency. Those projects disapproved will also be notified and reasons for disapproval will be given.

8. Upon submission of evidence within the time period so designated by the L.T.D.C. on approval of application, matching funds will be supplied by the Commission to the applicant in the form of one-half payment on all valid expenditures submitted on their projects, i.e., if the Tourist Promotion Agency has expended \$2,000, the Commission will reimburse one-half that amount (\$1,000). Only expenditures incurred on or after the official "notice to proceed" date, (as described in paragraph 7), will be accepted for reimbursement.

9. Beginning on April 1, which is 90 days prior to the end of the state fiscal year (June 30) in which the funds were awarded, all projects that have not made an appreciable expenditure will have their grant thoroughly reviewed by the Matching Funds Committee of L.T.D.C. with the purpose of reallocating the remaining funds to another project.

10. If the remaining funds are awarded to a new project, the new grantee must expend the funds within that remaining 90 day period. However, if the grantee can show reasonable cause,

grantee may apply for a 90 day extension to complete the project.

11. Applicants for matching funds should plan for monies to be spent by June 30 in the fiscal year that the monies are appropriated. If the project cannot be completed during the fiscal year of the appropriation, the applicant may request a 90 day extension of time. This request for an extension of time must be in writing and show proof positive that the project will be completed by September 30 or lose the grant. This written request must be in the hands of L.T.D.C. by June 1. If the 90 day extension is granted and the applicant fails to draw all monies by September 30, the grant will automatically be terminated and all monies remaining for that project will be returned to the general fund of the State of Louisiana. (Under no circumstances will more than one extension be granted).

12. Due to limited funds, the L.T.D.C. encourages applications geared to increasing tourism through advertising and promotional projects, i.e., brochures, posters, print and electronic media, etc. Construction and capitol improvement projects are discouraged due to the limited nature of these funds. It is also not the intent of these funds to underwrite or subsidize administrative costs of events or to subsidize on-going activities of organizations; but, in fact, to use the funding to stimulate tourist promotion activities as stipulated in the Act.

13. The Louisiana Tourism Development Commission, in making its recommendations, will consider the following priorities:

1. New entities that are combining their activities to produce new marketing projects;
2. Combined attractions that have gotten together to commemorate an area rather than a single entity;
3. Combined public organizations or commissions that have gotten together to promote various attractions;
4. Items which have not been done before, new directions, activities, or marketing approaches;
5. Single tourist commissions; and
6. Single attractions.

Traditional fund distribution patterns will also be considered by the Commission.

The Commission may specify that all materials follow certain guidelines, for example, approval of copy and design, inclusion of distinctive slogans and signatures, necessary to coordinate statewide campaign or activities.

14. Copies of actual printed materials, tear sheets, with appropriate schedules and other appropriate records, will be forwarded to the Office of Tourism, acting for the Louisiana Tourism Development Commission, by each tourist promotion agency receiving funding under this Act.

Robert A. Dudden
Assistant Director

RULE

Board of Elementary and Secondary Education

Rule 3.01.70.i

The Board amended Bulletin 746 and adopted certification requirements for speech, language and hearing specialists.

Rule 5.00.50.f

The Board adopted the Policies and Procedures for Dispersal of P.L. 94-142, Part B, Support Services (Discretionary) Funds.

Rule 3.01.51.gg

The Board directed that Computer Science may be used as an elective course if taught by a certified teacher having the necessary skills as verified by his/her school principal and parish or city superintendent.

James V. Soileau
Executive Director

RULE

Department of Environmental Quality Hazardous Waste Management Division

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R.S. 30:1136 A(1) and (5), and in accordance with the provisions in La. R.S. 49:951 et seq., the Secretary of the Department of Environmental Quality, Ms. Patricia L. Norton, adopted amendments to Chapter 4 of the Louisiana Hazardous Waste Regulations (LHWR) on April 10, 1984.

The Environmental Control Commission initiated rule-making procedures to amend the LHWR on January 26, 1984. Prior to the final adoption by the Secretary, these amendments were forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the LHWR amendments may contact Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Hazardous Waste Management Division

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R.S. 30:1136 A(1) and (5), and in accordance with the provisions in La. R.S. 49:951 et seq., the Secretary of the Department of Environmental Quality, Ms. Patricia L. Norton, adopted amendments to Chapter 18 of the Louisiana Hazardous Waste Regulations (LHWR) on April 10, 1984.

The Environmental Control Commission initiated rule-making procedures to amend the LHWR on January 26, 1984. Prior to the final adoption by the Secretary, these amendments were forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the LHWR amendments may contact Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Hazardous Waste Management Division

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R.S. 30:1136 A(1) and (5), and in accordance with the provisions in La. R.S. 49:951 et seq., the Secretary of the Department of Environmental Quality, Ms. Patricia L. Norton, adopted amendments to Chapter 24 of the Louisiana Hazardous Waste Regulations (LHWR) on April 10, 1984.

The Environmental Control Commission initiated rule-making procedures to amend the LHWR on January 26, 1984. Prior to the final adoption by the Secretary, these amendments were forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the LHWR amendments may contact Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Man-

agement Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Patricia L. Norton
Secretary

RULE

**Department of Environmental Quality
Office of Air Quality**

Under the authority of the Environmental Quality Act, La. R.S. 30:1061 D (1) and 1084 B (1) and in accordance with the provisions in La. R.S. 49:951 et seq., the Secretary of the Department of Environmental Quality adopted a revision to Section 17.14.1 (g) of the Louisiana Air Quality Regulations. Preceding final adoption of the revision by the Secretary, the revision was forwarded to and found acceptable by the Joint Committee on Natural Resources.

This action clarifies the definition of "Excessive Concentration" in Section 17.14 which concerns stack heights. During the original drafting of the stack height regulations (Section 17.14), the last part was inadvertently omitted. This addition will maintain conformity as required by Federal regulations.

The revision is as follows:

Revise Section 17.14.1 (g) of the Air Quality Regulations to read as follows:

g) Excessive concentrations - for the purpose of determining good engineering practice stack height in a fluid model or field study means a maximum concentration due to downwash wakes or eddy effects produced by structures or terrain features which is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash wake or eddy effects.

Patricia L. Norton
Secretary

RULES

**Office of the Governor
Division of Administration**

**FISCAL POLICY AND PROCEDURE MEMORANDUM NO. 63
(REVISED April, 1984)
UNIFORM POLICY FOR USE AND MANAGEMENT
OF STATE VEHICLES**

In accordance with the authority vested in the Commissioner of Administration by Sections 60, 231 and 361-365 of Title 39 of the Revised Statutes of 1950, and following the procedures detailed in R.S. 49:950-970, the Division of Administration has adopted the revisions proposed in the February, 1984 *Louisiana Register*, except for that section regarding commuter fees which was disapproved by the Legislative Oversight Committee. Because that action leaves intact a commuter fee to be effective July 1, 1984, (as printed herein), further revisions to that section are anticipated. This printing of the Rules, however, shall serve as the reference copy for Departments until additional major changes are made. Except where otherwise noted, these regulations apply to all State officers, employees, and authorized persons in all agencies of the State, as defined in Title 39, Section 82 to include all offices and entities of the Executive branch, Judicial branch, and Legislative branch of State government.

The use of a State-owned vehicle is considered to be a privilege provided by the State so that official job responsibilities can be fulfilled. The intentions of these policies are to insure that this privilege is exercised appropriately and that the operation and management of State-owned vehicles is as economical and effective as possible.

Contents of this policy include:

- I. Introduction; Current Legal Authority and Definitions
- II. Organization of Vehicle Management Program
- III. Acquisition and Disposition of Vehicles
- IV. Vehicle Assignments
- V. Vehicle Storage and Commuting Policies
- VI. Maintenance and Care of Vehicles
- VII. General Provisions

I. INTRODUCTION

A. Current Legal Authority from Other Sources

1. R.S. 39:231.A. Except as provided in Subsection B and Subsection C, the Commissioner of Administration, with the approval of the governor, shall, by rule or regulation, prescribe the conditions under which 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.

R.S. 39:231.B. Each statewide elected official may use, at public expense, any state aircraft, automobile, or other vehicle which has been assigned to such official by the commissioner of administration for any purpose which such official deems necessary in performing the duties of his office.

2. R.S. 39:361. The Division of Administration shall establish a uniform policy for all state agencies for the use of State-owned motor vehicles by state employees. In developing the policy the following criteria shall be used:

(1) Based upon miles driven the break-even point at which it is more economical to purchase a vehicle for an employee as opposed to the paying of mileage shall be determined.

(2) If the vehicle is to be used primarily for city to city travel a standard size car may be purchased and if travel is primarily within a city or within a small geographical area, a compact car or other type of vehicle shall be purchased. No foreign made vehicles shall be purchased. All passenger sedans purchased except those for use by the Louisiana Department of Public Safety and those major department heads of the executive branch and certain other personnel approved by the Joint Legislative Budget Committee shall have highway mileage ratings of at least 20 miles per gallon according to United States Environmental Protection Agency standards for that particular make and model automobile.

(3) In cases in which the vehicle will not meet the mileage break-even point as established pursuant to Paragraph 1 above, the special need of the individual employee or official to have the use of a car purchased for his individual use, as in the case of certain department heads or persons engaged in law enforcement undercover work, may be considered.

R.S. 39:362. Purchase of Vehicles; specifications

The Division of Administration shall prepare a set of specifications for automobiles (both compact and standard size cars) and trucks (both pickup and heavy duty trucks) and other types of vehicles to be used by all state agencies. The Bureau of Purchasing in the Division of Administration shall prepare specifications so that state agencies only purchase one type of car per category and shall prepare in [sic] list of exceptions such as a vehicle for the governor, the vehicles for undercover police work, and other similar purposes. The Bureau of Purchasing shall bid contract rather than negotiate with all of the authorized dealers for prices on individual cars and shall also require state agencies to purchase from the authorized dealer who has been awarded the bid. Other authorized dealers who meet the standard specifications for the vehicles may sell cars to the state but only at the lowest bid price. The specifications and purchasing procedures set out in this Section, and all other provisions of this Part, shall be applicable to every state agency and department which uses state owned vehicles, without exception and notwithstanding any law to the contrary.

R.S. 39:363. Pooling of State-owned vehicles; determination of need; exclusions.

The Division of Administration shall determine how many vehicles based upon the break-even points, determined as provided in R.S. 39:361, would be surplus because employees who presently have them would not be eligible for them. The Division of Administration shall assume title to all of those vehicles and initiate a motor pool in various areas of the state where there are significant numbers of state employees who could benefit from such a pool. The Division of Administration shall assess the needs for the pools in those areas and determine the total number of vehicles in each pool to meet the daily requirements of such agencies...

R.S. 39:364. Employees of Office of State Police... (special provisions).

R.S. 39:365. Purchase or lease of luxury automobiles and equipment prohibited... (including exclusions).

3. R.S. 39:60.1.C. The Commissioner of Administration shall assemble and release annually to the governor and legislature, by January 31, a comprehensive report, by each budget unit and each spending agency in the executive and judicial branches of state government, complete as of September 30 of the preceding year, of information concerning motor vehicles, aircraft, and boats, owned or leased by each agency within the Executive or Judicial branch. The report shall include for each vehicle, the type of vehicle, make, model, year, primary user (if any), mileage traveled or hours of use, annual rental or lease cost if not purchased, or the purchase price.

4. R.S. 49:121 Identification of Property

(Name of board, department or subdivisions; marking on boat or vehicle; Louisiana public license plates; exemptions)

A. Every boat, watercraft, aircraft, automobile, truck or other vehicle belonging to the state or to any of its political subdivision shall, if required by law to bear a Louisiana license plate, bear a public license plate, and each such vehicle also shall have inscribed, painted, decaled or stenciled conspicuously thereon, either with letters not less than two inches in height and not less than one-quarter inch in width or with an insignia containing not less than 144 square inches, or if circular, not less than eight inches in diameter, the name of the board, commission, department, agency or subdivision of the state to which the boat, watercraft, aircraft, automobile, truck or other vehicle belongs, such as "Louisiana Department of Highways," or "Louisiana Conservation Commission," or "School Board-East Baton Rouge," or "Sheriff - East Baton Rouge," or "City of Baton Rouge"; provided, however, that recognized and approved abbreviations such as "La.," "Dept.," "Com.," "Bd.," and the like, may be used.

D. The individual whose responsibility it is to place the purchase order for any vehicle or water craft as herein provided for shall be personally responsible for seeing that the agency name is placed thereon as herein required and shall do so within ten days after the delivery of such vehicle or water craft is receipted for and prior to delivery of such vehicle to the person or agency from whom the purchase was made.

E. Those automobiles used in crime prevention and detection and similar investigative work which, if identified as required by this section, could not be used effectively for such purposes, are exempt from the provisions of this part, and in addition, the automobiles used by the governor, lieutenant governor and state-wide elected officials are exempt from the provisions of this part.

F. No officer or employee of the state or any of its political subdivisions shall drive or operate any publicly owned land vehicle, aircraft or water craft not marked in accordance with the provisions of this Section, and no public officer or employee shall request, direct or permit any other public official or employee or

any other person to drive or operate any such vehicle.

G. The head of any department or board of the state or any of its subdivisions who operates or who orders, requests or permits any employee under his control or supervision or any other person to operate any publicly owned land vehicle, water craft or aircraft not marked in accordance with the provisions of this Section shall be guilty of a violation thereof. Each day upon which such a violation is committed shall be considered a separate offense.

5. R.S. 39:330 Responsibility for Property...

A. Each property manager shall be the custodian of and shall be responsible for all property of his agency ... provided, however, that when any property is entrusted to any other officer or employee of the agency, the property manager shall require a written receipt for such property to be executed by the person receiving the property, and in such event the property manager shall be relieved of responsibility for the property...

E. Each property manager and each person to whom property is entrusted and receipted for as provided in this part shall be liable for the payment of damages whenever his wrongful or negligent act or omission causes any loss, theft, disappearance, damage to or destruction of property of his agency...

F. Whenever a property manager has knowledge or reason to believe that property of the agency is lost, stolen or otherwise unaccounted for or is damaged or destroyed, or whenever any other person has such knowledge or reason for such belief with respect to property entrusted to him, such property manager or such person shall report his knowledge or reason to the head of the agency. The head of the agency shall immediately notify the Commissioner, who shall cause an investigation to be made to determine whether the property manager or the person entrusted with the property or any other person has by his wrongful or negligent act or omission caused the loss, theft, disappearance, damage to, or destruction of such property. After the investigation, the commissioner shall either (1) release the property manager or person entrusted with the property from liability, (2) collect payment of damages from or arrange for such payment by the property manager or person entrusted with the property or (3) certify the facts to the Attorney General. If the commissioner deems that the investigation shows some other person to be liable for the damages, he shall take such steps as are necessary to recover damages therefor or otherwise satisfy the claims of the state with regard thereto.

6. Policy and Procedure Memorandum No. 49 - (General Travel Regulations);

a. V.B.1. State-owned vehicles shall be utilized for travel to points within Louisiana whenever possible unless another method of transportation can be documented as more efficient.

b. V.C. Operation of Motor Vehicles on Official State Business

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 state driver's license.

2. If available, safety restraints shall be used by the driver and passengers of vehicles.

3. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. 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 returned to ORM, together with names and addresses of principals and witnesses. An accident report concerning State-owned vehicles shall also be filed with the insuring agency, Travelers Insurance Company, as soon as possible. The branch closest to the official domicile of the vehicle should be contacted. 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.

4. Unauthorized persons should not be transported in state or privately-owned vehicles during the conduction of official state business. Approval of exceptions to this policy may be made by the traveler's supervisor if he determines that the best interests of the state will be served and if the passenger (or passenger's guardian) signs a statement acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

c. V.D. State-owned Automobiles

1. All purchases made on state gasoline credit cards must be signed for by the approved traveler making the purchase. The license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the report required in Item 3 of this Section.

2. Travelers in State-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall familiarize themselves with the existence of such allowance and/or contracts and the location of vendors by contacting the Purchasing Office, Division of Administration.

3. The user of each State-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer readings, credit card charges, dates, and places visited. When an agency car pool vehicle is used, the traveler, upon returning the vehicle to the pool shall report the operating condition of the vehicle to the person designated as the responsible assigning officer.

4. State-owned vehicles may be taken out of state 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.

B. Definitions

For the purpose of these regulations, the following words have the meanings indicated:

1. State-Owned Vehicles: Motor vehicles owned or leased by the State which require a human operator.

2. Passenger Vehicles: Those state-owned vehicles whose primary function is to transport people from one place to another, excluding emergency medical transportation (e.g. ambulances) and vehicles assigned for use by direct law enforcement agents. Generally, this shall include trucks with up to $\frac{3}{4}$ ton capacity.

3. Personally-Assigned Vehicles: A State-owned vehicle assigned to a particular employee for use in accomplishing job assignments and/or for the purpose of vehicle accountability.

4. Pool Vehicle: A State-owned vehicle made available to State employees on a specific trip basis. These may include:

a. Section Pool: State vehicles assigned to particular sub-units of a major State organization.

b. Unit/Agency Pool: State cars assigned to more than one section, usually at a common location such as an institution or larger office building.

c. Office Pool: State vehicles available as needed to employees of any section within a larger organizational structure, such as the Offices within the Executive Departments.

d. Department Pool: State vehicles under the general "ownership" of an Executive Branch Department or, in these regulations, a State college or university.

e. DOA Pool: State-owned vehicles under the supervision of the DOA Office of State Property Control, from which any State agency may rent a vehicle as available and appropriate.

5. State Employee: Any classified or unclassified employee of the State of Louisiana, e.g. whose salary is paid through the State Treasury, and "authorized persons" such as advisors and consultants, members of boards, commissions, and advisory councils, and others who have received appropriate authorization to utilize a State vehicle.

6. Statewide Elected Official: Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture, Commissioner of Elections, Commissioner of Insurance.

7. Personal Mileage: Mileage accrued which is not directly connected to State business. Travel between home and office (commuting mileage) is considered personal mileage, unless in special approved circumstances the employee does not normally work in an office.

8. State Fleet Manager: The Division of Administration staff person in State Property Control responsible for the implementation, monitoring, and overall administration of the statewide vehicle management program.

9. Break-even Mileage: The annual mileage traveled on official state business beyond which it is more economical for employees to utilize a State vehicle than receive reimbursement at the established State rate for use of a personally-owned vehicle. Commuting mileage is *not* included in this computation.

10. Department: Unless otherwise noted, use herein represents all Departments of the executive branch, including colleges and universities, boards, commissions, councils, and other entities; and offices and entities of the Judicial and Legislative branches of State government.

11. Official Domicile: For the purpose of determining commuting mileage, shall be the physical location of the office, institution, or other facility where the State employee regularly reports and performs most official job responsibilities.

12. Department Head: Unless otherwise noted, use herein represents Statewide elected officials, the Secretary of a Department in the Executive Branch, and his/her equivalent in colleges and universities, boards, commissions, councils, and other entities of any branch of State government. Delegations of authority must be submitted to and approved by the Division of Administration, as alluded to in Section II.D.

II. ORGANIZATION OF VEHICLE MANAGEMENT PROGRAM

A. In accordance with the responsibilities and authority vested in the Commissioner of Administration by Sections 231 and 361 of Title 39 of the Louisiana Revised Statutes of 1950, interagency management of State-owned vehicles is the responsibility of the Division of Administration. The duties of the State Fleet Manager shall include but are not limited to:

1. Functioning as the primary liaison with Transportation Coordinators for each of the executive departments, colleges, universities, boards, etc.

2. Establishment and maintenance of an accurate data base which is sufficient for the fixed asset program; assignment of vehicles; cost allocation for vehicle use, fuel purchase, maintenance and repairs.

3. Identification of the need for and provision or coordination of training for Departmental Transportation Coordinators, Officers, and vehicle operators.

4. Development and implementation of assessment for ongoing identification of areas where State vehicle shortages are occurring, based on utilization patterns, vehicle availability, etc.

5. Assumption of title to under-utilized vehicles which have not been granted exceptions based on special functions, and reassignments of these to agencies with assessed vehicle needs (as well as temporary rentals); develop and maintain coordination with the Budget Office regarding the above.

6. Review of all requests from Department Transportation Coordinators for exceptions to State vehicle policies. (Appeals may be made by the Department Secretary to the Commissioner of Administration.)

7. Development and maintenance of interdepartmental agreements for use of bulk fuel dispensing, maintenance facilities, secure vehicle storage areas, etc.

8. Review of all reports of vehicle abuse or policy violation, supervision of investigation of same as necessary, and approval of action recommended by Department Head, or recommend alternative to Commissioner.

9. Review of Department requests regarding major repairs (both mechanical and body damage), disposal, and acquisition of vehicles; final authorization for action to be taken, within other appropriate guidelines.

10. Monitoring of reports received from Department Transportation Coordinators, notification of Commissioner and Department head when problems are not being resolved.

B. Because the effective and efficient utilization of vehicles requires the cooperation of all parties, each Department (see I.B.10 herein) shall designate one individual as the Department Transportation Coordinator. The name, position, and telephone number of this person shall be furnished to the Commissioner of Administration by March 1, 1984, and updated as changes occur. This is to be accomplished within the current position allocation. Although the scope of duties of the Department Transportation Coordinators will vary somewhat because of the vast differences in the sizes and uses of motor vehicle fleets among State agencies, all Department Transportation Coordinators shall:

1. Serve as primary liaison for his/her Department with the Division of Administration, Office of State Property Control, including:

a. Responsibility for dissemination of DOA policies and procedures regarding the use of State vehicles among all Department employees.

b. Responsibility for submission of accurate and timely reports regarding State-owned motor vehicles as requested by the Division and/or mandated by legislation.

c. Responsibility for responding to inquiries from the Division regarding particular situations involving the possible misuse of State-owned vehicles assigned to his/her Department or operated by the Department's employee.

d. Report to the Division any improper use of State vehicles that comes to his/her attention, along with corrective actions taken as appropriate.

e. Report to the Division any major accident involving a State-owned vehicle or plans to dispose of or transfer a vehicle.

2. Review monthly vehicle usage and maintenance reports as required elsewhere in these regulations, investigate irregularities or have them investigated, and provide explanations to the Division as requested.

3. Supervise or monitor the study of any Department-operated garages or service/repair facilities as directed by the Division or the legislature.

4. Maintain current and complete files on each motor vehicle assigned to, owned by, or used by the Department, to include information detailed elsewhere in these regulations, until such time that all the required information is automated and easily retrievable.

5. By July 1, 1984, and thereafter, insure that every Department employee who operates a State vehicle at any time

has on file a signed and dated agreement and understanding form. This form will be developed by and available from DOA Forms Management.

6. Insure that Department employees with personally-assigned State-owned vehicles file an additional signed application and agreement (DOA Form MV-2) at least annually with the Department Transportation Coordinator, which shall be submitted to the State Fleet Manager for approval by May 1 each year.

7. Supervise and control interagency car pool operations as established within the Department and serve as liaison with DOA State Property Control for the interdepartmental State Motor Pool operations.

8. Coordinate and approve agency requests within the Department for replacement or new vehicles before such are submitted to the DOA Budget Office, first insuring that under-utilized vehicles are not available within the Department for transfer. (Each case will also be reviewed and approved by the DOA Fleet Manager prior to Budget Office approval.) The Department Transportation Coordinator should have sufficient authority to reassign agency vehicles within the Department. This authority shall not be delegated to a lower level.

9. Insure that preventive maintenance has been performed on all vehicles assigned to the Department according to the minimum schedule contained herein or the schedule developed and approved for the particular vehicle, and that required records of such are current and complete. (See also Items 2 and 4 of this section.)

10. Insure the collection of any approved commute charges that are not collected by payroll deduction within the Department.

C. In order to more efficiently fulfill the responsibilities outlined in this policy memorandum, the Department may designate appropriate employees in smaller organizational units as Transportation Officers, within present position allocations. The Department Transportation Coordinator shall delegate in writing those functions which the Transportation Officer is responsible for on the smaller scope of an institution, pool, or office level. A copy of these delegated responsibilities shall be furnished to the Transportation Officer's supervisor so that conflicts in assignments can be avoided.

D. A Department may develop another organizational structure or internal policies which better serve the vehicle needs of its agencies, if such comply with the minimal guidelines contained herein. Details of such structures, policies, and procedures shall be approved by and filed with the Division of Administration and updated as changes occur. Substitute structures must still provide all reports and accountability features required herein unless excepted by law, or unless a substitute format or timetable of such has also been approved by the Division as part of the Department's internal policies.

III. ACQUISITION AND DISPOSITION OF VEHICLES

A. In view of the increasing cost of fuel and vehicles and in view of Louisiana's need to employ the most cost-effective method of transportation, the following Rules shall be observed in the acquisition of vehicles (effective January 20, 1982):

1. Large-size or "luxury" vehicles (as defined in R.S. 39:365.B. and C.) shall henceforth be purchased only for use of elected officials as is presently permitted under R.S. 39:365.E.

2. Mid-size vehicles may only be purchased for use by Department Heads at the level of Secretary.

3. Compact vehicles may be purchased for usual occupancy by three or more persons or when the major usage will be inter-city mileage.

4. Subcompact vehicles shall be purchased where usual occupancy is anticipated by one or two persons, or where travel will be limited in the main to intra-city travel, or when mileage is not

expected to exceed 15,000 per year.

B. Specifications shall be developed by the Division of Administration, Office of State Purchasing, to provide for the needs of State agencies according to the above and define specifically what model types each category includes, to result in a bid contract for vehicle purchases. Specifications will accommodate those restrictions and exceptions detailed in R.S. 39:361, 362, and 365.

C. All requests to purchase vehicles, including Purchase Release Orders, shall include a detailed explanation of the purpose and use of each vehicle. The explanation shall include such details as intended use in the motor pool, whether the vehicle will be used mainly in inter-city or intra-city travel, number of expected occupants, anticipated yearly mileage, etc.

D. Approval for the acquisition of a vehicle will not be given until it has been determined that a suitable vehicle is not already owned by the State and underutilized at its current assignment, which could be transferred to the requesting agency, and that the need for the vehicle is sufficient to warrant a purchase rather than lease or rental. Signatures of the State Fleet Manager and State Executive Budget Officer will constitute such approval.

E. All newly purchased State-owned vehicles will be delivered to State Property Control for inspection of compliance with purchasing specifications and condition at delivery, as well as establishment of a centralized file on the vehicle and, when developed, insertion of an operator's manual, accident reporting procedures and forms, and, as appropriate, a universal State credit card.

1. The preventive maintenance requirements of the vehicle will be determined between the State Fleet Manager and Department Travel Coordinator, and reporting expectations clarified as necessary.

2. No vehicle will leave the premises of State Property Control without the appropriate State identification affixed. After that time, the owner-Department becomes responsible for insuring that such identification is maintained in a readable condition. Exceptions to this mandate are detailed in Section I.A.4 of this Rule.

3. Departments shall apply to the Department of Public Safety for vehicle license plates and shall notify the State Fleet Manager of the number assigned to a new vehicle and any subsequent changes which may occur.

4. Vehicles purchased by the Department of Transportation and Development and Department of Public Safety are not accepted and inspected by DOA State Property Control, but these agencies will notify the State Fleet Manager of vehicle acquisition, license plate number assignment or changes, and other such information as is necessary to maintain a current and comprehensive vehicle inventory and control program.

F. Upon determination by the Department Travel Coordinator and, ultimately, the State Fleet Manager that the useful or efficient life of a vehicle has been surpassed, that vehicle shall be transferred to DOA State Property Control for disposal as surplus property in accordance with law or regulations.

IV. VEHICLE ASSIGNMENTS

A. Personally Assigned Vehicles

1. To qualify for an assigned vehicle, State employees must drive, on State business, in excess of the break-even mileage, which has been determined for these purposes to be 15,000 miles annually. This mileage should accrue consistently throughout the year, not sporadically month to month. Exceptions to this policy include:

a. According to R.S. 39:364, an employee of the Department of Public Safety, except police employees, must travel in excess of 18,000 business miles per year in order to have a vehicle personally assigned to him/her. The Secretary or Assistant Sec-

retaries of Public Safety may make exceptions to this because of emergencies or unusual circumstances, which must be documented for the files of the State Fleet Manager on DOA Form MV-2.

b. Assignment of vehicles to Statewide elected officials, the Commissioner of Administration, Cabinet Secretaries, and presidents or chancellors of State colleges and universities, and their equivalent positions in the Judicial and Legislative branches, due to the extensive and constant nature of their responsibilities. Personal use of these vehicles, however, is considered a gratuity by the Internal Revenue Service, so these persons are not exempt from later provisions dealing with that subject.

c. State Police troopers, who generally report to assignments directly from their residences and because of their 24-hour assignment to protect Louisiana citizens, uphold compliance with the law, and protect property.

d. Those which may be made by the Commissioner of Administration for other state employees whose responsibilities include full-time public safety or investigative work, those who drive specially-equipped vehicles, and those whose technical expertise demands frequent over-time in the service of data processing equipment, heating and air conditioning at institutions, etc. Individual requests for such exceptions must be made to the Commissioner on DOA Form MV-2.

2. A Personal Assignment Agreement (DOA Form MV-2) must be completed, signed, and filed with the State Fleet Manager annually by May 1 in order to continue the personal assignment into the new fiscal year. Any agreements approved by the State Fleet Manager during the year shall expire June 30 and require renewal request according to the schedule above.

3. Assigned vehicle drivers do not have the authority to grant permission for the use of assigned vehicles to any other person except for reason of health and/or safety, except as below.

4. The personally assigned vehicle shall be made available for official use by other staff members when it would otherwise not be used (and such use noted on the daily vehicle log, DOA Form MV-3). When the employee is on extended leave (more than five days), the transportation officer or coordinator should be notified so that the vehicle may be temporarily reassigned.

5. Employees with personal vehicle assignments are responsible for insuring that service, maintenance, and inspection of the vehicle is completed as required, which includes proper reporting to the transportation officer or department transportation coordinator, as determined within the Department.

6. The driver of each personally assigned state-owned vehicle shall submit a Monthly Vehicle Usage Report to his/her supervisor by the third working day of each month, who shall audit such and within three additional days route the reports to the appropriate transportation officer or departmental transportation coordinator. Drivers shall utilize DOA Form MV-3, attaching any explanatory information as needed.

B. Pool Vehicles

1. Assignment of vehicles shall be made on a priority basis to those locations where a combination of employees are reimbursed for more than 15,000 miles driven on official state business in their personal vehicles because state vehicles were not available.

2. Continuance of assignment of vehicles to a departmental or smaller unit pool shall be provided on a top priority to those units which accrue 15,000 or more miles annually per vehicle on official state business, as determined by monthly and annual reports. Rotation of the use of vehicles in a pool is therefore encouraged if vehicle retention is considered important. (Non-passenger vehicle utilization will be assessed on an individual basis.)

3. The transportation officer or department transportation coordinator, as determined within each Department, shall be

responsible for monitoring the utilization of pool vehicles and making assignment decisions as necessary. Additionally, this person will:

a. Insure that any state employee in his/her unit who may operate a state vehicle has on file a signed State Vehicle Operator's Agreement and, when applicable, a Personal Assignment Agreement.

b. Insure that each driver maintains the daily log for the particular vehicle and submits to him/her necessary documentation for reporting purposes.

c. Compile required information for monthly reports submitted to the department travel coordinator and, upon request, to the state fleet manager.

d. Insure that each vehicle under his/her supervision has the minimum preventive maintenance performed at appropriate intervals, as defined in Section VI.C. herein, with required reports completed and submitted; this shall include oversight of basic upkeep such as car washing, checking tire pressures, and annual safety inspections.

e. Insure that proper procedures have been followed when any accident occurs involving a state-owned vehicle (see Section I.A.6.b.3), and that an incident report is filed with the department transportation coordinator whenever he/she receives a report of vehicle abuse, that vandalism has occurred, etc. If it is determined that a state-owned vehicle has been totaled or incurred major damages, the state fleet manager shall also be notified.

f. Perform such duties as necessary to monitor the use of state vehicles assigned to that pool and insure their most efficient and effective operation.

C. DOA Pool Vehicles: Under separately available procedures, any Department may request the utilization of a pool vehicle maintained by DOA State Property Control. Such utilization may be on the basis of short-term rental or long-term leasing, with prior approval of the State Budget Office, at a fee estimated by State Property Control to recover the costs of operating the service.

V. VEHICLE STORAGE AND COMMUTING POLICIES

A. Each state-owned vehicle shall have a designated overnight storage site which shall generally be the office location, regardless of whether the vehicle is personally assigned or a pool vehicle. This site shall be reported annually to the state fleet manager as indicated in Section VII.I. herein, and updated as changes occur. If the requested storage site is an employee's home, the subsequent sections shall apply.

B. State-owned vehicles may be stored overnight at an employee's residence at the discretion of the appropriate transportation officer or department transportation coordinator when:

1. The state employee will be departing upon or returning from an official trip away from the employee's official domicile either before or after normal working hours, or where the employee's residence is reasonably in route between the employee's official domicile or the vehicle storage site and the place where the employee is to commence work the next workday.

2. The vehicle is to be used in the conduct of specific, scheduled state business outside the normal working hours of the agency.

3. The employee is required to work specific, unexpected and unplanned overtime with the result that no other practical means of getting home is available to the employee.

4. The employee has a short-term assignment (no longer than one week) during which he/she is on 24-hour call and must use a specific vehicle due to the special equipment carried therein. Longer term assignments require approval of the Commissioner (see Section C).

C. Regular home storage (overnight parking) of a state-

owned vehicle will only be permitted with approval of the Commissioner of Administration, using DOA Form MV-2, which shall expire at the end of each fiscal year. For renewal, this form must be submitted to the state fleet manager by May 1 each year. Reasons considered for home storage include:

1. Documentation that no state facility, commercial parking, or other state parking space is available. The Division may determine that paying for space is more cost-efficient than commuting, or that another state agency will provide storage space.

2. Documentation that available overnight parking space is unsafe. The Division may arrange for additional security measures (police patrols, fences, etc.) or institute a trial period at any time to determine whether conditions cited are chronic or sporadic. Specially-equipped vehicles will be given added consideration.

3. Documentation that the state employee is required to travel in response to urgent or emergency calls outside of regular working hours in such frequency that it is more cost-effective to provide a state vehicle than reimburse the employee at the official mileage rate for use of his/her personal vehicle. Being "on call" does not constitute documentation; travel logs must indicate the regularity of these occurrences over at least a three-month period. The nature of the service rendered, the importance to life and property of an immediate response, and the reasonable availability of other appropriate means of transportation will be considered on an individual basis. If a bona fide emergency exists during which an employee must travel to a site and personal transportation is not available, he/she may be reimbursed for taxi utilization (with receipts). Departments shall, however, have employees in such vital positions determine a substitute or backup transportation method in case an emergency should occur when they do not have personal transportation available. As a last resort, a local or state law enforcement agency may be contacted by the local agency or institution director for emergency transportation assistance, to be reimbursed by the agency upon invoice.

4. The need for immediate access to special equipment carried only in or attached to the state-owned vehicle, in order to respond to actual threats to life and/or property.

5. The fact that specific employees or a class of employees are engaged in field work or work not generally confined to a permanent duty station, in which a vehicle must be used to perform said duties and the nature of which preclude regular pickup and return of a state vehicle from and to a state storage facility or parking area. A three-month travel log utilizing consecutive Monthly Vehicle Usage Reports (DOA Form MV-3) or processed Travel Reimbursement Forms, will provide documentation for this exception when inclusion of a large group (i.e. State Police field troopers) is not relevant.

6. When used in a commute program as described in Section D below.

D. State-Owned Vehicles Operated in a Commute Program

1. State-owned or leased automobiles and passenger vans may be used to provide commute transportation for state employees if such use does not interfere with the prescribed use of the vehicles and if the full cost of operating the service is reimbursed directly by the employees in a program specifically approved by the Division of Administration.

2. Requests for commencement or continuation of an employee commuting program shall include:

a. Identification of vehicles to be utilized;

b. Reasons that this use of vehicle would be of particular benefit to program (e.g. remote location of institution, movement from one road site to another, etc.);

c. Method of determining operating cost of vehicle and monthly fee for each participant (driver is included);

d. Method of charging employee for participation, to reimburse agency for cost of operation (e.g. payroll deduction, advance payment, etc.);

e. Identification of probable participants; routes; probable drivers (with Louisiana driver's license numbers); where vehicle will be stored overnight and on weekends; other uses of vehicle;

f. Any other information requested by the DOA Fleet Manager.

3. Each approved commuting program shall maintain records that will demonstrate it is self-supporting, and provide such to the DOA Fleet Manager by May 15 of each year. Renewal of approval for the subsequent fiscal year will be dependent upon this report. A daily mileage log will be maintained that also indicates the driver and passengers for each trip.

4. Agencies may include whatever additional controls they deem necessary.

E. Reimbursement for Commute Miles (Please refer to Notice of Intent in this issue for proposed substitution.)

Except as specifically provided for herein, all state employees who are permitted to commute in state-owned vehicles between their residences and their official domicile shall be subject to a commute charge to be collected by payroll deduction. Another method of collection may be proposed by the Department if no additional administrative costs are incurred. These procedures are intended to comply with Internal Revenue Service codes and interpretations which include commuting privileges as fringe benefits and a form of non-cash compensation to be counted as gross income if the value of the benefit is not reimbursed to the employer. Exceptions may include:

1. State employees who work in the field and do not report in person to an official domicile more than two times per week are not considered to have commuting privileges and are excluded from a commute charge. This must be documented for a minimum of three months prior to approval by the Commissioner unless the state employee is newly assigned, in which case the assignment will be limited to three months and reviewed prior to renewal. Field workers are not entitled to use assigned state vehicles for personal purposes. (State troopers are excluded from this provision and addressed in Section I below.) Individual or group situations where this criterion is difficult to determine will be explained fully by the Department Head to the Commissioner of Administration, with the most economical utilization of the vehicle and efficient use of manhours given prime consideration. Employees or agencies exempted from this fee for any reason (Constitutional exclusions, etc.) are accepting liability for any back withholding taxes subsequently charged by the I.R.S.

2. State employees who are not approved for regular home storage of a vehicle but who may temporarily or on a very occasional basis commute because of a special, short term assignment, of the type referred to in Section V.B. of these policies. If the assignment requiring commuting lasts for more than one week, the Commissioner must be advised of and approve any request for continued suspension of commute charges.

3. Elected statewide officials who determine, under the authority granted to them in R.S. 39:231.B., that commuting is official state business and therefore at public expense. The Division, however, does not support this interpretation.

F. (Please note PPM introduction regarding this Section.) The commute charge to be effective July 1, 1984, except for that class identified in Section I to follow, will be determined according to the shortest round trip distance between the residence of the state employee and the official domicile, at a frequency of 20 times per month. The monthly total of estimated commute mileage will place the employee into one of five zones, from which a standard charge per month is calculated at the current rate per mile utilized by the United States government agencies (20¢):

Zone	Range of Commute Miles/Month	Charge/ Month
Special State Trooper (field)		\$ 25
I	1-200 (5 mi. one way)	\$ 40
II	201-400 (10 mi. one way)	\$ 80
III	401-600 (15 mi. one way)	\$120
IV	601-1,000 (25 mi. one way)	\$200
V	Over 1,000	\$300

G. The commute charge may be reduced for one month by half when the state employee did not commute in the state-owned vehicle for at least ten consecutive working days during a previous month, upon application by the employee's supervisor to the department transportation coordinator. Documentation may be required. Other divisions of the charge will not be permitted. If the commuting privilege is rescinded for a period of a month or more, the department fleet coordinator shall be notified immediately and he/she, in turn, will notify the state fleet manager as well as the appropriate accounting office so that the payroll deduction can be suspended or terminated.

H. The state employee who has the privilege of commuting has the responsibility to immediately notify the department transportation coordinator of any change in residence, whether the commute fee is affected or not. Such state employee will be held responsible for major discrepancies found between estimated commute mileage and actual distance determined during an audit, and/or unaccounted-for mileage on the vehicle. In addition to fee recovery, penalties for fraudulent reporting shall include suspension and/or termination of vehicle privileges, and may include termination of employment, fines, or prosecution.

I. (This section, which would be effective July 1, 1984, is also effected by the introductory statement.) A monthly fee of \$25 is imposed on all State Troopers assigned and performing primarily field duties (as defined by the Governor's Office) and who make personal use of their state vehicles (other than commuting and as clarified by the Governor's Office). If there is no personal use as defined for this Section only, there will be no fee. All other State Troopers not covered by the above will pay a maximum monthly fee of \$40. These allowances are based on the frequency of public services provided while commuting and off-duty, the jurisdiction of the commissioned officers, and the nature of their responsibilities.

J. The commute charge withheld by payroll deduction will be identified under a unique revenue object code and remain in the State Treasury as income not available to the agencies. Any Department proposing another collection method must detail procedures for assuring full accountability.

VI. MAINTENANCE AND CARE OF VEHICLES

A. General

The preventive maintenance (PM) program is designed to provide maximum safety, efficiency, and economy in the operation of motor vehicles, and to minimize lost vehicle time caused by extensive repairs. All departments and other agencies must follow the minimum guidelines contained herein or submit an alternative, formal program to the state fleet manager by April 1, 1984 for approval. There shall be a primary person designated as responsible for insuring that PM guidelines are followed on each state-owned vehicle; this may be the employee who has a personally-assigned vehicle, a transportation officer for a group or pool of vehicles, the department transportation coordinator, maintenance facility managers, or others. This person will be held accountable for compliance with these or the Department's PM guidelines and maintenance of compliance records which are subject to audit. An individual file will be maintained on each vehicle, as called for in Section VI.E in these policies, by either the

designated responsible person or someone in a higher management position within the agency.

B. Routine Maintenance

1. Each state employee designated in Section A above shall routinely check their assigned vehicles to insure proper oil level, water and coolant or antifreeze for radiators, water for batteries, wear on belts, and proper inflation of tires. Additionally, vehicles shall be kept clean both inside and out. The vehicle driver and/or responsible person shall see that these services are performed at least weekly, and the vehicle file shall document this. DOA Form 424 may be utilized for this purpose if signed by the person who checked the vehicle. A pool transportation officer may require that every driver of the state-owned vehicles complete a checklist and turn it in with the vehicle keys after each trip.

2. All state employees authorized to operate state-owned vehicles should at least occasionally be responsible for performance of the routine maintenance check so that any questions regarding how to check these items can be clarified before a problem on the road occurs. Basic items such as how to change a tire and jump a dead battery should also be taught as necessary. Drivers may be tested on these or other appropriate items, at the discretion of the department head, before permitting the employee to drive a state-owned vehicle.

C. Preventive Maintenance

1. The preventive maintenance guidelines indicated on DOA Form MV-4 will be followed for all passenger vehicles unless the manufacturer's guidelines are more stringent. In that case, the DOA form shall be modified and still utilized to maintain a current and ongoing record of the vehicle's maintenance. The department transportation coordinator is responsible for seeing that an appropriate written maintenance plan has been prepared for any other type of state vehicle he/she is responsible for, and that such is followed.

2. DOA Form MV-4 shall be completed at each preventive maintenance interval (adapted as necessary for non-passenger vehicles) and signed by both the mechanic or shop foreman and responsible state employee. One copy of the completed form shall be maintained in the vehicle file; one copy shall be transmitted through the responsible transportation officer (if any) to the department transportation coordinator; one copy shall be forwarded to the state fleet manager, where an automated system will begin to track operating costs and repairs on each vehicle. Departments may arrange to communicate this information to DOA by another method, such as printouts of internally maintained data, until electronic networking is accomplished.

3. Until such time that the state fleet manager or another system can generate prompter messages to agencies regarding due dates for preventive maintenance on specific vehicles, the person designated as responsible for that vehicle shall develop some type of tickler system so that maintenance intervals will not be exceeded. If maintenance is not performed within ten working days of the due date or mileage indicator, the vehicle assignment is subject to termination.

D. Annual Safety Inspections

All state-owned vehicles shall maintain valid safety inspection stickers or other safety criteria as appropriate to the type of vehicle. The department transportation coordinator is responsible for insuring that this occurs.

E. Vehicle Files

In addition to the records of routine and preventive maintenance required above on each vehicle, the vehicle file shall include a copy of the daily/monthly log of vehicle use, which shall indicate downtime of the vehicle and reason for such, as well as records of all repairs, operating costs, etc. associated with the vehicle.

F. Service Facilities

1. When a vehicle is under warranty, the authorized dealer (certified by the manufacturer to perform maintenance on their equipment) shall be utilized except in unusual circumstances as approved by the department transportation coordinator. Payment for services to other private facilities should not be authorized except in such cases.

2. Service from state-owned garages or maintenance facilities operated or leased by the Department owning the state vehicle (not under warranty) is required when reasonably available, following procedures established by the Department.

3. Basic service through the Division of Administration's Fleet Management Section is available at nominal fees to all state agencies on a scheduled basis at the Baton Rouge facility. Loan vehicles may be provided when available. As additional services and facilities become available Departments will be notified. Gasoline is available at reduced rates for State-owned vehicles which belong to Departments who have entered into an agreement for payment with the Division of Administration's Office of State Property Control.

4. Every state agency is encouraged to furnish preventive and restorative services (including labor, parts, fuel) to state-owned vehicles belonging to any other state agency as its own facilities and needs permit. The agency served shall pay expenses involved to the agency providing the service, at a rate agreed upon prior to the service being rendered, and any such funds collected will be made available to the agency furnishing the services, facilities, and records.

a. The Division of Administration will assist in the development of any intradepartmental assessment of vehicle maintenance services in order to determine the feasibility of expanding service availability to other agencies in the geographic region and appropriate charges to recover costs.

b. The Division of Administration will prepare a directory after July 1, 1984, with regular updates, listing locations of all fuel and maintenance facilities which Departments have indicated are available to meet the needs of state-owned vehicles belonging to other state agencies.

5. Commercial facilities under state contract or with blanket purchase agreements with the state will be utilized when the above are not available. These will also be identified in the forthcoming directory as they are developed.

6. When the service facilities detailed above are not available, automotive repairs fall under specific purchasing code procedures, as outlined in Executive Order 82-13. These state that repairs and parts associated with those repairs for automobiles and machinery shall be obtained by either an authorized dealer (as defined in Section VI.F.1), or through competitive bids according to small purchase regulations as follows (unless otherwise exempted):

a. Under \$100; no competitive bidding required.

b. Over \$100 but under \$500; receipt of price quotations required and purchase made on basis of lowest quotation (telephone and telegraph quotations acceptable when reason explained in writing).

c. Over \$500 but under \$2,000; solicit written quotations from at least five bonafide prospective bidders using DA 101 and FACS 101 forms.

d. Over \$2,000 but under \$5,000; sending out written invitations for bids to at least eight bona fide, qualified bidders, including complete specifications, notice of bid reading, etc.

e. Over \$5,000 includes advertising requirements, etc.

State agencies are strongly urged to adopt internal procedures whereby the department transportation coordinator is consulted when repairs are estimated to total between \$100 and \$500, and that his/her authorization be required for repairs esti-

mated to cost over \$500 prior to performance even by an authorized dealer. The department transportation coordinator, in consultation with the state fleet manager, should review repair and operating expense records to determine whether it may be more cost-efficient to replace the vehicle than continue to maintain it.

7. Except for those agencies to which other purchasing authority has been delegated, Executive Order 82-13 states that:

(2.g.5) "Repairs and parts associated with those repairs for heavy equipment, airplanes, and large boats shall be obtained by the use of an authorized dealer."

8. State contracts exist for most major vehicle items, under which substantial discounts are available. Except in emergency situations, these dealers must be utilized for batteries, tires, parts, transmissions, glass repair, etc. Lists of these dealers will be furnished to all Departments for placement in each state vehicle and updated as changes occur.

9. Drivers of state vehicles should be aware that fuel purchases for state-owned vehicles are exempt from federal excise taxes (usually credited on the monthly fuel bill), and that parts and other commodities are exempt from the state portion of the sales tax. Retailers may, however, not be knowledgeable in this area and may have to call the transportation officer for confirmation.

10. When fuel is not available from a state operated facility, the driver shall utilize the self-service pumps unless a mechanical problem needs to be checked by the attendant, or such are not available. Credit card charge receipts will be audited for this periodically, and an employee violating this provision shall be personally responsible for full-service purchases which cannot be justified. Handicapped drivers are excluded from this policy when the handicap makes self-service a hardship.

11. Each state employee has the responsibility to report to his/her transportation officer, department transportation coordinator, or the Division of Administration state fleet manager any incident involving possible misuse, abuse, or neglect of a state vehicle, including lack of proper maintenance. Confidentiality of the source of information will be maintained if requested. Reports received from the general public will also be investigated.

12. Operators of State-owned vehicles will follow all reasonable procedures to insure the safety and economical use of state vehicles, including:

- a. Locking vehicles at any time they are left unattended.
- b. Removing credit cards when keys must be left in the vehicle at parking facilities.
- c. Parking the vehicle in authorized places where reasonable security is offered and removing from ready visibility any state or personal property within the vehicle.

VII. GENERAL PROVISIONS

A. Cases of special need where the performance of official state business requires deviation from stated policy must receive prior written approval from the Commissioner of Administration. Such cases include:

1. State-owned vehicles used by employees traveling less than 15,000 miles annually. (Personal Assignments)
2. Privately owned vehicles used by employees traveling in excess of 15,000 miles annually.

The above requests for exception must be submitted annually to the Commissioner by May 1 for application in the following fiscal year.

B. State-owned passenger vehicles which are anticipated to be operated less than 15,000 miles annually and are not specifically excepted by the Commissioner, will be either:

1. Reassigned to employees or units in the same department who travel more than 15,000 miles per year in personal vehicles or where state vehicles need to be replaced;
2. Incorporated into intradepartmental motor pools; or

3. Turned over to the Division of Administration's State Property Control.

C. Regulations related to state-owned vehicles promulgated in Policy and Procedure Memorandum #49, General Travel Regulations (cited in Section I.A.6 of these policies) shall continue to be in effect.

D. When federal funds were involved in the purchase or lease of a state-owned vehicle, federal rules and regulations governing the utilization of that vehicle will prevail. Such situations that conflict with State policies must be justified to the Commissioner as exceptions, following procedures outlined herein. Vehicles purchased by other special funds containing specific utilization provisions that conflict with State policies herein will likewise be identified to the Commissioner for exception.

E. When a state employee is required to use a state-owned vehicle for travel while away from his domicile, the vehicle may be used prudently to obtain meals and other necessary services. It shall not, however, be used for entertainment or personal purposes, either within or outside of the official domicile, and such use shall result in a suspension of the privilege of using a state vehicle. The employee will be required to pay a \$50 fee for the reinstatement of this privilege, and may be subject to disciplinary action at the discretion of the employee's appointing authority. The state fleet manager will be notified of all such incidents and their disposition. Use of state-owned vehicles within the official domicile to obtain meals is not permitted except for State Police and other investigative and law enforcement officers actually on duty or State Police with the personal use privilege; field workers who are between consecutive site visits; and elected statewide officials who determine that such is official state business. In other extraordinary situations, the state fleet manager may authorize use of a state vehicle to obtain meals within the domicile. In all situations, the operation of a state-owned vehicle will be in the best interest of the tax-paying public and, therefore, directly service oriented. (The intent of this section is that unless a meal-time is used for a bona-fide, strictly official State business meeting, a State-owned vehicle shall not be used.)

F. Under no circumstances shall a state employee operate a state-owned vehicle while under the influence of intoxicating beverages, drugs, or other substances.

G. The operator of a state-owned vehicle will be personally responsible for any fines, tow-away charges, or other costs associated with his/her failure to observe all federal and state motor vehicle laws or municipal ordinances.

H. Each department will establish an Accident Review Board consisting of at least three persons, which will review the circumstances of any accident involving a state vehicle. Internal Department guidelines shall be developed regarding disciplinary and other action (potentially including recovery of damages) that may be taken should an employee be determined to be at fault due to negligence, violation of law, etc., particularly if the accident did not occur during the conduct of official state business. A copy of the guidelines developed shall be submitted to the Division of Administration for review and approval by June 1, 1984.

I. An annual report on vehicles will be submitted to the Commissioner of Administration by January 1, 1985, and each succeeding year, to include the following:

1. Listing of state-owned vehicles assigned or leased to the department, to include type of vehicle, make, model, year, primary user (if any), mileage traveled or hours of use (grand total through September 30 and specified yearly figures), annual rental or lease cost if not purchased, or the purchase price. (This information has been required since 1978.) The BR-20B, C, and D forms prepared for the State Budget Office will suffice for much of this information, but must be submitted separately to the Commissioner by January 1 and will be supplemented to include license

plate identification number, State Property Control Agency/Tag numbers, daytime location of vehicle, overnight storage site, total days of downtime due to repairs or maintenance, total annual cost of repairs and maintenance (excluding fuel and oil added between changes), basic operating costs (fuel, oil added, etc.), and estimated insurance cost.

2. Total number of State-owned passenger vehicles driven less than 15,000 miles annually (required since 1978), by official domicile location.

3. Total number of miles traveled by state employees in privately-owned vehicles on state business during the same reporting period, by official domicile location (required since 1978).

4. Listing of state employees traveling more than 15,000 miles annually in private vehicles on State business; actual miles and amount reimbursed (required since 1978) and office or official domicile location. By adding office (or official domicile) location under "Nature and Purpose of Travel," the BR-14B budget request form will suffice for this requirement (copy attached).

5. Information on intradepartmental motor pools operating; any interdepartmental motor pools established; identified needs for these services or other status indicators (required since 1978).

6. Number of passenger vehicles turned over to DOA State Property Control, or otherwise disposed of, during the year reported (required since 1978).

Forms DOA-MV-1, 2, 3, 4, and 5 as referenced in Sections II.B.6 through VII.I are to be finalized and printed by the Division of Administration's Forms Management Section. All agencies will be sent copies and instructions regarding the procurement of these forms. Until these forms are available, deadlines mentioned herein will be extended.

VIII. The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the state will be served.

Stephanie L. Alexander
Commissioner of Administration

RULE

Office of the Governor Division of Administration Real Estate Leasing Office

The Commissioner of Administration has adopted the following revised regulations and procedures for the procurement of rented or leased space by State agencies.

I.

Authority, Purpose, and Policy

A. Statute

These regulations and procedures are adopted by the Commissioner pursuant to the statutory authority granted him by the Louisiana Procurement Code (RS 39:§1551 *et seq.*), including: RS 39:§1561 and RS 39:§1681 empowering him to adopt regulations pertaining to State procurements and RS 39:§1644 and RS 39:§1651 authorizing him to promulgate regulations governing the specifications and standards used in such procurements.

B. Purpose

The Louisiana Procurement Code, particularly RS 39:§1641, provides that all agreements for the lease or rental of privately-owned space by the State shall be made by the agency whose offices and or activities are to be housed, and shall be made only with the approval of the Commissioner of Administration. These regulations set out the procedures, terms, and conditions which must be followed by agencies to obtain the Commissioner's approval of rental or leasing agreements and specify the circumstances in which such approval will be given.

C. Policy

The Division of Administration must maintain public confidence in the integrity of the procurement process and must also assure that the State will acquire rental and leased space for State Agencies adequate to meet the legitimate need of each such agency, at the lowest overall annual rent to the State. Accordingly, these regulations establish procedures for the rental and lease of space by State Agencies which encourage effective competition among private owners of real estate bidding for state leases and rental agreements, by providing assurance of fair and equitable treatment and consideration of their bids. When the special conditions and regulations applicable to the Real Estate Leasing Office differ from General Purchasing Rules and Regulations, such special conditions and regulations will apply.

D. Application

These regulations apply to the rental or lease of any real estate by an Agency of the State except as exempted by statute RS 39:1641 (E) or otherwise expressly exempted by special statutes. "Agency" as used herein is defined in RS 39:§2(1). The fact that an Agency is a non-budget agency does not exempt it from the requirements of these regulations. The following Agencies are exempted by RS 39:1641 (E):

- a. Colleges, Universities, and Trade Schools.
- b. The Department of Transportation and Development.
- c. The Military Department.
- d. Any agency or office that is established as a corporate entity and enjoys a corporate status.
- e. Any agency or office exempted by Executive Order of the Governor.

Exempt Types of Space:

- a. Institutional buildings such as hospitals, clinics, and buildings of educational, penal and correctional institutions.
- b. Space for the storage of voting machines.

II.

Administration of these Regulations

A. Delegation of Authority

The Commissioner delegates to the Director of the Real Estate Leasing Office (formerly called the Office of Rentals and Leases) the responsibility and authority for carrying out the procedures pursuant to which rental and lease agreements will be approved. The Director may further delegate responsibility for performing some or all of the duties set forth herein, and all other functions necessary to operate the Real Estate Leasing Office.

B. Duties of the Real Estate Leasing Office

The Real Estate Leasing Office shall: receive and review requests submitted by any User Agency to rent or lease privately-owned space, prepare specifications, advertise for bids, conduct bidding conferences and bid openings, review and evaluate bids submitted, determine the responsibility of bidders, initially approve all contract awards, and otherwise supervise and conduct the procurements in accordance with these procedures and regulations.

C. Approval

1. The Commissioner or his delegate will not approve the lease or rental of privately-owned real estate by a User Agency, unless the space to be rented or leased has been acquired using the procedures set forth below.

2. Leases of privately-owned space will be approved only when that space is obtained through competitive bidding conducted in conformance with RS 39:§1594 *et seq.* and these regulations. Leases under 2500 square feet shall be approved by the Commissioner of Administration, when such leases are negotiated in compliance with Small Space Procurements Regulations.

III.

Space Acquisition Method - Space 2,500 Square Feet or Greater

A. Applications by Agencies for Space

1. Advance Planning

It is the policy of the Commissioner to encourage competitive bidding on State procurements. The procedures set forth will enable a prospective bidder enough time to construct, renovate, or equip the space after bid award to meet the needs of the User Agency.

2. Timing of Application

All State Agencies will submit applications to the Real Estate Leasing Office for renting or leasing space nine months prior to the time at which space is required. Applications, submitted later than nine months in advance of space requirement, will not be approved unless accompanied by a showing, in writing, of satisfactory reasons for the applying Agency's failure to make a timely submittal. The Real Estate Leasing Office shall maintain records of existing leases. The agencies shall be notified at least ten months prior to the expiration of the leases then in effect. The User Agency shall submit an application to obtain replacement space.

3. Form of Application

User Agencies shall make application by submitting a properly completed Form RL-2 to the Real Estate Leasing Office, signed by the official in the User Agency authorized to procure the space, and by the chief of the office occupying the space. User Agencies shall express their requirements in the RL-2, conforming to the uniform State space standard set out in the form, where applicable. The information required by Form RL-2 is needed in order to draft specifications and the submitted form must be completed in detail. The Real Estate Leasing Office will disapprove and return submittals which are inadequately detailed or are otherwise incomplete.

4. Approval of Application

No later than ten days after the date of receipt of an acceptable form RL-2, the Real Estate Leasing Office shall submit the approved RL-2 to the Budget Office. Within seven working days after date of receipt of the approved RL-2, the Budget Office shall advise the Real Estate Leasing Office in writing of the amount of budgeted funds available for rental space for the agency and the number of occupants to be housed in the requested space. Where the budgeted funds are inadequate, the RL-2 will be returned to the User Agency for revision and resubmission to the Real Estate Leasing Office.

B. Preparation of the Bid Package

Upon receipt of notice from the Budget Office of the availability of funds, the Real Estate Leasing Office shall prepare a bid package consisting of:

- Form RL-3 Invitation to Bid
- Form RL-4 Bid Proposal Form
- Form RL-5 Specifications & Lease Terms

1. Invitation to Bid (RL-3)

The invitation to bid shall conform in all material respects to Standard Form RL-3. It must contain the following:

- a. The date, time, and place where bids shall be received, opened, and publicly read.
- b. A general description of the type, quantity and location of space being procured, any specific requirements and needs, and a statement of where and how specifications and bid forms may be obtained.
- c. The name of the procuring User Agency.
- d. A statement requiring bids to conform to the provisions in the bid and requiring non-conforming bids and bids received after the time set for submission to be rejected as non-responsive.
- e. A statement that minor deviations and informalities in any bids may be waived by the State, so long as the waiver of such

informalities is not prejudicial to competing bidders and the integrity of the bidding process, in conformity with the general Rules and Regulations governing the Purchasing Office of the Division of Administration.

f. A statement that bids may be modified or withdrawn by written or telegraphic notice received at any time before the time set for opening of bids, but that no bid may be withdrawn, modified, or cancelled after that time.

g. A statement that the State reserves the right to reject all bids.

h. A statement that award will be made to the responsive, responsible bidder offering the required space at the lowest annual rent to the State.

i. A statement that upon dispatch of a notice of award by the State, a contract will be formed and the bidder will become bound to the State to perform in accordance with the bid.

2. The Bid Proposal Form (RL-4)

a. Bid forms: All written bids, unless otherwise provided for, must be submitted on, and in accordance with, forms provided, which shall substantially conform to Form RL-4 appended to these regulations. Bidder shall properly sign the bid proposal form in ink. Bid prices shall be typewritten or handwritten in ink. Bids will be received at the address specified in the Invitation to Bid prior to bid opening time specified in order to be considered. Telephone quotations for formal bids will not be accepted. Telegraphic alterations to the bids received before bid opening time will be considered provided formal bid and written telegram have been received and time-stamped before the designated bid opening time.

b. Special envelope: All bids shall be submitted in special bid envelopes furnished for that purpose. Bids presented in other than the special bid envelopes may not be considered. In the event the bid contains bulky material, the special bid envelope must be firmly affixed to the exterior of the mailing envelope.

3. Contract Terms and Specifications (RL-5)

Specifications shall be provided to all interested bidders setting forth the terms of the lease contract to be awarded and describing the minimum requirements of the User Agency for the space being procured. The specifications shall be prepared in a manner such that the maximum competition is encouraged among available bidders consistent with meeting the minimum legitimate needs of the User Agency. Awards will not be made to bidders offering more advantageous terms, more than the minimum required space, or space equipped and configured to standards in excess of the minimum requirements set forth in the specifications, unless the bidder offers such space at a lower annual rental than is offered by any competing responsive and responsible bidder.

Specifications shall ordinarily require that bidders furnish utilities and janitorial services with the required space, so that bidders with energy-efficient or easy-to-maintain facilities will not be disadvantaged in competing for State leases. Agencies needing an exception to this requirement should furnish justification in writing to the Real Estate Leasing Office.

No preprinted form lease contract provided by a bidder will be signed by the State. The Invitation to Bid must include language which states that the Invitation to Bid, Bid Proposal and the specifications will constitute the entire lease agreement between the State and the Lessor. The lease will be interpreted and construed under the laws of Louisiana.

The Commissioner will approve agreements containing the Technical Specifications and Standard Lease Terms shown on Form RL-5 attached to these regulations. Agencies desiring alteration of any of the provisions of said form shall submit justifying reasons and requests for alterations with their Form RL-2 Applications.

C. *Approval of the Bid Package*

Within ten working days after receipt of notice of budget authority, the Real Estate Leasing Office shall submit a completed, proposed bid package to the User Agency. The User Agency shall, within five working days after receipt of the proposed package, either notify the Real Estate Leasing Office in writing that it approves of all the requirements set forth in the proposed package, or shall return the proposed package with any requests for modifications or changes. The Real Estate Leasing Office will, within one week thereafter, either revise the bid package to incorporate the User Agency's proposals or notify the User Agency that the proposed modifications will not be approved. The decision of the Real Estate Leasing Office as to the incorporation of any requested changes is final.

D. *Advertisement*

Upon approval of the bid package, the Real Estate Leasing Office will publicly advertise for bids. Advertisement shall be published in the official journal of the State and in a newspaper of general circulation in the parish where the property is to be leased. Notice shall also be given by mail to all persons who have requested in writing the Real Estate Leasing Office to place them upon the then current lists of interested bidders for procurements of rental or leased space in the localities involved. Notices shall be published and the bid package mailed sufficiently in advance of the date scheduled for the opening of bids so as to comply with any statutory requirement, or in the absence of such requirement, at least 10 days prior to the bid opening date. If the Agency for which space is being bid is presently occupying leased space, the current Lessor shall be provided notice by certified mail. Any omission by the Real Estate Leasing Office to give mailed notice to any such interested bidder shall not invalidate any advertisement or award, nor shall such omission be grounds for any protest of any procurement.

E. *Bid Evaluation and Award*

1. *General:* Unless all bids are rejected, an award shall be made only to the lowest responsive and responsible bidder. The invitation to bid shall set forth the requirements and criteria which will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirement not set forth in the bid documents.

2. *Responsibility:* Contracts shall be awarded only when the Real Estate Leasing Office determines that the record of performing other contracts, the technical capability, and financial resources of the bidder to whom any award is proposed to be made, indicate that the bidder is responsible. Determinations of responsibility and non-responsibility will be made in accordance with the State Procurement Regulations.

3. *Bid Evaluation Procedure:* After the opening of bids, the Real Estate Leasing Office shall identify the apparent low responsive bidder and prepare a notice of award. The notice shall be sent to the User Agency within 3 days after bid opening. Upon receipt of said notice, the procuring Agency shall immediately inspect the premises (if existing) and/or shall within one week inspect the site and review the plans for any proposed new construction with the low responsive bidder. If the User Agency determines that the existing or proposed space complies with the requirements of the bid documents, notices shall be signed and returned within one (1) week to the Real Estate Leasing Office. If the existing or proposed space fails to meet the requirements of the bid documents, the User Agency shall notify the Real Estate Leasing Office within one week and prepare a written report specifying in detail the respects in which the space fails to comply with the specifications. If the Real Estate Leasing Office determines that the deficiencies of the space render the apparent low bid non-responsive, or that the bidder is not-responsible, it shall reject the bid, and prepare and forward to the User Agency a new notice

indicating the intent to award the bid to the apparent next lowest bidder. The User Agency shall, within one week after receipt thereof inspect the space or inspect the site and review the plans for any proposed new construction, offered by such bidder and either approve the proposed bid award or notify the Real Estate Leasing Office of the reasons for its disapproval, the same as with the initial inspections. This procedure may be repeated until an award is made. The evaluation of the bids shall be in compliance with the State Procurement Regulations.

4. *Determination of Suitability For Award:* The Real Estate Leasing Office may independently inspect space sites or plans offered by any bidder and otherwise review initial determinations by any Agency that such plans or space fail to meet the bid requirements. If after such review or inspection, the Real Estate Leasing Office determines either that report of the deviations was in error, or that the reported discrepancies are in the nature of minor informalities which ought to be waived, it shall so notify the Agency. Upon receipt of such notice the Agency must either approve the award, or recommend that all bids be rejected and the entire procurement be revised and resolicited. The recommendation for cancellation of the procurement must show that it is in compliance with the State Procurement Regulations, and must be accompanied by the Agency's plan for housing its operations during the time required to resolicit.

5. *Award of Contracts:* Upon receipt of the proposed notice of bid award from the User Agency, the Real Estate Leasing Office shall, unless it has determined that the bid was non-responsive or that the bidder was non-responsible, signify its approval of the proposed award and forward it to the Assistant Commissioner of Administration, who executes the contract for the State by signing the award. It is the intent of these regulations that the offer of the successful bidder is deemed accepted, and that a binding contract is formed upon the approval and signing of the notice of award. The contract shall be deemed executory, however, only to the extent of appropriations available to the Agency for the lease or rental of the space in question.

F. *Conferences for Interested Bidders and Amendments to the Bid Documents*

The Invitation may provide for a pre-bid conference to explain to all interested bidders, the requirements of the procurement. Pre-bid conferences so provided for, shall be announced and conducted in compliance with the State Procurement Regulations.

G. *Amendments or Modifications to the Bid Documents*

After the advertisement for bids, but prior to the time set for opening of bids, the Real Estate Leasing Office, with approval of the procuring Agency, may amend or modify the requirements set out in the bid documents. The timing, form and distribution of any amendments shall conform to the State Procurement Regulations.

H. *Receipt of Bids and Modifications or Withdrawals of Bids, Opening and Receiving of Bids*

The State Procurement Regulations, shall govern the handling of all bids received.

IV.

Additional Space Requirements

In the event a Lessee Agency requires additional adjacent space and it is available at the same price as that now occupied, the Agency may contract for up to 2,500 additional square feet. Additions of 2,500 square feet or more are to be bid.

The additional space added is to be only that for which the requirement could not reasonably have been foreseen at the time of execution of the lease or at option renewal; the additional adjacent space provision is not to be used to circumvent the bid law.

V.

Small Space Procurements - 2,499 Square Feet or Less

A. *Conditions Under Which Negotiations of Small Space Procurements Will Be Approved*

User Agencies needing to procure agreements for the rental or lease of less than 2500 square feet of space in accordance with these regulations, shall submit to the Real Estate Leasing Office an application to negotiate. The application shall be made on Form RL-2. The application must show to the satisfaction of the Real Estate Leasing Office, that the User Agency's requirements are not being artificially divided into small space procurements for purpose of avoiding competitive bidding. Normally this showing will be made by having the User Agency certify that it is planning no other procurements during the period for which the small space will be required, to which the requirements of the small space could be added so that the User Agency's total requirements during that period are expected to exceed 2500 square feet of rental or leased space.

B. *Procedures for Competitive Negotiation for Small Space Procurements*

1. Application for Authority: User Agencies shall submit to the Real Estate Leasing Office applications for authority to procure agreements for the rental or lease of less than 2,500 square feet of space at least three months prior to the date due upon which occupancy is required. Applications submitted later than three months prior to the anticipated need for occupancy will be approved only when acceptable reasons for late submissions are given in the application.

2. Content of Application: The application shall identify all owners of space with whom the User Agency intends to negotiate. Normally, applications for authority to negotiate will be approved only when a minimum of three potential sources are so identified, or the application shows reason why fewer than three sources are likely to be available.

3. Approval of Application: If the Real Estate Leasing Office determines that the application for authority to negotiate conforms to the requirements of these regulations, it will so notify the User Agency within 15 days after receipt of the application.

4. Notice to potential sources: Upon receipt of approval of its application to negotiate, the User Agency shall proceed to notify all the potential sources of space identified on its application of its intent to negotiate to obtain space. The Real Estate Leasing Office shall provide potential providers of space if requested by user agency. Notices to potential sources shall state that negotiations will be conducted only with offerors of space submitting written proposals.

5. Form of notice: The Form of the Notice shall be approved in advance by the Real Estate Leasing Office. It shall contain, at minimum:

a. The time and place where written proposals will be received.

b. A description of the User Agency's general requirements, described as to provide for maximum competition among potential proposers consistent with the Agency's needs. The term of any small space leases proposed to be procured through negotiation shall not extend past the date upon which the requirement for the space can be met by competitive bidding in connection with the procurement of space needed to meet other, future requirements of the User Agency.

c. A statement that the User Agency will negotiate and award a contract only to those who submit written proposals.

6. Receipt of proposals and negotiation: Promptly after receipt of proposals, the User Agency will contact, and conduct discussions with the three potential sources offering space at the lowest annual rent.

7. Report and recommendation: Upon receipt of final written proposals from all offerors with whom discussions were conducted, the User Agency shall submit a report to the Real Estate Leasing Office of its activities and discussions together with copies of all initial and final proposals received in response to the notice. The report shall contain the User Agency's recommendations for award to one of the competing proposers, detailing why, in the User Agency's opinion, such award will result in the lowest overall occupancy cost to the State, or why the User Agency believes that such award is in the best interest of the State.

8. Disposition or recommendation: The Real Estate Leasing Office may, if appropriate, approve the User Agency's recommendation, in which case the User Agency may proceed to execute the lease which has been negotiated, and submit it to the Commissioner for approval. In the event a user agency negotiates for a rental property consideration must be given to the time constraints in making property available and ready for occupancy. The Commissioner has the option to not approve the lease if the time constraints are not met and it is deemed not to be in the best interest of the State.

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REQUEST FOR APPROVAL
TO LEASE SPACE BY:
COMPETITIVE BIDDING
COMPETITIVE NEGOTIATED BIDDING

To: Real Estate Leasing Office
Division of Administration
P. O. Box 44095, Capitol Station
Baton Rouge, Louisiana 70804

1. From: _____

(Department, Office, Division, Board, or Commission needing space)

2. Name, Title, Address, and Phone number of person authorized to enter contracts for the Agency:

3. Current location of office which will occupy the space:

(Office address and phone number)

4. Name and address of current Landlord:

5. Name of Chief of occupying department or office:

6. The standard lease is for five (5) years with an option to renew for three (3) years. Leave the spaces below blank if the standard term will be satisfactory. If a different lease term is required, fill in the following:

From: _____ To _____

Option to renew _____ years

Explain _____

7. Present lease expires on _____ .

(date)

Date when occupancy of new leased space is required, if different from expiration date of present lease: _____ (date)

Explain: _____

8. Name of person preparing this request (if other than #5):

9. Parish in which space is to be procured: _____

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10. Proposed use of space: List below under A, B & C the type rooms, square feet and other information as indicated. Be as specific as possible in order to indicate the needs of your agency.

Indicate adjacencies when required and any special features needed in any of the areas listed.

A. Administrative Areas

<u>Type</u>	<u>No</u>	<u>Area Each</u> <u>sq. ft.</u>	<u>Present Sq. Ft.</u> <u>(if applicable)</u>	<u>Overall Approx.</u> <u>sq. footage</u> <u>requested</u>
Private Office(s)	_____	_____	_____	_____
Private Office(s)	_____	_____	_____	_____
Private Office(s)	_____	_____	_____	_____
Open Office Spaces - Clerical	_____	_____	_____	_____

B. Common Function Areas

	<u>Present Sq. Ft.</u> <u>(if applicable)</u>	<u>Overall Approx.</u> <u>sq. footage</u> <u>requested</u>
Reception (waiting) sq. ft.	_____	_____
Conference Rooms	_____	_____
Kitchen -	_____	_____
<p>if required will be equipped with: work counter _____ ft. long with upper and/or lower cabinets, drawers, and a standard kitchen sink with hot and cold running water, refrigerator _____ cu. ft.; stove with burners and oven (vented). A microwave may be substituted for stove/oven.</p>		
Storage	_____	_____
Other	_____	_____

C Specialized Function Areas - include areas such as data processing, computer rooms, laboratories, drafting rooms, etc. Please list any special features and/or structural requirements which Lessor should provide in these areas.

	<u>Present Sq. Ft.</u> <u>(if applicable)</u>	<u>Overall Approx.</u> <u>sq. footage</u> <u>requested</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Square Feet (A, B, and C)		_____ <u>sq. ft.</u>

D. Number of occupants to be housed in space _____

11. Special Equipment: List any equipment which requires special surroundings, electrical - or mechanical treatment. (specify in detail)
12. If space is to replace existing space, list total square feet of such existing space: _____
13. Amount budgeted for rental of space requested \$ _____ per year.
14. Give SPECIFIC geographical area needed. Identify the geographic area requested with written description using street names and/or other physical boundaries which encompass the area. Attach a map marked with these boundaries. Give justification for requesting this specific area; such as savings in operational time and cost, more effective service to clients, adjacency or proximity to other agencies, or other considerations. In requesting specific geographical areas the following points should be carefully considered: 1.) whether the area described has heavy industrial or high crime neighborhoods, 2.) whether it is too rural, 3.) proximity to public transit, 4.) eating facilities nearby, 5.) heavy traffic, 6.) noise and electrical interference, etc.

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15. Number of parking spaces required _____ . Number required for the physically handicapped _____ .
16. Number of restrooms required _____ .
17. Number of linear feet of new movable partitions required _____ (if applicable)
18. Number of linear feet of existing movable partitions to be installed in the leased space by the Lessor _____ (if applicable)
19. Please have this request signed by the two people indicated below and any others who may need to approve quarters (such as, representatives of funding agencies, etc.)

Signed _____
(Chief of occupying Department or Office)

Signed _____
(Undersecretary for Management & Finance or
Head of Management & Finance Section)

By signing above you signify that you have read and approved items on the RL-2 - Especially Item #14.

Office Standards
For the State of Louisiana

Executive Office 15' x 20'	300 sq. ft.
Office - 12' x 18½	225 sq. ft.
Office 12 x 15	180 sq. ft.
Office 12 x 12½	150 sq. ft.
Office 10 x 12	120 sq. ft.
Work Station 7½ x 10	75 sq. ft.
Work Station 8 x 8	64 sq. ft.
<u>Small Conference Area (6 people)</u>	
10' x 15' 150 sq. ft.	25 sq. ft. per person
<u>Medium Conference Room (8 people)</u>	
15 x 16½ 250 sq. ft.	30 sq. ft. per person
<u>Large Conference Room (16 people)</u>	
15 x 25 375 sq. ft.	24 sq. ft. per person

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INVITATION TO BID
 STATE OF LOUISIANA
 DIVISION OF ADMINISTRATION
 BATON ROUGE, LOUISIANA
 LEASE PROPOSAL NO. _____

The Division of Administration, State of Louisiana invites bid proposals for the lease of _____ square feet of usable space for the _____

 to be located in the City _____ Parish of _____,
 Louisiana. The term of the lease shall be for _____ years after
 the occupancy date, with the option to renew for _____ years.
 The premises to be leased must be ready for occupancy by the agency on
 _____.

NOTICE TO BIDDERS

Sealed bids for the lease of _____ space as described below will be received by the State of Louisiana, Division of Administration, Real Estate Leasing Office, P. O. Box 44095, Baton Rouge, Louisiana 70804, situated in the Parish of East Baton Rouge, State of Louisiana. Bids will be opened on _____, 198____, at 10:00 a.m. in the _____

_____ Baton Rouge, Louisiana. Unless all bids are rejected, an award will be made to the responsible bidder offering space which meets all the requirements of the bid documents, at the lowest annual rent. Award will not be made to bidders offering more advantageous terms, more space than the space required, or offering to exceed the requirements set forth in the specifications, unless such offer is made at an annual rent charge lower than the bids by all other competing responsive and responsible bidders.

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No preprinted form lease contract provided by the bidder will be signed by the State. This Invitation to Bid, the Bid Proposal Form and the Specifications will constitute the entire lease agreement between the State and the Lessor. The lease will be interpreted and construed under the laws of Louisiana.

Bidders are bound to provide the space described in their bids and to otherwise perform in accordance with specifications upon execution of notice of award by the State. Bids taking exception to any provision of the bid documents, conditional bids, bids offering terms or conditions at variance with those provided for in the bid documents and bids received after the bid opening time stated above will be rejected.

The apparent low bidder shall record a copy of the lease in the official records of the parish where the lease property is situated within ten days of notification by mail of a fully executed lease.

"Usable space" is defined as the total square foot area of the interior building space being or to be rented or leased, but shall not include public hallways, public restrooms, stairs, elevators or any other areas accessible to the public.

Bidder must return (with his bid) the entire package of bid documents, consisting of the Invitation, Bid Proposal, Lease Terms, and Specifications, (Pages 1 through _____ and affidavit). Bid must be returned in the enclosed self-addressed envelope which shows bid opening date and is marked "Rush-Bid Enclosed". In the event bid contains bulky material, the special bid envelope must be firmly affixed to the exterior of the mailing envelope. Bids may be

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withdrawn or modified only by written or telegraphic notice received by the Real Estate Leasing Office prior to the time of bid opening. The bid will remain binding and firm for a period of thirty (30) days from date of Bid Opening. If circumstances prohibit a bid award within thirty days the Real Estate Leasing Office will request an extension. Failure of a bidder to extend a bid shall cause the bidder to be determined an unresponsive bidder. The new affidavit provided herein will accompany each bid.

The Division of Administration reserves the right to reject any and all bid proposals upon determination in writing that such action is taken in the best interest of the State. Minor deviations between the bid documents and any bid received or variations or similar informalities, may be waived by the State if such waiver does not prejudice other bidders.

The price bid for space offered will include janitorial services and electricity, water, and gas utilities.

A Bidders Conference will be held on _____, at _____ o'clock _____, at _____

for the purpose of discussing the bid specifications. All interested bidders are urged to attend. No statement made or information disseminated at the conference will become a term or condition of any contract or lease which results from this invitation nor otherwise bind the State, except as set forth in a written addendum to the bid documents and issued to all bidders.

PLANS:

All bidders including present lessors must submit with his bid one (1) copy of a schematic floor plan(s) drawn to scale of 1/8" to the foot indicating the configuration of the space offered and showing the location of all

existing or proposed windows, entrances, corridors, partitions and exitways. The purpose of this requirement to submit such plan is to permit the State to assess the conformity of the bid with the adjacency and area requirements in the specifications. By submitting a bid, bidders agree to provide space which conforms to the requirements of the specifications even though dimensions or location information on the drawing submitted deviates from those contained in the specifications.

The apparent successful offeror or bidder must submit suitable evidence of technical and financial responsibility immediately upon request if this information is not already on file with the Real Estate Leasing Office.

The following are among the kinds of information which the Real Estate Leasing Office will consider as evidence of financial responsibility:

1. A letter of credit from a financial institution.
2. Financial Statements.
3. A letter of commitment from the bank or other institution financing the project and addressed to the Real Estate Leasing Administrator stating the amount and terms of commitment to the lessor.
4. Information from the prospective lessor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements.
5. Other information supportive of financial responsibility, including financial data, and records concerning lessor performance.

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6. Publications, including credit ratings and trade and financial journals;
7. Information from other sources, including banks, other financial companies, and State Departments and Agencies.

Copies of the Bid Documents and further information concerning this request for bid proposals may be obtained from Administrator, Real Estate Leasing Office, Division of Administration, State of Louisiana, P. O. Box 44095, Baton Rouge, Louisiana 70804, telephone number (504) 342-6835.

Stephanie L. Alexander
Commissioner of Administration

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BID PROPOSAL

BID OPENING DATE: _____ PROPOSAL NO. _____

ADMINISTRATOR: _____ Laverne Jasek _____ DATE: _____

I, _____, herewith offer to lease to the State of Louisiana, in the City of _____, Parish of _____, Louisiana, _____ space as described below.

My offer includes the following items:

ITEM #1: _____ usable square feet, conforming to the attached specifications, together with the services described therein, and to comply with all the other terms and conditions of the bid documents for the period of the lease.

Legal description of Property: Lot # _____ Square # _____

Subdivision _____

If the above information does not exist for subject property, provide here a brief adequate legal description of the specific subject property: _____

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_____ square feet of the space offered is existing space; _____
square feet of the space offered is to be constructed.

If space is to be constructed, tentative outline specifications and
floor plans are attached. Schematic plans must be attached for existing
space (see RL-3 PLANS).

Price of the space, inclusive of the specified utilities and janitorial and
other specified services, will be \$ _____ per square foot per year, for
a period of _____ years, and the Lessor will grant to the Lessee the
option to renew the lease from the end of its term for an additional period
of _____ years, on the same terms and conditions as specified in the
primary lease.

NAME (Printed or Typed) _____

DATE _____

CITY & STATE _____ TELEPHONE NO. _____

PARTY REPRESENTED _____

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IN WITNESS WHEREOF, the parties hereto have signed their names on
 the _____ day of _____, 198 ____, in the presence of the
 undersigned competent witnesses:

WITNESSES:

LESSOR:

BY: _____

LESSEE:

BY: _____

AWARD:

This _____ day of _____, 198 _____

Office of the Governor

DIVISION OF ADMINISTRATION

BY: _____

LEASE TERMS AND SPECIFICATIONS FOR
LEASE PROPOSAL NO. _____

Bidder (hereinafter "Lessor") will be bound to lease the property described in the bid proposal (the "premises") to the State, and be otherwise obligated to perform the services and provide the facilities as set forth below. In consideration thereof, the State agrees to make rental payments to Lessor and to otherwise perform in accordance with the following terms, conditions, and specifications.

I. Lease Terms.

- A.) Occupancy Date: Lessor will make the premises available to the State, suitable for immediate occupancy on _____
The premises must comply with the requirements of the Technical Specifications below as of the occupancy date, and be maintained by Lessor in compliance therewith for the lease term.
- B.) Lease Term: The Lease of the premises shall commence on the occupancy date. Unless the lease be sooner terminated or renewed pursuant to the provisions below, the lease term shall end _____ calendar months after the occupancy date. Renewals of the lease will extend the lease term. At the end of the lease term, the State will vacate the premises leaving them in the same condition (ordinary wear and tear excepted) as on the commencement of the lease term.
- C.) Utilities and Janitorial Service: For the period of the lease term Lessor will provide janitorial service for the space leased to the State in accordance with the technical specifications, at Lessor's sole expense. Lessor will also pay for all electricity, natural

gas, steam and water provided to the premises for the lease term. See E for escalation of utility rates.

- D.) Payment of Rent The State will pay Lessor the amount shown in the bid proposal for the space and services provided by Lessor. Payment of the amount of annual rental shall be made in equal monthly installments for the lease term. Each such monthly payment will be due each calendar month of the lease term following the occupancy date.
- E.) Additional Rent for Escalation of Electricity Rates: The bid price for space offered will include utilities such as electricity, water, sewer, septic tank service, trash/garbage pickup, gas, and other. Electric rates are to be included in the bid price and are to be paid by the Lessor for the first two (2) years of the lease period. Using the bills from the first two (2) years as a base, the Lessee will pay any increase in kilowatt hour price that the electricity cost the Lessor for the remainder of the time of occupancy. Any increase in Kilowatt hour rate shall be submitted in writing to the Real Estate Leasing Office and the Lessee, along with documentation of the increase on or before January 15 of of the year of the proposed increase, with the proposed increase to be effective no sooner than July 1 of the year of the proposed increase. Any proposed increase in rental is contingent upon legislative funding, and in the event the Louisiana Legislature does not provide funds for the increase in rental, the said increase will not go into effect, in which event Lessor shall have the right to terminate said lease upon six (6) months written notice to the Lessee.

Janitorial services are included in the bid.

F.) Lessor's Defaults/State's Remedies: Should Lessor fail to make the premises available to the State by the specified occupancy date or at any other time during the lease term, the State shall be relieved of the obligation to pay rent for the period of such unavailability, and shall be entitled to reimbursement of any damages the State shall suffer as a result of the unavailability of the space for occupancy. Should the State be deprived of the use of the space for a period exceeding 30 calendar days, the State may, in addition to the foregoing remedies, cancel this lease and procure suitable replacement space. Lessor shall, in the event the State exercises such option, reimburse the State for any additional costs of acquiring replacement space and services together with any other damages suffered by the State.

Should Lessor fail to maintain the premises or to provide such services as are required by these terms and specifications, the State may, at its option, after two days notice to the Lessor, order such services or repairs or modifications as are necessary to meet the requirements hereof and deduct the cost thereof and any damages occasioned thereby from the monthly rental payments to be made hereunder. Continuing failure by Lessor to provide required space and services shall after 30 days written notice, also be deemed a failure to make space available, and shall give rise to the State's options set forth in the above paragraph.

G.) Changes by Lessor: No expenses incurred by Lessor-originated changes, renovations, or improvements made during the term of the lease shall be borne by the Lessee.

- H.) Alterations by The State: Lessor herewith grants the State the right to add to, or to install in, the leased premises at the State's expense, any fixtures, telecommunications equipment, appurtenances, appliances, coverings, or other such objects as the State may desire, provided that the installations or alterations made by the State do not diminish the value of the leased premises. Lessor also grants the State the right to remove, at the State's expense, upon the termination of this lease, all such fixtures, telecommunications equipment, appurtenances, appliances, coverings or other improvements placed in or on the leased premises by the State, provided that the State restores the leased premises to substantially the same condition as existed at the time of occupancy by State.
- I.) Fires and Other Casualties not Caused by Lessor: If, prior to the termination of this lease, the leased premises are destroyed by fire or other casualty, or become unfit for occupancy, and the leased premises can be rendered fit for occupancy within sixty (60) days from the happening of such fire or other casualty, Lessor shall repair the damage with reasonable diligence and State shall be entitled to such reduction or remission of rent as shall be just and proportionate. If the premises cannot be made fit for occupancy, within sixty (60) days, the State shall have the option, on written notice, to cancel this lease, in which event the State shall be entitled to a credit corresponding to the unexpired term of this lease, the unearned proportion of rent shall be annulled and returned to State, and Lessor shall, at once, have the right to take possession of the leased premises, discharged of this lease, and to eject all persons and property therefrom. Should the State opt not to so cancel this lease, Lessor agrees that premises shall be rebuilt or repaired with reasonable diligence, in which event the State shall not be obliged to pay rent during the period of repair or reconstruction, but

Lessor shall not be liable to the State for any other damage arising from such fire or casualty.

J.) Insurance: Lessor shall carry Fire and Extended Coverage Insurance on the Building structure equal to 90% of the value of the building for the term of the lease agreement. Lessor will further obtain and maintain Premises (or "Owners, Landlords, and Tenants") liability insurance insuring Lessor for property damage and bodily injury liability at the same policy limits specified below for the Lessee's liability Insurance. The State does not warrant that the specified insurance is adequate to permit Lessor to meet all of his or her obligations hereunder. Lessor is solely responsible for obtaining such additional or other coverage as may be necessary or desirable to provide for the risks in his business.

Lessor on its own behalf, and for its insurers, further agrees to waive any rights or claims as against the State, its agents and employees for any loss to the premises covered by the property insurance specified above, and will take such steps as are necessary to obtain and make enforceable by Lessor's insurers, whatever waivers of subrogation as are required for the waivers specified herein to operate.

The State agrees to provide general liability insurance coverage in the amounts of \$100,000 per person, \$300,000 per office bodily injury liability and \$50,000 property damage liability for the interest of the State and its employees.

- K.) Assignments: The State may allocate the use of the leased space from one State agency to another without the consent of Lessor, so long as the character or use of the space is not drastically altered.
- L.) Adjacent Space Option/Renewal: In the event the State requires additional space adjacent to the space furnished under this lease, the State shall have an option exercisable by 30 days written notice, to rent additional space on the same terms and at the same rental rate as is provided for such comparable space under the then current lease up to 2499 square feet.
- M.) Option to Renew: Lessor grants to the State the option to renew the lease from the end of its term for an additional period of _____ (_____) years, on the same terms and conditions as specified in this lease upon the State giving _____ (_____) days written notice to Lessor prior to the expiration of the initial term of this lease.
- N.) Escalation for Inflation: The rental per square foot when an option is exercised shall also be the same as specified in the primary lease, unless the United States Government Consumer Price Index reflects an increase in excess of 15% during the term of the primary lease. In that event the rental payments shall increase the same percentage as the Consumer Price Index, but in no event shall the rental payments increase in excess of 20% of the primary rental payment. Any increase in rental due to increases in the United States Government Consumer Price Index is contingent upon approval by the Division of Administration and upon legislative funding. In the event said increase is not approved by the Division of Administration and/or the Louisiana Legislature does not provide funds for the increase in rental, said increase will not go into effect, in which event Lessor

shall have the right to terminate said lease upon six (6) months written notice to the Lessee.

- O.) Cancellation For Replacement Space: If the State of Louisiana provides the User Agency with adequate space in a state-owned facility the State may terminate this lease by providing sixty (60) days written notice to Lessor. However, this right of the State shall not be exercised until _____ years after the date of occupancy.
- P.) Obligations Contingent on Funding: The obligations of this contract are contingent upon the appropriation of funds to fulfill the requirements of the contract by the Legislature. If the Legislature fails to appropriate sufficient monies to provide for the continuation of the contract, the contract shall terminate on the date of the beginning of the fiscal year for which the funds are not appropriated.
- Q.) Notices: All notices required under this lease shall be in writing and shall be sent by United States Mail. Notices to the Lessor shall be addressed to the location shown in Lessor's bid or to such address as the Lessor shall from time to time make written notification to the State. Notices to the State shall be sent to:
- Division of Administration
Real Estate Leasing Office
P. O. Box 44095, Capitol Station
Baton Rouge, Louisiana 70804
- R.) Mortgages: Subject to the provisions hereof, this lease is subordinate to all mortgages which may now or hereafter affect

the real property of which the demised premises form a part, and to all renewals, modifications, consolidations, replacements and extensions thereof. This clause shall be self-operative and no further instrument of subordination shall be required by any mortgagee. If confirmation of such subordination shall be required by any mortgagee, the State shall execute promptly any certificate that Lessor may reasonably request. The State hereby constitutes and appoints Lessor the State's attorney-in-fact to execute any such certificate or certificates for and on behalf of the State. Any such mortgage shall, however, recognize the validity and continuance of this lease in the event of foreclosure on Lessor's interest or in the event of conveyance in lieu of foreclosure, so long as the State shall not be in default under the terms of this lease. The State shall not be entitled to enforce the provisions of this lease by offset of rental against a mortgagee without the prior consent of the mortgagee, its successors or assigns. However, nothing contained in this paragraph shall prevent the State from seeking any and all remedies or damages resulting from Lessor's failure or default. On or before 10 days after receiving notice of award, hereunder, Lessor shall cause this lease, when executed by the State, to be properly recorded in the official records of the parish where the property is located, and shall furnish the State with a certificate executed by the appropriate recording officer showing compliance with this requirement. The State agrees to execute such further copies of this lease, in recordable form, as Lessor shall require for such purpose.

II. TECHNICAL SPECIFICATIONS

The premises leased to the State shall during the period of the lease comply with the following requirements:

1. The lease of _____ space in a building within the City _____
 Parish of _____, Louisiana, and located _____

 for the housing of the _____,
 _____,
 State of Louisiana.

2. Square Footage: The premises must contain _____ square feet
 of Usable Space. "Usable Space" is the total square foot area of the
 interior building space being or to be rented or leased, but shall not
 include public hallways, public restrooms, stairs, elevators or any other
 areas accessible to the public.

3. Area Requirements: The total square footage or usable space must be
 partitioned or divided as follows:

Minimum Dimensions

- Administrative Areas
- Common Function Areas
- Specialized Function Areas
- Rest Rooms - Number and description, with description of requirements for handicapped.

Special Requirements: The Lessor shall furnish the premises with the following special requirements: (e.g. computer rooms, kitchens, laboratories, etc., giving detailed specifications of the construction, equipment, special HVAC or electrical requirements)

Kitchens: Where a kitchen is one of the space requirements, it shall be equipped with a work counter not less than six feet long, upper and lower cabinets, drawers, and a standard kitchen sink with hot and cold running water. Lessor will provide stove and refrigerator if required.

4. Building Condition At Bid-Opening Date: The space and the building containing it must be in a state of good repair at bid opening date. A building in such state of disrepair that inadequate building maintenance is evident will not be accepted. Bids proposing to furnish space to be renovated will be considered if schematic drawings are included in the bid that reflect proposed renovations which meet all the requirements of the specifications and are acceptable to the Real Estate Leasing Office.
5. Codes, Permits and Regulations: *Building construction and layout shall comply with all federal, state and local codes, ordinances and regulations. The building must meet all current life safety code standards. Lessor shall obtain approval of the State Fire Marshal prior to occupancy. Lessor shall furnish and maintain all fire extinguishers and equipment required to meet the requirements of the State Fire Marshal.

*Building codes, etc., can be found in the Louisiana State Library in Baton Rouge or in the local library, municipal building, or court house where the building will be located.

6. Roofing: The roof on the leased premise must be in a good state of repair and free of leaks of any kind. Roofing must be maintained in leak-free condition throughout the term of the lease and any leaks which develop must be repaired immediately.
7. Exterior Appearance: Bids should reflect a brick, stone, wood, and/or glass exterior facade (as defined in Webster's New Collegiate Dictionary). A metal building is unsatisfactory without such exterior treatment. If such facade is to be constructed, bidders agree to confer in the selection of such facade within the budget constraints of the bid.
8. Parking: Lessor will provide _____ off street parking spaces within _____ feet from the premises. Spaces provided shall meet the following special requirements:
 - a. Parking areas and driveways shall be asphalt or concrete, well drained and maintained in good usable condition throughout the term of the lease.
 - b. Lessor will also provide _____ parking spaces for the physically handicapped, 12 feet in width and near the building entrance.
9. Usability by the Physically Handicapped: The building must be accessible to the physically handicapped at habitable grade levels meeting the specifications adopted by the American National Standards Institute in its publication "Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People" in the most current edition. The exceptions to this requirement are those specifically enumerated in R.S. 40:1734 B. Standards can be obtained from the Office of Human Development, 1755 Florida Boulevard, Baton Rouge, Louisiana 70802. Louisiana Revised Statutes are available in the Louisiana State Library at 760 Riverside North, Baton Rouge, Louisiana.

10. Windows: All windows on the leased premises shall be glazed with SSB glass or equivalent. All windows shall have either horizontal slat type venetian blinds or drapes. Draperies, if furnished, shall be made of fire resistant material and shall be labeled as such.

11. Doors: Doors shall meet ANSI requirements as to the 32" width requirements in the ANSI publication referred to in Item #8 above. Any new doors and door frames shall match existing as closely as possible. All doors shall be equipped with suitable hardware. Locksets shall be provided for all doors opening to the exterior or to spaces accessible to the public.

12. Heating, Ventilating and Air Conditioning:

a. Air conditioning shall be capable of maintaining the following Indoor Conditions:

	<u>Temperature</u>	<u>Relative Humidity</u>
Summer	75°	50%
Winter	72°	30%

Ventilation air shall conform to ASHRAE/ANSI Standard 62-73 "Natural and Mechanical Ventilation, Using the "Minimum" Column Value for Each Type of Occupancy."*

b. Controls.

A thermostat for regulation of space temperature shall be provided for each separate zone on the system. Where

*ANSI/ASHRAE Publications can be found in the Louisiana State Library at 760 Riverside North, Baton Rouge, Louisiana, and in most large libraries.

used to control both heating and cooling, it shall be capable of being set from 55° to 85°F and shall be capable of operating the system heating and cooling in sequence. If a system is equipped with a means for controlling moisture to maintain specific selected relative humidities in zones a humidistat shall be provided.

c. Standards

The entire HVAC System shall be in compliance with the applicable provisions of the ASHRAE Standard 90A and 90B. The system design should permit operating at minimum energy levels and at comfort conditions consistent with the criteria for ANSI/ASHRAE Standard 55-74, "Thermal Environmental Conditions for Human Occupancy."*

13. Electrical:

- a. Illumination - Interior illumination shall conform to the recommended foot-candle values, for the various types of facility areas of the Illumination Engineering Society.
- b. Convenience Outlets. Lessor shall provide one (1) duplex receptacle in each eight (8) linear foot segment of interior partition and exterior wall, and one (1) outlet on each free standing column. In open office areas larger than 300 square feet, Lessor shall provide one (1) duplex floor receptacle for each 100 square feet of area in excess of 300 square feet, to be located as designated by the State at time of award.

*ANSI/ASHRAE Publications can be found in the Louisiana State Library, 760 Riverside North, Baton Rouge, and in most large libraries.

- c. Wall Switches. Lessor shall provide individual switching for each enclosed area, and double switching for large areas.
 - d. Special Power Requirements - Special outlets for copy machines, printing machines and other equipment requiring special outlets will be furnished by Lessor as follows:
 - e. Dedicated Circuits: Lessor will provide _____ dedicated circuits for Word Processors, data processing, copying, or other equipment, locations to be specified by the State at time of award.
14. Telephone Cables: Lessor will provide access to the State equivalent to one entrance cable into the building for each 150 square feet of total usable space to be occupied.
In the event ceiling space is used as an air space plenum, it is the responsibility of the Lessor to provide conduit for telephones and/or data processing equipment sized in accordance with equipment requirements.
15. Water Coolers: Lessor will provide, as required in the Building Code, electric water cooler(s) installed in area(s) easily accessible to the staff, general public and physically handicapped, and in a location in or contiguous to the leased space. Not less than one such cooler will be furnished by Lessor, for each 50 occupants at the premises.
16. Interior Partitions: Any required new interior partitions shall be of wood or metal stud and gypsum board construction, plaster or equivalent at the option of the Lessor. Partitions are to be from floor to ceiling, unless otherwise specified.
Movable Partitions: Lessor will provide _____ linear feet of movable partitions in locations designated by the State. Partitions shall be rigid panels, not less than 72" high, with fire resistant fabric coverings, colors to be selected by the State.

Lessor shall install, where designated by Lessee, _____ linear feet of moveable partitions to be furnished by Lessee.

17. Ceilings: All new and existing ceilings shall be of acoustical tile, new to match existing whenever possible.

18. Floor Coverings: All areas of the leased space are to be carpeted, with the exception of restrooms and _____.
Existing carpet will be accepted provided it is clean and in good serviceable condition. Lessor will maintain all carpet in such condition for the term of the lease. Where new carpet is to be installed, it shall be 100% continuous filament nylon of no less than 22 oz. per square yard face weight, and shall have static control properties. The State reserves the right to approve color and content of new carpet. New carpet must be guaranteed for five (5) years. Where new tile flooring and/or wainscote is to be installed, State reserves the right to approve color of tile.

19. Painting: Walls, woodwork and metal work which have been painted within one year of the scheduled occupancy date and which are clean and in good condition need not be repainted. All new walls, woodwork and metal work shall be painted to match existing. All existing walls, woodwork and metal work which have not been painted within one year of the lease date shall be repainted. The State reserves the right to approve all paint colors.

Existing acoustical ceilings which have discolored shall be spray painted so as to not materially affect the acoustical characteristics of the material.

20. Building Maintenance: Lessor agrees to do, at Lessor's expense, such painting or other maintenance to the exterior of the building as is necessary to maintain the building in good condition and appearance. Lessor shall have sole responsibility for all maintenance and repair to the heating and air-conditioning systems, plumbing systems including plumbing fixtures and sewerage disposal systems or septic tanks, electrical systems and light fixtures including replacement of light bulbs and fluorescent tubes, and all other equipment and fixtures furnished by the Lessor. The Lessor shall be responsible for maintaining the roof, structural walls, foundations, windows, doors, and all other parts of the building, in good condition throughout the term of the lease. Lessor shall make all such repairs to the premises as may become necessary because of breakage or other damages not attributable to the negligence of the Lessee, its agents, or its employees.

21. Janitorial Service:

Janitorial services shall be provided by the Lessor. The Lessor shall maintain the leased premises, including outside areas. The Lessor shall provide supplies and equipment. The following schedule describes the level and frequency of service intended:

1. Service shall begin no earlier than 5:00 p.m. each day.

2. DAILY

Empty trash receptacles and clean ashtrays. Clean drinking fountains. Sweep and damp mop or scrub restrooms.

Clean all toilet fixtures and replenish toilet supplies.

Dispose of all trash and garbage generated in or about the building. Spot vacuum carpets.

3. WEEKLY

Completely sweep offices and vacuum carpets. Dust furniture.

Buff resilient floor in entrances, corridors, and lobbies.

Scrub or wet mop hard surface floors. Wash or wipe hand prints from walls and glass as necessary.

4. MONTHLY

Buff resilient floors in office space.

5. TWICE A YEAR

Vacuum or dust all surfaces in the building over seventy (70) inches from the floor. This includes venetian blinds and light fixtures.

6. ANNUALLY

Shampoo carpets in corridors and lobbies. Vacuum all draperies in place. Strip, wax, and buff all resilient floors. Use non-slip floor wax. Wash all glass surfaces, venetian blinds, roller shades, and light fixtures.

7. EVERY THREE YEARS

Shampoo carpets in non-public areas. Clean all drapes.

22. Pest Control

Pest control shall be provided by the Lessor. The Lessor shall provide all personnel, equipment, and supplies necessary to treat premises for insects and/or rodents.

Laverne Jasek
Administrator

RULE

Department of Health and Human Resources Board of Chiropractic Examiners

(LSA-R.S. 37:2801 through 37:2827)

In accordance with the applicable provisions of the Administrative Procedure Act, LSA-R.S. 49:951 et seq., the Louisiana State Board of Chiropractic Examiners has adopted the following Rules and Regulations relating to due process procedures for ethical violations.

The following Rules and Regulations are adopted.

DUE PROCESS PROCEDURES FOR ETHICS VIOLATIONS

I. Applicability

A. Unethical conduct shall be determined on the basis of the provisions of the Rules and Regulations of the Louisiana State Board of Chiropractic Examiners, Ethical Standards of Chiropractors, and other provisions included in the Louisiana Revised Statutes 37:2801 - 37:2827, specifically if a Chiropractor:

1. Has been convicted of a felony or any offense involving moral turpitude; or
2. Is using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person or to the public, or to an extent that such use impairs his ability to perform the work of a professional chiropractor with safety to the public; or
3. Has impersonated another person holding a license as a chiropractor or allowed another person to use his/her license; or
4. Has used fraud or deception in applying for a license or in taking an examination provided for in the Act, or
5. Has accepted commissions or rebates or other forms of remuneration for referring clients to other persons; or
6. Has allowed his/her name or license issued under the Act to be used in connection with any person or persons who perform chiropractic services outside of the area of their training, experience or competence; or
7. Has willfully or negligently violated the Ethical Standards of Chiropractors subscribed to by the State Board of Examiners, or
8. Has willfully or negligently violated any of the provisions of the Act.

B. These procedures shall apply only in the consideration of alleged violations by licensed chiropractors.

NOTE: The Board will answer complaints regarding the ethical practices of non-licensed persons by making referrals elsewhere when appropriate; for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

C. Complaints may be initiated by any citizen of the state, another licensed chiropractor, or by the Board on its own initiative.

II. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the Board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the Board may request further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the Board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the Board shall determine if the complaint refers to an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the involved parties except if contrary to law.

F. The Board shall inform the complainant of the initial determination.

1. No Action
2. Informal Inquiry
3. Informal Hearing
4. Formal Hearing

III. Conduct of an Informal Inquiry/Hearing. This is a non-adversarial procedure.

A. Informal inquiry procedures.

1. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

- a. Informing the licensee in writing that a complaint has been filed.
- b. A short and plain statement of the nature of the complaint.
- c. A reference to the particular sections of the statutes, rules, and/or ethical standards of the Board which appear to have been involved.
- d. Copies of the law and the rules and regulations of the Board, and
- e. A request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

2. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the Board may be cognizant of all relevant aspects of the case.

3. Evaluating the findings of the informal inquiry. Upon receipt of a reply from the licensee, the Board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated.

a. If the determination of the Board is that the complaint has no basis in fact, the Board shall so indicate in its proceedings and the complainant and licensee shall be so notified.

b. If the determination of the Board is that the issues raised by the complainant would constitute a violation of standards, the Board shall then determine whether:

- (1) Further investigation by correspondence is indicated.
- (2) Further investigation by an informal hearing is indicated, or
- (3) Institution of formal hearing procedures is indicated.

B. Informal hearing procedures.

The Board shall conduct informal hearings in executive session in accordance with the following:

1. It is expected that the licensee not have an attorney or other advisors present, although it is his right to do so.

2. Witnesses may be called, but are not placed under oath and no subpoenas are issued.

3. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.

4. No transcript of the informal hearing is made.

C. Evaluating the findings of the informal hearing.

1. If the Board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the Board shall then determine whether:

- a. The violation merits informal disposition or
- b. A formal hearing will be held.

2. The Board, in determining for informal disposition, shall order actions such as:

- a. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the Board within 30 days of the informal hearing.

b. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the Board.

D. Refusal to respond or cooperate with the Board.

1. If the licensee does not respond to the original inquiry within 30 days a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

2. If the licensee refuses to reply to the Board's inquiry or otherwise cooperate with the Board, the Board shall continue its investigation. The Board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

E. Withdrawal of a complaint.

If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the Board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

F. If, at any point in the informal proceedings described above, the Board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the Board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

IV. Conduct of a Formal Hearing.

A. Initiating the Process.

1. The Board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

2. Once full notice of the formal hearing has been served, no Board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing.

3. Full Notice.

The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the Board.

a. The notice shall include:

(1) A statement of the date, time, place, and nature of the hearing.

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(3) A reference to the particular sections of the statutes, rules or ethical standards involved.

(4) A short and plain statement of the matters asserted which shall be the subject of the hearing.

(5) A statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the Board may hold a hearing in the licensee's absence.

NOTE: It is the licensee's obligation to keep the Board informed of his/her whereabouts.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon

application, a more definite and detailed statement shall be furnished.

4. Designation of Hearing Officer.

a. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner. This officer is empowered to prepare written findings of fact and conclusions which shall be recommended to the Board.

b. The Board shall designate a hearing officer by affirmative vote of a majority of its members.

c. The hearing officer shall be unbiased and qualified to preside over the case. A designated hearing officer shall withdraw when that officer can not accord a fair and impartial hearing or consideration.

d. Any party may request the disqualification of a hearing officer on the ground of inability to give a fair and impartial hearing by filing an affidavit (which states the specific grounds) within three days of receipt of notice of the designation of the hearing officer. The issue shall be determined promptly by the Board.

e. The hearing officer shall not be a current member of the Board.

B. 1. Discovery.

a. Depositions and Interrogatories of witnesses may be taken and shall be admissible in the proceedings.

b. Evidence which was not made available to both parties at least five days in advance may be barred from introduction.

c. Evidence not within the scope of the notice may be excluded.

d. When the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

e. Documentary evidence in possession of the Board may be received in the form of copies of excerpts, or by incorporation by reference.

f. Official notice may be taken of generally recognized technical or scientific psychological facts. However, parties shall be afforded an opportunity to contest the material so noticed.

2. Subpoenas.

The Louisiana Department of Justice Disciplinary Action Manual for Occupational Licensing Boards by William J. Guste, Attorney General, Section 10.2 Subpoena Authority: Boards are empowered by statute to issue subpoenas, and in Louisiana, the statutes allow the Board to issue a subpoena when requested in writing by any party in the contested case.

Either side in a contested hearing may request that a subpoena be issued. It is generally required that the information called for by a subpoena must be reasonable in terms of the amount required and that it must relate to the matter under consideration. A subpoena duces tecum should be reasonable in scope and should be limited to documentary material that is relevant to the proceeding.

a. The Board, or its designated hearing officer, may sign and issue subpoenas when requested in writing by any party to a contested case.

b. The information called for by a subpoena shall be reasonable and shall relate to the matter under consideration.

c. Investigative subpoenas are issued at the discretion of the hearing officer.

d. If the person fails to comply with a subpoena, the Board may apply to the judge of the appropriate district court for an attachment as for a contempt.

3. Motions.

a. A request to the Board or the hearing officer by a party for a particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time.

d. Motions made before or after the hearing shall be made in writing. Motions made during the course of the hearing may be made orally.

e. Motions are directed to the hearing officer who shall dispose of them appropriately.

f. A party may not submit written proposed findings of fact.

g. The hearing officer may refer a motion to the Board.

C. Formal Hearing Procedures.

1. Conduct of the Hearing.

a. The members of the Board shall be present for the hearing.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, La. R.S. 49:955-966.

(1) Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(2) Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

2. Order of Proceedings.

a. The hearing officer calls the session to order, identifies the case, subject of the case and cites the authority for holding the hearing.

b. The hearing officer asks the parties to identify themselves and their counsel.

c. All testimony shall be given under oath, such oath to be administered by the hearing officer.

d. Customary order of the proceedings should be followed at the discretion of the hearing officer.

3. Evidence.

a. In determining the admissibility of evidence, the hearing officer must follow the rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the licensee a right to a decision based on evidence presented at the hearing or officially noted in the record.

D. The Final Decision of the Board.

1. The Board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of La. R.S. 37:2801-2837, the Ethical Standards of Chiropractors or other rules and regulations of the Board.

2. The Board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The Board may adopt such findings and conclusions in whole or in part. Any Board members not present at the hearing must review the record prior to such decision.

3. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.

4. The Board's decision shall be based on the evidence and the proposed decision from the hearing officer.

5. The vote of the Board must be recorded and made a part of the decision. A majority vote must be obtained in order for an ethics violation to be judged to have occurred.

6. The Board determines the sanctions appropriate and consistent with law. The Board may decide rather than to revoke or suspend a license, to censure the licensee. The vote for censure is a majority vote.

7. The final decision shall be delivered to each party by registered or certified mail, return receipt requested.

8. The final decision shall be delivered within 30 days of the close of the hearing.

9. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

E. Appeal of Board Decision.

1. A petition by a party for reconsideration of hearing must be in writing and filed with the Board within 10 days after the receipt of the Board's final decision. The petition must set forth the grounds for the rehearing which must be one of the following:

a. The Board's decision is clearly contrary to the law and the evidence.

b. There is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reserve the Board's action.

c. There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly, or

d. It would be in the public interest to further consider the issues and the evidence.

2. If a petition for reconsideration is denied, a party may proceed to seek judicial review of the decision.

3. Judicial review may be initiated by filing a petition in the appropriate district court within 30 days after mailing of notice of the final decision of the hearing or rehearing.

F. Case Record.

1. A complete case record must be maintained for each formal hearing.

2. The record must be retained until the time for any appeal has expired, or until the appeal has been concluded.

3. The case record shall be composed of all material officially noted.

4. A transcript of the record shall be maintained.

G. Notification of Final Actions.

Upon either completion of the final decision, expiration of the time for any appeal, or conclusion of appeals, the Board shall notify the following of its actions.

1. All licensed chiropractors.

2. All affected parties; and all affected professional organizations.

A copy of the preceding is on file in the Board's office and the Office of the State Register.

Herbert H. Eddington, D.C.
Chairman

RULE

Department of Health and Human Resources Board of Electrolysis Examiners

(LSA-R.S. 37:3051 through 37:3077)

In accordance with the applicable provisions of the Administrative Procedure Act, LSA-R.S. 49:951 et seq., the Louisiana State Board of Electrolysis Examiners has adopted the following Rules and Regulations relating to disciplinary actions and the practice of Electrolysis.

The following Rules and Regulations are adopted.

Rule 1 Source of Authority: Title

The Rules and Regulations herein contained constitute, comprise and shall be known as the "Rules and Regulations of the State Board of Electrolysis Examiners". These rules and regulations are adopted and promulgated pursuant to the authority granted to, and imposed upon the said board under the provisions of Louisiana Revised Statutes, Title 37, Sections 37:3051 through 3077.

Rule 2. General Definitions

There is incorporated herein by reference all of the definitions set forth and contained in R.S. 37:3051. The following

words and terms, when used in these rules and regulations, shall have the following meaning unless the text hereof or the definitions contained in the above-cited statutes clearly indicate otherwise.

A. "Electrology" means the art and practice of removing hair from the normal skin of a body by the application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove hair.

B. "Electrolysis" means the process by which hair is removed from the normal skin by the application of an electric current to the hair root by means of a needle or needles being inserted into the hair follicle, whether the process employs direct electric current or short wave alternating electric current.

C. "Electrologist" means any person who for compensation practices electrolysis for the permanent removal of hair, except a physician licensed to practice medicine who performs electrolysis in his practice or a person who engages, on behalf of a manufacturer or distributor, solely in demonstrating the use of any machine or other article for the purpose of sale, without charge to the person who is the subject of the demonstration.

D. "Board" means the State Board of Electrolysis Examiners.

Rule 3. Exceptions and Rights

A. The provisions of these rules and regulations shall not authorize the use of roentgen rays and radium for diagnostic and therapeutic purposes or the use of electricity for surgical purposes, including cauterization, removal of warts, moles, or skin deformities of any kind.

B. Electrolysis treatment shall not be performed in areas of high bacterial colonization, such as the ear canals and nostrils, nor shall treatment be performed on moles or to remove eyelashes, except in special instances after consultation with a physician.

C. A health history shall be completed on each patient prior to any treatment. No patient with a history of diabetes and no cardiac patient with a pacemaker shall be treated without the consent of a physician. Persons suspected of having a communicable disease shall not be treated without first having been examined by a physician.

D. Techniques of sterilization of needles shall be the same as is used in hospitals, using pressure heat or any other sterilization of needles deemed appropriate by the board.

E. A practitioner shall limit his practice solely to that of electrology, and no other business shall be allowed on the premises.

Rule 4. Board Composition, Conflict Provision and Reimbursement

A. The State Board of Electrolysis Examiners is created within the Department of Health and Human Resources. It shall be composed of three members appointed by the governor in consultation with the secretary of the Department of Health and Human Resources, two from a list of six qualified electrologists recommended by the Louisiana Electrologist Association, who shall be licensed electrologists who have been engaged in the practice of electrology for at least the five years prior to their appointment, and one shall be appointed from a list of three physicians licensed to practice in this state recommended by the Louisiana State Medical Society. If the governor determines that the nominees of the Louisiana Electrologist Association or of the Louisiana State Medical Society are not suitable, he may decline to appoint from the list submitted and shall call upon the association or the society to nominate an additional list of persons. He may repeat such all until a list containing a qualified person or persons meeting his approval is submitted. Members of the board shall be residents of this state.

B. One of the electrologist members of the board shall be appointed for an initial term of one year and one for three years, as designated by the governor at the time of the appointment. The physician member shall be appointed for an initial term of two years. Thereafter, each member shall be appointed for a term of three years.

C. A vacancy occurring in the membership of the board shall be filled for the unexpired term in the manner provided in Subsection A of this Section for appointment.

D. No member of the board shall have any direct or indirect financial interest in the manufacture or sale of equipment or supplies used in the practice of electrology, nor shall any member have any connection with the management or ownership of a school of electrology.

E. Each member of the board shall receive a per diem fixed by the board at not more than fifty dollars per day for each day in actual attendance at its meetings. Each member shall be reimbursed for his actual travel, clerical, and incidental expenses necessarily incurred while engaged in the discharge of his official duties as determined by the board. The per diem and expenses shall be paid out of the moneys credited to the board as provided by R.S. 37:3062 (B).

Rule 5. Organization of Board, Quorum, Meetings, Records.

A. Within fourteen days after the appointment of its initial members, the board shall hold a meeting for the purpose of organization and shall elect from its membership a chairman, a vice chairman, and a secretary-treasurer. Officers shall be elected for terms of one year, or until the successor of each is elected. Thereafter, the board shall annually and in like manner elect its officers.

B. The board shall hold regular meetings at least once in each year for the purpose of examining applicants and at any other time the board or its chairman deems necessary, at a time and place designated by the chairman. Special meetings may be called by the chairman upon giving at least seventy-two hours notice thereof by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board.

C. A majority of the total membership of the board shall constitute a quorum for the transaction of business, including the granting, suspending, or revoking of a certificate or license to practice electrology.

D. The board shall keep a record of its proceedings, and a register of all applicants for certificates or licenses, which shall contain the name and location of the institution which granted the applicant a diploma, the date granted, and information as to whether a license has been granted or refused. The record and register shall be prima facie evidence of all matters recorded therein.

Rule 6. General Powers and Duties

A. The board shall be the sole and exclusive authority in the state to issue licenses to practice electrolysis and to administer the provisions of R.S. 37:3051, et seq.

B. The board shall have authority to examine for, grant, deny, approve, revoke, suspend and renew the licenses of electrologists and shall review applications for licenses of electrologists and shall review applications for licenses at least once each calendar year. It may conduct hearings on charges for the revocation or suspension of a license.

C. The board is authorized to promulgate such rules and regulations as are necessary and reasonable for the enforcement of R.S. 37:3051, et seq. for the establishment, operation, and approval of any electrology schools in Louisiana, and for requiring each school of electrology to establish and maintain in force a

bond to be determined by the board, but not to exceed the sum of ten thousand dollars in favor of the state, with surety by a corporate bonding company authorized to do business in this state.

D. The board is authorized to issue licenses to approved schools. No school may operate without a license issued by the board. The fee for such license shall be five hundred dollars payable at the time the school makes application for a license. The annual renewal fee shall be three hundred dollars which shall be due on or before July 1 of each year. Each license for an electrology school in this state shall be renewed on or before July of each year upon application therefor accompanied by the renewal fee prescribed in R.S. 37:3072 (A).

E. The board shall initiate an action for the prosecution of any person who violates any provision of this Chapter and may apply to any court having jurisdiction for an injunction to restrain and enjoin violations thereof. It shall keep a record of all proceedings relating thereto.

F. The board is authorized to employ counsel to carry out the provisions of this Chapter, if the fees of the counsel and the costs of all proceedings, except criminal prosecutions, are paid by the board out of the moneys credited to the board.

Rule 7. Licensure of Electrologists and Instructors

A. No person shall engage or attempt to engage in the practice of electrology in the state who does not hold a valid license issued by the board in accordance with the provisions of this Chapter.

B. The board shall license as an electrologist and issue an appropriate certificate to any person who files with it a verified application therefor, accompanied by the application fee required by this Part, together with evidence, verified by oath and satisfactory to the board, that he is at least eighteen years of age; is of good moral character; is a resident of this state and has been a resident of this state for at least one year immediately prior to the time of application; has graduated from an accredited high school; after high school graduation has successfully completed a course in practical training in electrolysis in a school of electrology which maintains the standards established and approved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board; at the time of certification, is free of any infectious disease; and has passed an examination given and graded by the board which shall consist of a written examination and a practical demonstration of abilities, and has paid any other fees required by the Statutes. Each such school of electrology shall include at least four hundred fifty hours of clinical experience, one hundred fifty hours of lectures on insertion techniques, modalities, healing and regrowth problems, and office management. Each applicant shall provide his subject for the practical demonstration. Within ten days after each examination the official in charge shall deliver the question and answer papers to the board. The board shall examine and rate the answers and shall transmit an official report to each applicant for license, stating the rating of the candidate in each subject and whether or not the board approves the candidate for license. If a candidate fails one or more parts of an examination, he may take the parts in which he has failed in a subsequent examination upon payment of a fifteen dollar examination fee. If after two attempts the examination is not satisfactorily completed, the candidate thereafter shall be required to repeat and take the entire examination.

C. The board may license any person as an instructor of electrology who has practiced as an electrologist for at least seven years and has completed such other specified training as shall be required by the board for teaching electrology.

D. After investigation of the applicant and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and

accepted, or unsatisfactory and rejected. If an application is rejected, the notice shall state the reasons for the rejection.

E. The examination shall be given annually at such time and place and under such supervision as the board determines, and specifically at such other times as in the opinion of the board the number of applicants warrants. The board shall designate the date, time and place of examination and shall give public notice thereof and, in addition, shall notify each person who has made application for examination to the board.

Rule 8. Examination Requirements for Electrologists

A. All applications for the state Board examination must be received by the Board at least 30 days prior to the date of said examination.

B. An applicant must pass all parts of the state Board examination within 2 years of his first examination date.

Rule 9. Requirements for Licensure of Schools of Electrolysis

A. Each applicant for a license to conduct a school of electrolysis shall submit the following to the board:

1. a fully-completed written application form
2. the required application fee, and
3. a surety bond approved by board in the amount of \$1,000.00 per student, or \$10,000.00 per school (whichever amount is greater) in favor of the State of Louisiana.

B. Before a school license can be renewed, proof of an up-to-date bond must be submitted.

C. The following documents must be submitted prior to approval of a license for any school:

1. a detailed projected floor plan
2. a copy of the planned school curriculum
3. a true copy of the student contract used
4. a true copy of the student's permission to receive electrolysis treatment
5. a true copy of the school manual
6. names and qualifications of the instructors and lecturers in accordance with the board regulations

D. Every electrolysis office and electrolysis school shall be open for inspection to any board member or any investigator of the board during regular business hours.

E. When an inspection of an electrolysis office or electrolysis school is made by a member or investigator of the board, the owner or person in charge shall sign an inspection slip. Any violations shall be corrected within three months.

F. No licensed electrologist shall refer to or permit any reference to his or her license in advertising or promoting any method of hair removal other than electrolysis.

Rule 10. Sanitary Requirements for Offices and Schools

A. Every electrolysis office and school shall be adequately lighted, well ventilated and kept in a clean and sanitary condition at all times.

B. All instruments shall be kept clean and sterilized with a medically approved method as prescribed by the board. Before use upon a patient, each electrolysis needle and forceps shall be first wiped clean with a 70 percent alcohol solution, and then be sterilized by one of the following methods:

1. Saturated steam, 250°, 15 Psi, 30 minutes
2. Dry heat 380°, 60 minutes
3. Glass head sterilizer, 475° - 500°* 30 seconds

C. Every electrologist, instructor or student must wash his or her hands immediately prior to the treating of the patient, and must rewash his or her hands if for any reason the treatment is interrupted.

D. Clean tissues, paper towels or freshly laundered towels shall be used for each patient. Before any patient is permitted to recline in a chair or on a table, said object shall be covered with a clean professional size towel or drape or a clean professional type tissue.

E. The skin area to be treated must first be cleaned with water and surgical soap, such as Septasol, or liquid antiseptics, such as Zephirin Chloride (1:750 or 1:500), or Betadine or any other form of approved cleanser for the skin.

F. Areas of the body not to be treated are the mucous membranes, inclusive of the vermilion border of the lip and the external auditory canal of the ear, the areola of the breast, and the tissues of the nostrils. Conditions of the skin not to be treated are warts, moles, cutaneous papillomas (skin tags), any type of skin eruption, ingrown eyelashes, eyelids, vascular spider (spider nevus) and any type of infected or inflamed areas.

G. A professional lamp will be focused on the treatment area at all times.

H. Every patient must be treated on a professional treatment table or chair, which shall be used for the purpose of electrolysis treatment only. The exception to the preceding is if the patient is physically handicapped, the patient may be treated in a wheel chair or stretcher.

I. Professional type forceps shall be used in the treatment of patients.

J. All treatment shall be given in privacy within an enclosed area.

K. The electrolysis treatment room shall be provided with a separate entrance leading directly from the exterior of the house or which can be reached from the entrance of the house without passing through any part of the living quarters.

L. The treatment room shall be closed from adjacent rooms by walls or doors. During treatment, such doors shall remain closed.

M. Every such office shall have hand-washing facilities with hot and cold water in the treatment room or an adjacent room which can be reached without passing through any part of the living quarters.

N. No electrologist, instructor or student shall treat a person who is infected with impetigo, any contagious disease, skin malignancy, or any disease dangerous to the public.

O. No electrologist, instructor, or student shall treat a diabetic patient without the written authorization of the patient's physician.

P. Before treatments are instituted, the electrologist, instructor, or student must explain the following matters to the patient:

1. the procedure
2. treatment
3. after care treatment
4. possible effects of treatment
5. treatment fee

Q. Smoking is prohibited by electrologists, instructors, or students, lecturers or patients during treatment.

R. All electrologists, instructors, and students shall wear appropriate clothing, with clean fingernails, white stockings and white uniform, or white smock or white laboratory jackets.

S. A complete case history of each patient's electrolysis treatment shall be maintained, which shall include the following data:

1. name, address, telephone number, sex and date of birth of the patient
2. types of hair and of skin, if other than normal
3. patient's medical history and physical condition
4. date of each treatment
5. area of treatment

6. patient's reaction to treatment

7. skin reaction to treatment

8. duration of treatment

9. setting of equipment for area being treated

10. allergies

11. have attached any letters or other data concerning the patient

T. Every electrologist shall display his or her license and renewal certificate in a conspicuous place in his or her principal office. Every electrologist who maintains more than one office shall display in a conspicuous place in every branch office a certified statement of registration provided by the board.

Rule 11. Additional Requirements for Schools

A. Every school shall prominently display its license near the entrance. Licensure of the school is for one location only. Each location must apply separately.

B. Every school shall furnish to each student upon enrollment a true signed copy of the school contract and a copy of the school manual text covering the complete school curriculum as approved by the board. The school shall also furnish at the time of enrollment a copy of the statutes and rules and regulations governing electrologists.

C. Within ten days after each student's enrollment, every school shall furnish the board with:

1. The name, address, date of enrollment, telephone number and specification of day or evening class of each student, recorded on the school's stationery.

2. A certificate signed by a licensed physician stating that the student is free of contagious or communicable disease.

3. A statement signed by the student stating that he or she has received a copy of the statutes and the rules and regulations governing electrologists and is cognizant of the fact that in order to qualify for a state board diploma or its equivalent, and must have attained the age of eighteen years.

4. A signed copy of the students' permission to receive electrolysis treatment, and any restrictions thereof.

D. Every school shall provide each student with a separate locker for the student's clothes and effects.

E. School quarters shall be large enough to accommodate the student body, lecturers and practical demonstrations and shall have proper and sufficient equipment for practical work.

F. The school shall have available for the use of students, several types of machines for electrolysis.

G. Every school shall provide and maintain adequate professional and necessary modern equipment for the student body. A list of equipment shall be submitted to the board for its approval and any additions or subtractions from this list must be reported to the state board.

H. Only FCC approved types of epilators which conform to Federal Food and Drug Administration Rules and Regulations shall be used by each school in training students.

I. Every school shall maintain one complete set of reference books for each 12 students enrolled. These reference books must be approved by the board.

J. Every school shall keep a daily record of the attendance of every student and record of the time devoted by every student to each subject of study; shall establish credits and shall hold examinations before issuing diplomas. These records or any part of the information contained therein shall be available to any member or investigator of the board at any time upon request. Each school shall submit to the board in writing every three months a record of the time completed by every student in practical and theoretical work. (The first day of January, April, July and October.)

K. No practical work may be done by students except within the school premises and under direct supervision of a licensed instructor. Hours of credit shall be given to a student for time spent as a patient in the ratio of one hour practical credit for every two hours spent as a patient.

L. Every school shall maintain regular class hours with a daily schedule, which shall be submitted to the board for approval.

M. Each group of twelve students or less engaged in practical work simultaneously shall have at least one licensed instructor in attendance at all times, and necessary equipment will be provided at all times for each student.

N. No school shall directly or indirectly accept any remuneration or make any charge for services rendered by its students at said school for practice work but a school may make a reasonable nominal charge to cover expenses of equipment and materials used.

O. A school may advertise as such but shall not in any way hold itself out as an electrolysis office.

P. No school premises shall be used for the private practice of electrolysis.

Q. Any student who leaves a school for any reason shall be reimbursed according to the school contract.

R. No student shall be an instructor for another student.

S. No student, upon graduation from school and pending the state board examination, may engage in the practice of electrolysis other than on the school premises until fully licensed.

T. Every school shall provide the student with an office, properly equipped, and with enough space for the student to properly take a history in confidence, and in private.

Rule 12. Additional Requirement for Offices

A. Every electrolysis office shall have a separate entrance, away from other businesses or residential rooms.

B. Separate toilet facilities must be made available, without entering other businesses or residential rooms.

C. Separate facilities for hand washing shall be provided separate from other business or residential facilities.

D. Every office shall be provided with such instruments, implements, or equipment that are pertinent to the practice of electrolysis.

E. Every office of electrolysis shall be subject to public health standards for treating patients.

F. All devices, instruments, and epilators shall conform to the Federal Food and Drug Administration Rules and Regulations relating to such devices as amended, May 29, 1976, and shall be F.C.C. (Federal Communication Commission) approved.

Rule 13. Regulations for Apprenticeship Programs

A. Every person wishing to supervise and instruct a student under an apprenticeship program must petition the board for approval. The petition for approval must show that:

1. the petitioner is a licensed electrologist;

2. the petitioner has practiced as an electrologist for at least seven years and meets the qualifications set forth for instructors by the board;

3. the petitioner resides in Louisiana

B. Each supervisor or instructor of an apprenticeship program must offer the same number of hours of training in clinical experience and lectures on insertion techniques, modalities, healing, and regrowth problems, and office management, as specified in Rule 1. of these rules and regulations.

C. Each supervisor of an electrologist apprentice shall furnish the apprentice with a signed copy of the contract, a copy of the text to be used and a copy of the statutes, rules and regulations governing electrologists.

D. Within ten days after commencement of an apprentice-

ship program, each supervisor shall furnish the board with:

1. The name, address, date of enrollment, telephone number, and specification of approximate time of day the apprentice will be working with the supervisor;

2. A certificate signed by a licensed physician stating that the apprentice is free of contagious or communicable diseases.

3. A statement signed by the apprentice that he has received a copy of the statutes and rules and regulations governing electrologists, and is cognizant of the fact that in order to qualify for a state board license, one must have a high school diploma or its equivalent, and must have attained the age of eighteen years.

4. A signed copy of the apprentice's permission to receive electrolysis treatment, and any restrictions thereof.

5. A daily record of the apprentice's attendance, and a record of the time devoted to each subject of study shall be kept. These records shall be available for inspection to any member or investigator of the board at any time upon request.

E. Each supervisor or instructor must file reports of attendance and training of each apprentice every three months (the first day of January, April, July and October). Said reports must be signed by the supervisor and countersigned by the apprentice.

F. No person shall supervise more than one electrologist apprentice at any one time.

G. No practical work may be done by an apprentice except under the direct supervision of his supervisor or instructor.

Rule 14. Curriculum Regulations for Electrolysis Schools

All electrolysis schools shall maintain the following courses of studies for their students.

A. Every school teaching electrolysis shall maintain a course of study of not less than 600 hours, extending over a period of not less than six months. Each course shall include 150 hours of academic study and 450 hours of practical training.

B. No student shall devote more than five days a week and no more than six hours a day to formal training in electrolysis (including practical training).

C. No more than one and one half hours per day shall be devoted to practical training for the first 50 hours of said training.

D. No more than two and one half hours per day shall be devoted to practical training for the next 400 hours of said training.

E. The 450 hours of practical training shall involve epilation whereby the licensed instructor demonstrates how to proceed on each area to be treated, namely the legs, body, arms, face (including hair line and eyebrow shaping and all other areas not specifically prohibited in Rule 3 (B) and/or Rule 10 (F)).

F. The 150 hours of academic study shall include the following:

1. Histology and Hair and Skin structure (emphasis on hair and skin structure)	35
2. Bacteriology, Sterilization and Hygiene (Basic fundamentals)	35
3. Electricity (principles of electricity, its effects and uses)	20
4. Basic Dermatology	20
5. Physiology (emphasis on endocrinology)	15
6. Equipment (approved electrolysis machines and necessary equipment for an electrolysis office)	10
7. Professional conduct and office management	15
TOTAL	150 hours

Rule 15. Suspension or Revocation of License

A. After notice and an opportunity for hearing, the board may suspend or revoke any license or certificate issued to any

electrologist for any of the following causes:

1. Conviction of a crime.
2. Fraud, deceit, or perjury in obtaining a diploma or certificate of licensure.
3. Habitual drunkenness.
4. Habitual use of morphine, opium, cocaine, or other drugs having similar effect.
5. Deceiving or defrauding or attempting to deceive or defraud the public.
6. Obtaining or attempting to obtain payment for electrolic services by fraud, deceit, or perjury.
7. Incompetency, gross negligence, or gross misconduct in professional activities.
8. Intentional violation of federal, state, or municipal laws or regulations relative to contagious and infectious diseases or other public health matters.

B. Nothing in this Section shall be construed to prevent a licensed practitioner from mailing education material to his patients or the dissemination of educational material approved by electrolysis societies or associations and the board.

Rule 16. Complaints and Hearing Procedure

A. Registration of complaints

1. Any person, public officer, association, or the Board, may prefer charges against any licensee for due cause.
2. Such charges shall be in writing, signed, and shall be submitted to the Board.

B. Hearing procedures

1. The Board, or any person or persons appointed by it for the said purpose, shall hold a preliminary hearing to determine whether a formal hearing on the charges is necessary.

2. The Board may dismiss the charges and take no action thereon, by preliminary hearing, in which event the charges and the order dismissing the charges shall be filed with the board.

3. If the Board or the person or persons thus appointed by it decide that the charges shall be heard, the board shall designate a hearing officer to determine the charges and set a time and place for a formal hearing.

4. A copy of the charges together with notice of the time and place of the formal hearing, shall be served on the accused at least ten days before the date fixed for the hearing.

5. Where personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the board shall cause to be published twice in each of two successive weeks, a notice of the formal hearing in a newspaper published in the parish in which the accused was last known to reside, and, on or before the date of the first publication, a copy of the charges and of such notice shall be mailed to the accused at his last known address.

6. When publication of the notice is necessary, the date of the formal hearing shall be not less than ten days after the last day of publication of the notice.

7. Upon the conclusion of the formal hearing the board may revoke the license of the accused, or suspend such license for a fixed period, or reprimand, or take other disciplinary action, or dismiss the charges.

8. An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct.

9. The board, in its discretion, may direct a rehearing or take additional evidence, and may rescind or affirm the prior determination after such rehearing, but nothing in this sub-division shall preclude appropriate relief under and pursuant to the laws of the state providing for the review of administrative determination by the courts of the state, as specifically outlined in Title 49:959 of the State statutes.

C. Conduct of Formal Hearings

1. At any formal hearing conducted pursuant to these Rules, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.

2. At any formal hearing conducted pursuant to these Rules, if a party shall appear without counsel, the board or person(s) designated as hearing officers or hearing officer shall advise such party of his right to be represented by counsel; and that, if he desires to proceed without counsel, he may call witnesses, cross-examine witnesses, and produce evidence in his behalf.

3. Appearances shall be noted on the official record of formal hearings.

4. The board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for any indefinite period of time, but shall be set down for a certain day.

5. If an adjournment is requested in advance of the formal hearing date, such request shall be submitted to the board in writing, and shall specify the reason for such request.

6. In considering an application for adjournment of a formal hearing the board or hearing officer shall consider whether the purpose of the formal hearing will be affected or defeated by the granting of such adjournment.

7. The Board or designated hearing officer shall issue subpoenas and subpoena duces tecum upon request of any party to the proceedings of any formal hearing set down by the board. No subpoena shall be issued until the party who wishes to subpoena the witnesses first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before an agency only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the agency with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned under this Section neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to give testimony, as required, the agency may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him for contempt. It shall be the duty of the judge to hear the application and, if satisfactory proof is made, to issue an attachment, directed to some proper office, for the arrest of such person and, upon his being brought before him, to proceed to hearing of the case; and upon such hearing, the judge shall have the power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

8. The board or hearing officer shall not be bound by the Rules of evidence in the conduct of a formal hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain it.

9. Upon the conclusion of a formal hearing, the board shall take such action upon such written findings and determinations as it deems proper, and shall execute an order in writing carrying such findings and determination into effect. When in an adjudication proceeding a majority of the officials of the board who are to render the final decision have not heard the case or read the record, or the proposed order is not prepared by a member of the agency, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made final until a proposed

order is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposed order shall be accompanied by a statement of the reasons therefor and of the disposition of each issue of fact or law necessary to the proposed order, prepared by the person who conducted the formal hearing or by one who has read the record. No sanction shall be imposed or order be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative, and substantial evidence. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

10. The order of the board may include the assessment of civil penalties as provided by law. A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency Rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with the Section.

11. The record, minutes and evidence of a formal hearing shall be made available to all parties for examination at the office of the board, or at such place as the board may direct. Copies of the minutes may be purchased at the rate per page covering the cost thereof.

Rule 17. Fees

A. The board shall fix and collect uniform fees, which shall not exceed the following amounts for each type of fee, and which shall not be refundable:

- 1. Application fee for license to practice electrology \$150.00
- 2. For issuing duplicate of certificate of license 10.00
- 3. Application for certificate of annual renewal of license to practice electrology 75.00
- 4. Application for certificate of annual renewal license of an electrologist school 300.00
- 5. Application fee for license of electrology school 500.00
- 6. Delinquency fee 25.00

B. All fees received by the board and all fines collected under the provisions of these Rules shall be transmitted to the state treasurer, who shall place them in a special fund to the credit of the State Board of Electrolysis Examiners. The board shall have authority to expend the moneys in said fund for the operating expenses of the board and for other expenses incurred in the administration and enforcement of this Chapter.

Rule 18. Renewal of License

A. Each license to practice electrology in this state shall be renewed annually on or before December 1 of each year, upon application therefor, accompanied by the renewal fee prescribed in R.S. 37:3072 (A).

B. When any electrologist or electrolysis school licensed hereunder fails to register and pay the annual registration fee within thirty days after the registration fee becomes due, the license or certificate of such person or school shall be revoked automatically at the expiration of thirty days after the registration

was required, without further notice or hearing. However, any person or school whose license or certificate is automatically revoked as provided herein may make application in writing to the board for the reinstatement of such license or certificate and, upon good cause being shown, the board in its discretion may reinstate such license or certificate upon payment of all past due renewal fees and the payment of an additional sum of \$50.

Rule 19. Penalty

Whoever violates any provision of this Chapter, upon conviction shall be fined not less than one hundred dollars or more than five hundred dollars, or be imprisoned for not more than six months, or both. Each day of violation shall constitute a separate offense.

Rule 20. Grandfather Clause

Any person who has been practicing electrolysis as an electrologist in this state prior to July 1, 1979 shall be eligible to be licensed upon application therefor and payment of the license fee fixed hereafter, but without examination.

A copy of the preceding is on file in the Board's office and Office of the State Register.

Patricia D. Sibille
Chairperson

RULES

**Department of Health and Human Resources
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority contained in LRS Title 37, Chapter II, Nurses, Part II, Practical Nurses, Section 961-979, and pursuant to Notice of Intent published on February 20, 1984 took the following action relative to adoption of the revision of the Administrative Rules And Minimum Requirements Relating To Practical Nursing Education And Licensure To Practice In The State Of Louisiana at a regular meeting of the Board on March 23, 1984 at the Board office, 4201½ Canal Street, New Orleans, Louisiana.

FOREWORD

This Manual of administrative rules and minimum requirements contains the approved rules and regulations of the Louisiana State Board of Practical Nurse Examiners relating to practical nurse education, the development, progression and discontinuation of practical nursing programs, and practical nurse licensure in the State of Louisiana.

These rules and requirements have been adopted and promulgated in accordance with the Law Relating to the Practice of Practical Nursing with the authorization vested in the Board by the Louisiana Revised Statutes of 1950, Title 37, Chapter II, Nurses, Part II, Practical Nurses, Section 961-979, as amended through 1982.

SECTION I

The Louisiana State Board of Practical Nurse Examiners

1. ORGANIZATION — The Louisiana State Board of Practical Nurse Examiners consists of 11 members appointed by the governor and is the regulatory agency created by statute to act with legal authority on matters related to practical nursing education and the practice of practical nursing in Louisiana as determined by the Louisiana Revised Statutes, Title 37, Section 961-979, as amended through 1982.

2. ADDITIONAL DUTIES AND POWERS OF THE BOARD — In accordance with the Louisiana Statutes, Title 37, Section 969, the Board shall have all such powers and duties as written. In addition the Board shall:

2-1. Appoint an executive director and associate execu-

tive director who shall be professional nurses currently licensed in the State of Louisiana and who shall serve as the executive staff of the Board;

2-2. Adopt, amend or repeal rules in accordance with procedures set forth in the provisions of the Louisiana Revised Statutes 49:953;

2-3. Establish rules and regulations for adjudication, license suspension and revocation proceedings;

2-4. Deny, revoke or suspend any license to practice practical nursing;

2-5. Determine the passing score for the practical nursing licensure examination for initial licensure.

3. PROCEDURE FOR ADOPTION OF RULES

3-1. All rules of the Board shall be adopted, amended or repealed in accordance with the Administrative Procedure Act, Louisiana Revised Statutes, Title 49, Section 953.

3-2. The Board on its own motion or on the petition of any interested person may request the promulgation, amendment, or repeal of a rule.

a. Such petition shall:

1. Be in writing;

2. State the name, and address of its author;

3. Contain a statement of either the terms or substance of the proposed rule, amendment, or repeal;

4. State the reasons or grounds for the proposed rule, amendment, or repeal;

5. Include any data, views or arguments in support of the rule, amendment, or repeal.

b. The Board shall consider the petition within 90 days after receipt of said petition, at which time the Board shall deny the petition in writing, stating reasons therefore, or shall initiate rule-making proceedings in accordance with this part.

4. RULES AND ADJUDICATION AND LICENSE SUSPENSION AND REVOCATION PROCEEDINGS

4-1. All adjudication proceedings (as defined in Louisiana Revised Statutes, Title 49, Section 951) and license suspension and/or license revocation or probation proceedings conducted by the Board shall be in accordance with the Administrative Procedure Act, Louisiana Revised Statutes, Title 49, Section 955 et seq.

4-2. All proceedings calling for suspension, revocation or probation of a licensee, shall begin with the receipt of a complaint by the Board. This complaint shall be in writing and signed by the complainant.

4-3. This complaint shall be investigated by the executive director, his/her designee and/or staff.

4-4. The complaint against the licensee may be concluded at an informal proceeding without a hearing if the director does not feel that the complaint is sufficiently serious and the licensee does not request a formal hearing. The informal resolution of a complaint may be done by correspondence between the executive director and the licensee, by conference of the executive director with the licensee, by consent order between the Board and the licensee or by a settlement between the complainant and the licensee.

4-5. If a complaint is concluded by this informal procedure, any result and/or recommendations shall be submitted by the executive director to the Board for approval.

4-6. If a matter is not concluded by informal procedure and a hearing is deemed necessary or requested by the licensee, a hearing shall be scheduled before the hearing officer designated by the Board.

4-7. Formal hearing procedures shall commence by a formal notice of complaint outlining the charges against the licensee sent to the licensee at his/her last known address. This notice shall require a response by the licensee within 10 days.

4-8. The licensee shall return his/her response to the complaint to the Board within 10 days or shall be deemed to have waived his/her right to a hearing. In response, the licensee shall either deny or admit the allegations of the complaint and shall either request a hearing before the hearing officer or waive his/her right to said hearing.

4-9. If the licensee waives his/her right to a hearing or does not respond in writing within the time allotted, the hearing officer shall decide the case forthwith. The hearing officer shall make specific findings of fact, conclusions of law and make recommendations to the Board.

4-10. If the licensee requests a hearing before the hearing officer, the licensee shall be afforded the opportunity to present evidence and cross-examine witnesses. The testimony of the witnesses shall be transcribed. The hearing shall be conducted according to the Administrative Procedure Act.

4-11. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the Board.

4-12. The Board shall make a decision based on the hearing officer's report and determine what sanctions if any should be imposed and issue an appropriate order with respect thereto.

4-13. This Order of the Board shall be sent to the licensee.

4-14. Sanctions imposed by the Board may include reprimand, probation, suspension, revocation or any combination thereof.

4-15. Reprimand — May include a personal conference between the licensee and the Executive Director and/or a letter to the licensee regarding the incident or incidents which have been brought to the Board's attention and which may or may not be determined to warrant a hearing.

4-16. Probation — Will include stipulations which may be imposed by the Board as a result of the findings of facts of a hearing and the Order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the Board may practice practical nursing in the State of Louisiana provided the probation terms are met.

4-17. Suspension — A license to practice practical nursing in the State of Louisiana may be withheld by the Board as a result of the findings of facts presented in a hearing. The time of suspension may be a definite stated period or an indefinite term. A licensee whose license is suspended may not practice practical nursing in the State of Louisiana during the suspension period so designated.

a. Definite time of suspension shall be so stipulated by the Board in the Order to the licensee. Upon termination of the time period the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions which may have been imposed by the Board at the time of the original Order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original Order. The Board may terminate the suspension and reinstate such license after a hearing is held and the Board determines that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the suspension. If reinstatement is granted the licensee shall pay the required reinstatement fee.

4-18. Revocation — A license to practice practical nursing in the State of Louisiana may be withdrawn by the Board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

5. DECLARATORY ORDERS AND RULINGS

5-1. The Board on its own motion may move for a declara-

tory order or ruling as to the applicability of any statutory provision or of any rule or order of the Board. Any interested party may petition the Board for a declaratory order or ruling as stated above.

5-2. Said petition shall contain the following information:

- a. The full name, address, telephone number of the petitioner;
- b. The interest asserted by the petitioner;
- c. Specific reference to the statute, rule, or order with respect to which the declaratory order or ruling is sought;
- d. A concise statement of the purpose, reasons and nature of the declaratory order or ruling sought.

5-3. Said petition shall be considered by the Board at its next regularly scheduled meeting provided that the petition has been filed at least 30 days prior to said meeting.

5-4. The order or ruling rendered by the Board on said petition shall be in writing and mailed to petitioner at last address furnished to the Board.

6. ADVISORY COMMITTEE

6-1. There shall be an Advisory Committee for Practical Nursing Education to the Louisiana State Board of Practical Nurse Examiners which shall consist of not less than eight and not more than ten active members. The Chairman of the committee shall be a registered nurse member of the Board.

6-2. The purpose of the Advisory Committee shall be to advise the Board of Practical Nurse Examiners in matters which require study and/or investigation relating to practical nursing or practical nursing education in Louisiana. Committee action shall take the form of recommendations only.

SECTION II

DEFINITIONS

The following terms used in this manual are defined as follows:

1. Accreditation — A program is granted accreditation when evaluation by the State Board of Practical Nurse Examiners reveals that requirements of the statutes and regulations are being met. Accreditation as here used means accredited by the "Louisiana State Board of Practical Nurse Examiners."

2. Accrediting Agency — The Louisiana State Board of Practical Nurse Examiners is designated by law as the accrediting agency for programs in practical nursing in the State of Louisiana.

3. Cooperating Agency — Signifies a hospital, nursing home, health unit, etc. utilized for clinical or related educational resources for a practical nursing program.

4. Coordinator — A registered nurse who is responsible for the practical nursing program.

5. Course Outline — A presentation of the program philosophy and objectives with a systematic plan of the significant courses included in the curriculum.

6. Curriculum — A complete plan of courses, hours, laboratory skills and clinical experiences organized in such a manner as to meet program objectives.

7. Initial Approval — Approval granted to an institution for a program in practical nursing following a Board survey during which suitability in all areas is determined for a program in practical nursing to begin.

8. Initial License — The original license issued to a candidate upon the successful writing of the practical nursing licensure examination required by the Board.

9. Initial Request — The first request presented to the Board for approval of a practical nursing program.

10. Licensure Examination — The official examination approved by the Board to prove eligibility for licensure in the state.

11. Non-traditional Program — A program with an approach different from the traditional course outline to be considered by the Board when and where such a program is appropriate.

12. Policy — A course of action adopted and followed by an institution.

13. Program — A practical nursing course for which approval is sought or has been secured.

14. Provisional Accreditation — Issued to an institution that does not maintain minimum requirements.

15. Requirements — Minimum standards which programs must meet to be approved or accredited.

16. Shall — Denotes mandatory compliance in contrast to should or may which reflect possible variation.

17. Survey — Periodic on site review of a practical nursing program by the Board to determine the accreditation status of a program.

SECTION III

PROGRAM ESTABLISHMENT

1. INITIAL REQUEST

1-1. An institution contemplating the establishment of a program of practical nursing shall submit the following preliminary information:

- a. Purpose of establishing a program to include community needs and readiness to support a program,
- b. Sources of potential students, faculty and funds,
- c. Availability of physical and clinical facilities,
- d. Tentative timetable for initiating program,
- e. Survey of employment opportunities for potential graduates,
- f. A proposal assuring the implementation of the initial requirements as listed 2-1 thru 2-11.

2. INITIAL REQUIREMENTS

2-1. Programs in practical nursing shall be established in an educational institution approved and conducted by the Board of Elementary and Secondary Education.

2-2. An institution shall provide appropriate and adequate facilities for a practical nursing department to include:

- a. Classroom
- b. Laboratory
- c. Office
- d. Library

2-3. Classrooms, laboratories, teaching equipment and supplies shall be adequate to meet the needs of the program.

2-4. Offices shall be of sufficient size and number to provide for uninterrupted work and to insure privacy for conferences with students and staff. There shall be adequate space for clerical staff, student/faculty files and other essential equipment.

2-5. A library readily accessible to students and faculty shall provide current reference books and periodicals.

2-6. An institution shall have sufficient funds available to employ qualified persons and to maintain adequate equipment and supplies.

2-7. The institution shall insure adequate financial support, facilities and leadership which will provide an appropriate educational environment for students and faculty.

2-8. An organizational chart shall be developed to depict the relationship of the practical nursing programs, institutions and agencies where applicable.

2-9. An institution shall present the proposed curriculum to be utilized for the program which must meet Board approval.

2-10. An institution shall have executed contract/contracts with cooperating agencies for the use of agency facilities for a program of practical nursing, and the cooperating agency shall have appropriate accreditation and shall be approved by the Board.

2-11. Cooperating agencies shall meet the following requirements:

- a. Hospitals providing one or more of the major clinical

nursing fields shall be accredited by an appropriate accrediting body.

b. Nursing homes shall be licensed by the Department of Health and Human Resources.

c. Other facilities shall be approved by proper authorities or by the Board.

d. Contractual agreements shall be executed between the program and cooperating agencies specifying their respective responsibilities, conditions or reservations including provisions for revising or terminating the contract.

e. All contracts and agreements shall be current.

f. The hospital administrator, directors of Nursing Service and others responsible for patient care shall be aware of the objectives of the practical nursing program and shall participate in the furthering of such objectives in so far as is consistent with the objectives of the hospital staff.

g. Where there is a single cooperating agency to be used for clinical practice, the hospital shall maintain an average daily census which will permit selected student assignments in the basic areas of nursing.

h. Prior to student assignment to the practice area, a consultation between the administrative agents of the hospital and the program shall be held. It shall include information pertaining to:

h-1. Student skill level.

h-2. Specific details relating to day, hours and areas of practice, uniforms, student medical evaluations, liability insurance, and hospitalization,

h-3. Delineation of classroom and/or conference area available to students and instructors,

h-4. Provision for periodic conferences between nursing service personnel and instructors to discuss student assignments and evaluations.

i. All students assigned to clinical practice areas shall be supervised by an instructor within the required ratio.

3. INITIAL SURVEY

3-1. A Board representative shall conduct a survey of the institution requesting the establishment of a practical nursing program to include the proposed clinical facilities of cooperating agencies to be utilized in order to ascertain that the initial requirements may be satisfactorily accomplished.

3-2. A report of the initial survey shall be submitted to the Board and the institution shall be notified of the Board's findings.

4. APPLICATION AND APPROVAL

4-1. Upon approval of the initial survey, the director of the institution shall complete and submit an application form supplied by the Board office.

4-2. The application form and proposed plans shall be submitted for Board approval and the institution shall be notified in writing of the Board's findings.

4-3. Upon approval of the application, a coordinator shall be employed to develop a tentative plan for the overall program.

4-4. The program of practical nursing shall be granted Initial Approval status upon implementation of the initial requirements, effective on the date of enrollment of the first class.

5. NON-TRADITIONAL PROGRAM

5-1. The Board may consider approval of a non-traditional program. Such approval may be granted only to institutions with well established traditional programs which have a record of proven success of graduate first time writers on the approved practical nursing licensure examination.

1-1. Faculty

a. Shall consist of a minimum of two nurse members one of whom shall be designated as program coordinator.

b. Educational qualifications

b-1. Licensure — Each nurse faculty member shall hold a current license to practice as a registered nurse in the state of Louisiana.

b-2. Nurse Coordinator — Shall be a graduate of a three year diploma nursing program or a graduate of a baccalaureate nursing program with a minimum of three of past six years experience in nursing administration or nursing education.

b-3. Nurse instructor — Shall be a graduate of a three year diploma nursing program or a graduate of a baccalaureate nursing program with a minimum of two of past four years experience in staff nursing or nursing education.

1-2. FACULTY RESPONSIBILITIES

a. Coordinator: shall be responsible for the implementation of the program plan within the institutional organization.

b. Instructors: shall be directly responsible to the coordinator and shall be responsible for selecting, teaching, guiding and evaluating all learning experiences in the classroom and clinical facilities. All learning experiences and methods of instruction shall provide opportunity for fulfilling the objectives of the practical nursing courses.

1-3. STAFFING

a. Instructor-student ratio shall be no greater than one instructor to 12 students in the clinical area.

b. Provision shall be made for clerical assistance for the program.

1-4. Faculty meetings shall be scheduled regularly to evaluate and improve the program progressively and continually. Minutes of the meetings shall be recorded and filed for review at the time of the Board survey.

2. ADVISORY COMMITTEE — Shall be formed and shall include members representative of a broad spectrum of the community selected for their interest in practical nurse education and their willingness to serve.

2-1. The Committee shall meet at least twice a year.

2-2. Minutes of the meetings shall be recorded and copies filed for review at the time of the Board survey.

3. RECORDS — Administration shall provide for the protection of all student records, faculty personnel records, contractual agreements, communications and other pertinent program information against loss, destruction and unauthorized use.

4. STUDENT PERSONNEL POLICIES — Shall be subject to Board approval to include:

4-1. The policies for admission, evaluation, level advancement and completion which shall be developed and implemented by the faculty. All policies shall be consistent with the policies of the institution.

4-2. Policies shall be planned to provide for student welfare as related to health, counseling and guidance, financial aid, hospitalization and liability insurance.

4-3. Policies shall be developed to provide opportunity for students to participate in appropriate student organizations which foster development of skills in self direction, leadership and professional activity.

4-4. Policies shall be clearly stated concerning student employment during enrollment in the program.

4-5. Policies regarding absences shall be in writing. Students unable to achieve the program objectives due to excessive absence shall be advised to withdraw with permission to re-enter when the course is repeated provided that the readmission is within one year from the date of withdrawal.

4-6. The school bulletin shall give an accurate description of the practical nursing program policies.

SECTION IV

PROGRAM PROJECTION

1. FACULTY AND STAFF

4-7. A student handbook shall be developed by the nursing faculty to include the policies relating to:

- a. Admissions
- b. Grading System
- c. Suspension and/or dismissal
- d. Itemized list of fees
- e. Attendance requirements
- f. Health policies
- g. Completion requirements.

5. CURRICULUM REQUIREMENTS

5-1. Development - the curriculum shall be developed and written by the nursing faculty and shall include the philosophy and objectives of the program and shall be approved by the Board.

5-2. A copy of the current curriculum outline and a copy of the proposed master rotation plan shall be available to the Board on request.

a. The master rotation schedule for each class shall show:

- a-1. Beginning date
- a-2. Course of study
- a-3. Clinical practice areas
- a-4. Class hours and dates
- a-5. Completion date

5-3. Length of program - a program shall cover no less than 1500 hours of scheduled instruction with at least 700 hours being classroom instruction. Theory and clinical experience should be concurrent, if possible, progressing from the simple to the complex.

a. Program instruction and clinical experience shall be no less than 12 months.

b. Part time program instruction and clinical experience shall be no longer than two years.

5-4. The curriculum shall include:

a. Body Structure and Function providing the student with a foundation for understanding basic anatomy and the normal functions of the human body and deviations from normal.

b. Introduction to Microbiology presenting a basic understanding of microbes necessary in carrying out nursing procedures and in helping to prevent illness and/or its transfer to others.

c. Vocational Adjustments including concepts of self adjustment, personality development, ethical, legal and social relationships with parents, families, employers and co-workers, communication skills, responsibilities of the practical nurse and general information on nursing and nursing organizations.

d. Personal, Family and Community Health presenting concepts of health and its maintenance, human development throughout the life cycle, development, spread and control of disease, and local, state and national health resources.

e. Nutrition in Health and Illness describing concepts of proper nutrition for all age groups and diet modifications for therapeutic purposes.

f. Introduction to Pharmacology presenting concepts relating to action, dosage, side effects and administration of medications.

g. Principles and Practices of Nursing presenting the application of concepts which will provide basic principles of nursing care and correlated experiences to develop competency in Medical-Surgical Nursing, Geriatric Nursing, Maternal-Child Nursing and Mental Health Nursing.

h. Career Readiness presenting information relating to interviews, completing application forms, writing resumes, requesting license endorsement in another state, job seeking, career opportunities, continuing education availability and review for the practical nurse licensure examination.

6. ADMISSIONS

6-1. Regular admissions shall:

- a. Receive a grade placement of at least 9.5 in reading and

8.5 in mathematics on the achievement test battery;

b. Be a citizen of the United States or have filed a declaration of intent;

c. Provide certification of high school graduation or satisfactory completion of the State Department of Education equivalency examination;

d. Provide health certification from a licensed physician;

e. Be fingerprinted;

f. Meet all admission requirements as set by the Board, faculty and administration;

g. Be admitted with the regularly scheduled class.

6-2. Advanced Standing: Schools admitting students with advanced standing shall have written criteria for granting course credit.

a. A course of study shall be developed and recommended by the nursing faculty to include a minimum of six weeks enrollment in the program to provide sufficient theory and practice to meet the requirements for completion.

b. All records included in a. shall be submitted to the Board for approval.

c. At the discretion of the nursing faculty and based upon individual evaluation, a student who has withdrawn from an accredited practical nursing program may be granted advanced credit for units previously completed.

d. Records of advanced standing, admission tests, course of study and program achievement shall be maintained in addition to those records maintained for regular students.

6-3. Withdrawals

a. A record of each drop out including name, date and reason for withdrawal shall be maintained.

7. SCHOOL RECORDS

7-1. Student Records: Individual files shall be maintained for each student officially enrolled and shall contain:

a. Application

b. Admission test scores

c. High School transcript

d. Health certification

e. Progress reports

f. Student-instructor conference reports

g. Course of study: theory and clinical

h. Evaluation form

i. Transcript

j. Licensure examination score

7-2. Faculty Records: Individual files shall be maintained for each instructor to include:

a. Application

b. Job description

c. Terms of employment

d. Advancement

e. Educational advancement

f. Participation in professional organizations

g. Research and/or publication.

7-3. General Records - shall be maintained and shall include:

a. Faculty meeting minutes

b. Advisory committee meeting minutes

c. Board correspondence: memos and reports

d. Materials of historical interest

e. Master rotation plan for each class.

8. BOARD REPORTS AND RECORDS

8-1. All programs shall submit periodic reports as requested by the Board to include:

a. Student evaluation forms to be obtained from the Board office and submitted in duplicate accompanied by specified fee for each student enrolled in the program;

b. Annual report forms - to be obtained from the Board

office and completed in triplicate; one copy shall remain at the institution, two shall be submitted to the Board office July 1 each year;

c. Final transcript form - to be obtained from the Board office and completed in duplicate for each student upon completion of the program. One copy shall remain at the institution, one shall be submitted to the Board office with student application for license;

d. Faculty qualification record-forms to be obtained from the Board office and to be submitted to the Board on each newly appointed faculty member. Additional records should be submitted as additional education is achieved;

e. Copies of current contracts with each cooperating agency shall be submitted to the Board office.

SECTION V

PROGRAM PROGRESSION

1. PROGRAM CHANGES

1-1. Regular evaluation, revision and improvement of programs is encouraged.

1-2. Changes which require Board approval which must be presented in writing before implementation are:

- a. Admission policies
- b. Organization
- c. Curriculum
- d. Expansion of existing programs
- e. Nursing faculty
- f. Hospital affiliation
- g. Non-traditional programs.

2. TEACHING METHODS:

2-1. The teaching assignment shall be reasonable allowing time for class preparation, student conferencing and improving methods of instruction.

2-2. Course outline shall be current and shall be utilized by faculty and students.

2-3. The program shall use a variety of teaching aids and methods, including: lectures, discussions, reports, audiovisual aids, field trips, resource lectures, role-playing, demonstration and laboratory practice.

2-4. Nursing care plans shall be presented in pre and/or post clinical sessions.

2-5. Post clinical conferences shall be held to provide opportunity for sharing experiences, evaluating and improving patient care.

2-6. Subject matter should be scheduled concurrently with related clinical assignments if possible.

3. STUDENT AND PROGRAM EVALUATION

3-1. Student evaluation shall be a scheduled progressive activity designed to assist and improve the development of the student and should be based on the following:

- a. Policies regarding the level of achievement which students must maintain to progress in the program;
- b. Level advancement which shall be made on an individual basis dependent upon test scores, clinical performance, interpersonal relationships and ethical conduct;
- c. Student self-evaluation;
- d. Evaluation and grading systems which shall be realistic and consistent with the objectives of the program.

3-2. Program evaluation shall be based upon the standardized achievement test scores, the performance of graduates and scores on the practical nursing licensure examination.

3-3. Programs graduating two consecutive classes with a failure rate of 20 percent or higher on the Board approved practical nursing licensure examination shall be placed on Provisional Accreditation and shall be required to follow the Board rules in Section VI, 2-5, page 23, Provisional Accreditation.

SECTION VI

PROGRAM APPROVAL AND ACCREDITATION

A practical nursing program which has been established, projected and has progressed within the minimum requirements as set forth in this manual shall be issued accreditation status.

A Board representative shall conduct a survey of each program periodically, at the discretion of the Board, to determine that minimum requirements are being met.

1. BOARD SURVEY OBJECTIVES SHALL BE TO:

1-1. Assure students that the program in which they are enrolled is providing optimum opportunity for nursing education, clinical experience and eligibility to write the examination for practical nurse licensure;

1-2. Insure those requiring nursing care that students and graduates possess the necessary skills and knowledge to provide safe nursing practice;

1-3. Evaluate the quality and competency of the practical nursing programs in attaining their own stated philosophy and objectives;

1-4. Encourage self evaluation within each program for the development and improvement of the practical nursing program;

1-5. Assist each program in attainment of all minimum requirements essential for the continuation of quality education.

2. TYPES OF APPROVAL

2-1. Initial approval shall be granted to institutions having received Board approval for the establishment of a program in practical nursing and shall be limited to three years or until two consecutive classes have written the practical nursing licensure examination approved by the Board, and scores have been received by the Board.

a. Programs on Initial Approval shall be reviewed annually.

b. A program on Initial Approval which does not maintain the minimum requirements of the Board, including that of less than 20 percent failure rate on the practical nursing licensure examination may be granted an extension of Initial Approval for one year or until the next graduating class writes the licensure examination and scores are received, at which time the Board will review the program progression.

c. Directors of programs on extended Initial Approval may be requested to appear before the Board for a hearing.

2-2. Accreditation shall be granted to programs which have successfully completed the Initial Approval period and have maintained the minimum requirements established by the Board. Programs receiving accreditation shall be surveyed at least every five years thereafter for consideration by the Board for accreditation renewal.

2-3. Accreditation renewal shall be issued to programs which maintain the minimum requirements established by the Board and which meet the Board-approved program objectives.

2-4. Certificates of Initial Approval, Accreditation, Accreditation Renewal, shall be sent to the designated institutions by the Board upon receipt of the specified fee and a written response to the Board recommendations listed on the Board Survey Report.

2-5. Provisional Accreditation shall be issued to programs which have received prior accreditation but now fail to maintain minimum requirements and/or which graduate two consecutive classes receiving a 20 percent or higher failure rate on the practical nursing licensure examination approved by the Board.

a. Provisional Accreditation may be issued for a period of time determined by the Board not to exceed two years.

b. Programs on Provisional Accreditation shall:

1. Submit written reports to the Board as designated by the Board,

2. Submit to the Board for approval a plan to discover the

cause/causes of the problem when so requested by the Board,

3. Implement a plan to discover the cause/causes as determined by the Board,

4. Follow Board recommendations,

5. Be surveyed periodically as determined by the Board.

c. Programs remaining on Provisional Accreditation which have not met Board requirements at the end of the designated time shall:

1. Be subject to discontinuation as the Board determines.

d. Programs on Provisional Accreditation which present evidence of correction of the problem shall be placed on Accreditation status upon Board approval.

SECTION VII

DISCONTINUATION OF A PROGRAM

1. VOLUNTARY — The director of a program shall advise the Board in writing of the decision to close a program of practical nursing including a written plan for the termination for Board approval.

1-1. Voluntary discontinuation may be accomplished by:

a. Closing the program gradually by discontinuing admissions and closing officially on the date the last student graduates;

b. Arranging transfer of students to another accredited program of practical nursing.

If in closing a transfer of students must be arranged, the following steps shall be taken:

b-1. The Coordinator or Director of the program shall submit to the Board, for approval, a plan of transfer to include:

- a) Date of transfer
- b) Courses completed and grades received
- c) Courses remaining
- d) Hours accomplished (in theory and clinical areas)
- e) List of students to be transferred.

b-2. The Coordinator or Director of the program shall then send to the receiving institution:

- a) Date of transfer
- b) Courses completed
- c) Courses remaining
- d) Hours accomplished (in theory and clinical areas)
- e) List of students to be transferred
- f) Copies of all students records;
 - 1) All grades received
 - 2) Conference reports
 - 3) Evaluation
 - 4) NLN test scores
 - 5) Admission records
 - 6) All materials pertinent to the individual students

c. The receiving institution program Coordinator or Director shall submit to the Board, for approval, a plan for completion of the program before implementation, to include:

- c-1. Proposed date of transfer
- c-2. Proposed date of graduation
- c-3. Copies of contractual agreements
- c-4. Copy of the curriculum to be utilized
- c-5. List of proposed text books
- c-6. Copy of master rotation plan.

d. Upon transfer, a list of students actually received shall be submitted to the Board.

e. Transfer shall be arranged with minimum loss of student time.

1-2. All requirements and standards shall be maintained until every student has graduated or been transferred.

1-3. Provision shall be made for protection and accessibility of all records of a program that has been discontinued.

2. INVOLUNTARY — If the stipulations of Provisional Accreditation have not been met, withdrawal of accreditation shall be considered by the Board.

2-1. If the Board's findings warrant withdrawal of Accreditation only those students presently enrolled shall be permitted to complete the program and apply for licensure.

2-2. Institutions may reapply for a program in practical nursing after minimum requirements have been incorporated. Re-application may be accomplished by proceeding as required for program establishment.

SECTION VIII

LICENSURE

1. QUALIFICATIONS — A person applying for a license to practice as a practical nurse in the State of Louisiana shall:

1-1. Be of good moral character,

1-2. Be a citizen of the United States or have filed a declaration of intent to become a citizen,

1-3. Be a graduate of an accredited program in practical nursing,

1-4. Attain a score of 350 or above on the Board approved licensure examination for practical nursing,

1-5. Complete and submit the required application accompanied by the specified fee.

2. TYPES OF LICENSURE

2-1. Licensure by Examination — An applicant for licensure by examination shall:

a. Meet the requirements for qualification,

b. Write the first scheduled examination following program completion,

c. Be permitted to write the examination a second and third time,

d. Be readmitted to an approved program in practical nursing if the third writing is unsuccessful before being allowed to take the examination again;

e. Be issued a temporary work permit before the FIRST writing of the examination which permit shall expire upon the date of licensure of that examination and which shall not be subject to extension or renewal under any circumstances-including reentry and completion of a program in practical nursing.

2-2. Licensure by Endorsement — An applicant for endorsement from another state to Louisiana shall:

a. Hold a current, valid license in another state,

b. Meet the requirements for Licensure in Louisiana,

c. Complete and submit all required forms accompanied by the specified fee.

2-3. If a licensee has been granted licensure by waiver in another state said licensee shall not be endorsed in Louisiana.

2-4. A licensee who has attained a score of 350 or above on the Board approved licensure examination for practical nursing may be endorsed in Louisiana.

3. TEMPORARY PERMIT — A temporary permit to practice as a practical nurse in Louisiana may be issued as follows:

3-1. A temporary permit will be issued to graduates of approved practical nursing programs pending the results of the first Board approved licensure examination taken, providing the application for licensure and the specified fee have been submitted by the applicant and an official transcript has been submitted by the institution from which he/she graduated.

a. The abbreviation P.N. (T.P.), (Practical Nurse, temporary permit), shall be signed by applicants who have been issued a temporary permit.

b. The temporary permit shall be limited as follows: the P.N. (T.P.) shall practice only in nursing situations in which a Registered Nurse or Physician is providing direct supervision.

c. The P.N. (T.P.) shall serve only in a staff-nurse position.

d. The P.N. (T.P.) shall assume only those duties and functions commonly included in the staff nurse position.

e. The permit issued to the P.N. (T.P.) expires upon

receipt, by the holder, of the results of the first licensure examination.

3-2. A permit to practice as a Licensed Practical Nurse may be issued for six weeks to any practical nurse currently licensed in another state pending receipt of the endorsement credentials providing that the applicant presents verification of current licensure in another state and submits the required fee.

3-3. A temporary permit may be issued to licensees pending disciplinary action at time of license renewal.

3-4. The candidate failing to submit the application for the National Council Licensure Examination for Practical Nursing and the application for a Practical Nurse license in Louisiana by the closing date for the examination will not be issued an extended permit to practice except in the case of illness.

4. RETIREMENT FROM PRACTICE — A licensee who is retiring from practice shall send a written notice to the Board. Upon receipt of this notice the Board shall place the name of the licensee upon an inactive list. While on this list, the licensee shall not be subject to the payment of any renewal fees and shall not practice practical nursing in the state. When the licensee desires to resume practice, a renewal license shall be issued to a licensed practical nurse who submits the required fee.

5. NAME CHANGE — A licensee requesting a name change on the license form shall forward a request to the Board accompanied by a certified and true copy of a legal document.

6. ADDRESS CHANGE — A licensee with a change of address shall immediately notify the Board office.

7. VERIFICATION OF LICENSE — A licensee requesting a duplicate license shall:

1. Obtain "Verification of Renewal" from the Board office;

2. Complete and submit the form accompanied by the appropriate fee;

3. License verification shall be issued when the form is completed and fee submitted.

8. APPROVED FEES

1. Examination Fee	\$15
2. Original licensure	\$10
3. Renewal of License	\$10
4. Endorsement from another state	\$17
5. Endorsement to another state	\$ 2
6. Late Renewal	\$ 5
7. Verification of Licensure	\$ 1
8. Student Evaluations	\$ 1
9. Reinstatement of License	\$10
10. Survey Fee	\$25
11. Renewal of Certificate of Accreditation	\$15

All fees shall be non-refundable.

Terry L. DeMarcaj, R.N.
Associate Executive Director

RULE

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

Effective May 1, 1984, the Department of Health and Human Resources, Office of Family Security, shall implement a rule change in the Aid to Families with Dependent Children and Refugee Assistance Programs in accordance with 45 CFR 206.10 (c)(3)(ii).

RULE

The time within which the worker shall dispose of the AFDC application is limited to within 45 days from the date on

which the signed application is received in the local office. The applicant shall either be mailed his first assistance payment or notification that he has been found ineligible for a grant by the forty-fifth day, unless an unavoidable delay has occurred. In order to assure payment is mailed by the forty-fifth day, the initial payment shall be issued by the local office on all certifications which pend over 30 days.

Sandra L. Robinson, M.D., M.P.H.
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereafter referred to as the Agency, hereby adds certified Nurse-Midwife care as an additional service available through the Medical Assistance Program as federally mandated by the Omnibus Budget Reconciliation Act of 1981 and found at 42 CFR 440.165. Certified nurse-midwives are defined as registered professional nurses who are currently licensed in Louisiana and legally authorized to practice midwifery.

Effective May 1, 1984, a certified nurse-midwife can be reimbursed for pre-natal care, deliveries and post-partum care. In accordance with Louisiana R.S. 37:911 et. seq. and as cited by the Board of Nursing at R.N. 304, entitled Advanced Practitioner of Nursing at subsection (2) of R.N. 3.042, entitled Certified Nurse-Midwife, a certified nurse-midwife must always work as a member of a physician-directed health care team.

The Title XIX State Plan, Section 3, page 19, Item 3.1(a)(2), pages 19, 20 and 20a and Attachment 3.1-A, page 8a will be amended to reflect this policy change. Inclusion of certified Nurse-Midwife services also requires an amendment to Item 4.18(a)(2) page 54, of the Title XIX State Plan.

Rule

Effective May 1, 1984 the following will become Agency policy concerning addition of a certified Nurse-Midwife program.

1. Certified Nurse-midwife services for care shall include:

(a) Total obstetric care, antepartum care, vaginal delivery and post-partum care

(b) Vaginal delivery only

(c) Pre-natal care only

(d) Post-partum care only

(e) Newborn care to normal newborn in a hospital

(f) Initial history and examination of the normal newborn.

Each nurse-midwife is responsible for billing the Agency for her services. If a physician is not called in, no physician fee will be paid. If a physician is called in, it will be the responsibility of the physician and the nurse-midwife to determine who bills the Agency for the respective services rendered. In no case will the Medical Assistance Program pay twice for the same service.

Sandra L. Robinson, M.D., M.P.H.
Secretary

RULE

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

In accordance with Revised Statutes 9:427 of the 1983 Regular Session of the Louisiana Legislature, the Department of Health and Human Resources/Office of Human Development/Division of Evaluation and Services hereby adopts the following rule relative to the role of the agency in the Adoption Petition Program when the petitioner is the stepparent of the adoptee:

OHD/DES shall no longer provide a full investigation and Court Report in stepparent adoptions unless so ordered by the Court.

Henceforth, Adoption Petition workers shall investigate stepparent adoptions only to the extent necessary. The investigation shall:

- 1) determine the availability of the child for adoption; and,
- 2) where the child is age 13 or over, determine the circumstances of the child and his/her attitude toward the adoption.

The investigation and Court Report shall cover the following areas depending on the circumstances of the case:

- A. Availability of the Child for Adoption
 1. Name, birthdate and birthplace of child as verified by birth certificate when available.
 2. Relationship of child to petitioner(s).
 3. Legal status of petitioner's i.e. verification of current marriage and previous deaths/divorces effecting status.
 4. Name of legal/biological parents and information concerning their attitude about the adoption and awareness of the implications.

- B. Information on the Child
 1. Child under 13
 - (a) Age of the child(ren)
 - (b) Length of time child has resided with the petitioner(s).
 - (c) How the child came into the home of the petitioner(s).
 2. Child 13 or over
 - (a) Age of the child(ren).
 - (b) Length of time child has resided with the petitioner(s).
 - (c) How the child came into the home of the petitioner(s).
 - (d) Description of child including physical characteristics, personality, general health (no physical exam required), grade placement, and activities.
 - (e) Child's adjustment.
 - (f) Child's relationship with petitioners and others in the home.

Dr. Sandra L. Robinson
Secretary

RULE

Department of Health and Human Resources Office of Mental Retardation and Developmental Disabilities

The Department of Health and Human Resources, Office of Mental Retardation and Developmental Disabilities hereby adopts the amendments to the Infant Intervention Standards as published in the Notice of Intent in the February 20, 1984 *Louisiana Register*. The original Standards for Infant Intervention were published as a Rule in the May 20, 1983 *Louisiana Register*. These amendments incorporate changes made in the Regulations for the Implementation of Act 754, the State Department of Education Bulletin 1508 and Act 659.

Sandra L. Robinson, M.D., M.P.H.
Secretary

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, Division of Narcotics and Dangerous Drugs, has adopted the following revisions of Part I, Section 2.1 of the Regulations pertaining to Controlled Dangerous Substances as authorized by R.S. 40:972.

RULE PART I

* * * * *

Section 2.1

The application shall be completed in full by the applicant and forwarded to the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs at least 30 days prior to the expiration date stated in his current license. The applicant will enclose a check or money order (no cash) made payable to the State of Louisiana in an amount proportional to his class of business which shall be as follows:

(a) Manufacturer	\$100
Broker	50
Day Surgical Centers	50
Emergency Medical Centers	50
Wholesaler (Distributor)	50
Practitioner	20
Researcher	30
Manufacturer's Medical Service Representative	20

(also known as Detail Man or Sales Representative)

(b) Persons who knowingly or intentionally submit a false or fraudulent application, or an application any part of which is false or fraudulent, shall be deemed to have committed a prohibited act under Section 975 of the Act.

* * * * *

Dr. Sandra L. Robinson
Secretary

RULE

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with the Notice of Intent published in the December, 1983 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors announced the Notice of Intent to revised Louisiana Administrative Code 19-3:4.3.1.

At this time, the Board hereby adopts the following revision to LAC 19-3:4.3.1.

In the case of firms providing or offering to provide professional services in the State of Louisiana, all such professional services shall be executed by or under the direct supervision of a registered professional duly registered in this state, and designated by the firm as a supervising professional. Such registered professional shall be either an active employee (1) whose primary occupation or employment is with the firm on a full-time basis or (2) whose secondary occupation or employment is with the firm, provided the firm is totally owned by one or more of the professionals whose registration is used to qualify the firm for certification. When the work consists of plans, designs, specifications, reports or maps, such registered professional shall impress them with his seal as required by law. The appearance of a seal on a document of any type shall constitute a representation that such document was prepared by the registered professional or under his supervision.

Paul L. Landry, P. E.
Executive Secretary

RULE

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

**Board of Trustees State Employees
Group Benefits Program**
(Herein called the Program)

Group Coverage: Self-insured and self-funded-medical

Group Contract Holder: Governmental agencies of the State of Louisiana (herein called the agencies and eligible political subdivisions)

Group Contract Issuer: The Board of Trustees, State Employees Group Benefits Program (herein called the board)

Contract to Take Effect: July 1, 1984

This contract is between the contract holder and the Board of Trustees and shall be construed in accordance with the laws of the State of Louisiana.

The board shall be entitled to rely upon the signatures of the designated representatives of each of the agencies as acting for the agency as to any and all matters pertaining to this contract.

In consideration of the payment of contributions by the contract holder in the amounts and at the times hereinafter provided, the Program hereby agrees with the contract holder, subject to the terms appearing on this and the following pages of this contract including, if any, the riders, endorsements and amendments to this contract which are signed by the board, to pay benefits in accordance with the terms of this contract. The obligations and the rights of all persons under this contract shall be determined in accordance with the terms of this contract without regard to the terms of any prior agreement or of any instrument amending or supplementing or replacing any such agreement.

In witness whereof the board has approved this contract at Baton Rouge, Louisiana.

SCHEDULE OF BENEFITS

COMPREHENSIVE MEDICAL BENEFITS

Lifetime Maximum:

Active Employees and dependents under age 70	\$ 500,000
Automatic restoration	4,000
Active Employees and dependents age 70 and over	250,000
Automatic restoration	2,000
Retired Employees and eligible dependents under age 65	500,000
Automatic restoration	4,000
Retired Employees and eligible dependents age 65 and over	250,000
Automatic restoration	2,000
Sponsored Dependent Parents	250,000
Automatic Restoration	2,000

Deductibles:

Inpatient deductible per day, maximum of 5 days per admission (waived for accidental injury)	\$25
Professional and other eligible expenses Per person, per Calendar Year	200
Family Unit maximum (3 individual deductibles)	600

Percentage Payable after Satisfaction of Applicable Deductibles:

Eligible expenses up to \$5,000 per Calendar Year, per person	80%
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Eligible expenses in excess of \$5,000 per Calendar Year, per person	100%
Outpatient alcoholism treatment	50%*

Percentage payable for treatment of alcoholism while not hospital confined is limited to 50 percent. Outpatient alcoholism treatment is further limited to 50 visits per calendar year, one visit per day, with a maximum reimbursement of \$20 per visit.

Benefits Payable after Satisfaction of Applicable Deductibles:

Inpatient Hospital charges:	
Room and Board, not to exceed the Hospital's average semi-private rate	80%
Intensive care units, not to exceed twice the Hospital's average semi-private rate	80%
Miscellaneous charges	80%
Professional medical services, not to exceed customary and reasonable charges:	
Surgery and anesthesia	80%
Other eligible expenses	80%

OTHER MEDICAL BENEFITS

The following medical benefits are not subject to the Comprehensive Medical Benefits deductibles:

Second Surgical Opinion	80%
Supplemental Emergency Accident	\$500 maximum
Dental Surgery (per schedule)	\$270 maximum

CATASTROPHIC ILLNESS ENDORSEMENT (Optional)

All eligible expenses are payable at 100 percent following diagnosis of any covered disease.

Maximums for any one disease or combination thereof per lifetime:

\$10,000 Maximum	
a) Seventy percent, or \$7,000 for in-patient Hospital expenses	
b) Thirty percent, or \$3,000 for out-patient and professional expenses	
\$5,000 Maximum	
a) Seventy percent, or \$3,500 for in-patient Hospital expenses	
b) Thirty percent, or \$1,500 for out-patient and professional expenses	

ARTICLE 1. GENERAL PROVISIONS

I. DEFINITIONS

The following definitions shall apply to both the health and accident and the life insurance portions of the State Employees Group Benefits Program unless otherwise indicated.

A. The term **Program** as used herein shall mean the State Employees Group Benefits Program as administered by the Board of Trustees for the benefit of active and retired Employees and their eligible Dependents.

B. The term **Plan** as used herein shall mean Employee and/or Dependent coverage under Comprehensive Medical Benefits, Other Medical Benefits, and the Catastrophic Illness Endorsement. (health and accident only)

C. The term **Participant Employer** as used herein shall mean a State agency. Participant Employer shall also mean a political subdivision, if authorized by law to participate in the Program, or a school board (L.R.S. 17:1223) which has executed an adoption instrument, if required, or has otherwise agreed to

participate in the Program on behalf of its Employees.

D. The term **Adoption Instrument** as used herein shall mean the agreement between a political subdivision or a school board and the Program for entrance into the Program.

E. The term **Employee** as used herein shall mean a full-time Employee of a Participant Employer, who normally works 30 hours or more a week; provided, however, that an Employee whose full-time occupation normally requires less than 30 hours per week shall also be considered a full-time Employee. In no event shall any person appointed on a temporary basis, as defined by Article 1, Section I (F), be considered an Employee.

The term **Employee** shall also include medical residents, known as house officers, employed by Louisiana-owned medical facilities. The enrollment and continued participation of these medical residents will be governed by an inter-agency agreement between the Program and the appropriate state agency.

F. The term **Temporary Appointment** shall mean an appointment to any position for a period of 120 consecutive calendar days or less.

G. The term **Retiree** as used herein shall mean an Employee who:

1. Was a covered Employee, as defined by the terms of this contract immediately prior to the date of retirement; and
2. Upon retirement immediately received retirement benefits from an approved state or state governmental agency retirement plan; or, if not eligible for participation in such a plan, was employed prior to September 16, 1979, has 10 years of continuous service and has reached the age of 65, or if employed after September 16, 1979, has 10 years of state service and has reached the age of 70.

H. The term **Covered Person** as used herein shall mean an active or retired Employee, or his eligible Dependent, for whom the necessary application forms have been completed and for whom the required contribution is being made.

I. The term **Dependent** as used herein shall mean any of the following persons who are enrolled for coverage as Dependents, provided they are not also covered as an Employee (health and accident only):

1. The covered Employee's legal spouse;
2. Any unmarried (never married) children from date of birth to 19 years of age, dependent upon the Employee for support;
3. Any unmarried (never married) children 19 years of age, but under 24 years of age, who are enrolled and attending classes as full-time students and who depend upon the Employee for support. The term full-time student shall mean students who are enrolled at an accredited college or university, or at a vocational, technical, or vocational-technical or trade school or institute, or secondary school, for the number of hours or courses which is considered to be full-time attendance by the institution the student is attending.

It shall be the responsibility of the Plan Member to furnish proof acceptable to the Program documenting the full-time student status of a dependent child.

4. Any dependent parent of an Employee or of an Employee's legal spouse, if living in the same household and if fully dependent upon the Employee or upon the Employee's legal spouse and who is, or will be, claimed as a Dependent on the Employee's federal income tax return in the current tax year, and who has resided with the covered Employee for the period of 12 consecutive months immediately prior to date of such enrollment. The Program will require an affidavit stating the covered Employee intends to include the parent as a Dependent on his federal income tax return for the current tax year. Only dependent parents enrolled prior to July 1, 1984 shall be eligible for coverage, and continuation of coverage shall be contingent upon the payment of

a separate premium for this coverage.

J. The term **Children** as used herein shall mean (health and accident only):

1. Any natural or legally adopted Children of the Employee and/or the Employee's legal spouse dependent upon the Employee for support;

2. Such other Children for whom the Employee has legal custody, who live in the household of the Employee, and who are or will be included as a Dependent on the Employee's federal income tax return for the current or next tax year (if filing is required); and

3. Grandchildren dependent on the Employee for support, living in the household of the Employee, and who are or will be included on the Employee's federal income tax return as a Dependent (if filing is required). The Program will require a copy of the tax form or an affidavit stating that the covered Employee intends to include the child as a Dependent on his federal income tax return for the current or next tax year.

K. The term **Date Acquired** as used herein shall mean the date a Dependent of a covered Employee is acquired in the following instances and on the following dates only:

1. Legal Spouse-date of marriage;
2. Children-
 - a. Natural or legally adopted Children — the date of birth or the date of judgment granting adoption;
 - b. Other Children living in the household of the covered Employee who are, or will be included as a Dependent on the Employee's federal income tax return — the date of the court order granting legal custody.
 - c. Grandchildren dependent upon the Employee for support, living in the household of the Employee, and who are, or will be included as a Dependent on the Employee's federal income tax return, the earlier of:
 - (1) The date of the court order granting legal custody or
 - (2) The first date on which the grandchildren come to live with and become dependent on the covered Employee for support.

L. The term **Employee Coverage** as used herein shall mean benefits provided hereunder with respect to the Employee only.

M. The term **Dependent Coverage** as used herein shall mean benefits provided hereunder with respect to the Employee's Dependents only.

N. The term **Occupational Disease** as used herein shall mean a disease which arises from, is contributed to, caused by, or is a consequence of any disease which arises out of or in the course of any employment or occupation for compensation or profit.

However, if the Program is presented with satisfactory evidence proving that the individual concerned is covered as an Employee under any worker's compensation law, occupational disease law, or other legislation of similar purpose, but the disease involved is not covered under the applicable laws or doctrine, then such disease shall, for the purpose of this policy, be regarded as a non-occupational disease.

O. The term **Occupational Injury** as used herein shall mean an Accidental Bodily Injury which arises from, is contributed to, caused by, or is a consequence of any injury which arises out of or in the course of any employment or occupation for compensation or profit.

However, if the Program is presented with satisfactory evidence proving that the individual concerned is covered as an Employee under any worker's compensation law, occupational disease law, or other legislation of similar purpose, but the injury involved is not covered under the applicable laws or doctrine, then such injury shall, for the purposes of this policy, be regarded as a non-occupational injury.

P. The term **Accidental Bodily Injury** as used herein shall mean a localized abnormal condition of the body, internal or external, which was induced by trauma and which occurred through an event that was unforeseen and unexpected. (health and accident only)

Q. The term **Disability** as used herein shall mean that the covered Person, if an Employee, is prevented, solely because of a non-occupational disease, illness, accident or injury from engaging in his regular or customary occupation and is performing no work of any kind for compensation or profit; or, if a Dependent, is prevented solely because of a non-occupational disease, illness, accident or injury, from engaging in substantially all the normal activities of a person of like age in good health. (health and accident only)

R. The term **Hospital** as used herein shall mean an institution which meets all the following requirements:

1. Holds a license as a Hospital (if licensing is required in the State), and is accredited by the Joint Commission for the Accreditation of Hospitals. If located outside the territorial United States, the Hospital must be licensed by the country in which it is located.

2. Operates primarily for the reception, care, and treatment of sick, ailing, or injured persons as in-patients;

3. Provides 24 hour nursing service by licensed nurses;

4. Has a staff of one or more licensed medical doctors available at all times;

5. Provides organized facilities for diagnosis;

6. Requires compensation from its patients for the services rendered; and

7. Is not primarily an institution for rest, the aged, drug addicts, the treatment of pulmonary tuberculosis, a nursing home, extended care facility or remedial training institution.

S. The term **Room and Board** as used herein shall mean, subject to the exclusionary provisions of this contract, a Hospital's daily charges for room and board and the per-diem rate charged by a Hospital owned and operated by one of the 50 states.

T. The term **Physician** as used herein shall mean the following persons, licensed without limitation to practice medicine and perform surgery:

1. Doctor of medicine (M.D.)

2. Doctor of dental surgery (D.D.S.)

3. Doctor of dental medicine (D.M.V.)

The term **Physician** shall also mean the following persons, licensed to practice their respective professional skills by reason of statutory authority:

4. Doctor of osteopathy (D.O.) (L.R.S. 37:1111, *et seq.*);

5. Doctor of podiatric medicine (D.P.M.) (L.R.S. 37:611, *et seq.*);

6. Doctor of chiropractic (D.C.) (L.R.S. 37:2801, *et seq.*);

7. Doctor of optometry (O.D.) (L.R.S. 37:1041, *et seq.*);

8. Licensed psychologist meeting the requirements of the National Register of Health Service Providers in Psychology (L.R.S. 37:2351, *et seq.*);

9. Licensed board certified social worker who is a member of an approved clinical social work registry or is employed by the United States, the State of Louisiana, or a Louisiana parish or municipality, provided such person is performing professional services as a part of the duties for which he is employed (L.R.S. 37:3701, *et seq.*).

Such Physicians must engage in private practice and render a charge to the Covered Person for professional services.

The term Physician does not include any intern, resident, or fellow enrolled in a residency training program regardless of any other title by which he is designated or his position on the medical staff of a Hospital. A senior resident, for example, who is referred to as an assistant attending surgeon or an associate physician, is

considered a resident since the senior year of the residency is essential to completion of the training program. Provided, however, that effective October 1, 1977, charges made by a Physician, as defined herein, who is on the faculty of a state medical school, or on the staff of a state Hospital, will be considered a covered expense if such charges are made in connection with the treatment of a disease, illness, accident or injury covered under this Plan and further provided that such Physician would have charged a fee for such services in the absence of this provision.

It is the specific intent and purpose of the Program to exclude reimbursement to the Covered Person for services rendered by an intern, resident, or fellow enrolled in a residency training program regardless of whether the intern, resident, or fellow was under the supervision of a Physician or regardless of the circumstances under which services were rendered.

The term Physician shall not include a practicing medical doctor in the capacity of supervising interns, residents, senior residents, or fellows enrolled in a training program, who does not personally perform a surgical procedure or provide medical Treatment to the Covered Person.

U. The term **Diagnostic X-ray and Laboratory** as used herein shall mean a procedure requiring a specimen or a procedure that produces a finished photoplate, tape or graph.

V. The term **Incurred Date** as used herein shall mean the date upon which a particular service or supply is rendered or obtained. In the absence of due proof to the contrary, when a single charge is made for a series of services, each service shall be deemed to bear a prorated share of the charge.

W. The term **Reasonable Expense** as used herein shall mean the Customary and Reasonable fee or charge for the services rendered or the supplies furnished in the area where such services are rendered or such supplies are furnished, provided such services or supplies are recommended and approved by a Physician other than the Covered Person.

X. The term **Customary and Reasonable** as used herein shall mean the following:

1. **Customary:** a charge is customary when it is the most consistent charge by an individual Physician for a given procedure and when it is the usual fee for a procedure charged by the majority of Physicians with similar training and experience within the same localities as used by the Program to develop statistics.

2. **Reasonable:** a charge is reasonable when it meets the above criterion or when, in the judgment of the Program, it merits special consideration based upon the complexity of Treatment.

Y. The term **Custodial Care** as used herein shall mean care designed essentially to assist an individual to meet his activities of daily living (i.e. services which constitute personal care such as help in walking, getting in and out of bed, assisting in bathing, dressing, feeding, using the toilet) and care which does not require admission to a Hospital or other institution for the Treatment of a disease, illness, accident or injury, or for the performance of surgery; or, care primarily to provide Room and Board (with or without routine nursing care, training in personal hygiene and other forms of self-care) and supervisory care by a doctor for a person who is mentally or physically incapacitated and who is not under specific medical, surgical or psychiatric Treatment to reduce the incapacity to the extent necessary to enable the patient to live outside an institution providing medical care, or when, despite such Treatment, there is no reasonable likelihood that the incapacity will be so reduced.

Z. The term **Durable Medical Equipment** as used herein shall mean medical equipment designed for repeated use and which is shown by the Plan member to the satisfaction of the Program to be Medically Necessary for the Treatment of a disease, illness, accident or injury, to improve the functioning of a malformed body member, or to prevent further deterioration of the

patient's medical condition. Durable Medical Equipment shall include, but not be limited to, such items as standard model wheelchairs, hospital beds, respirators, braces, and other items that the Program may determine to be Durable Medical Equipment, excluding transportation devices such as automobiles or vans.

AA. The term **Medically Necessary** as used herein shall mean a service or Treatment which, in the judgement of the Program:

1. Is appropriate and consistent with the diagnosis and which in accordance with accepted medical standards could not have been omitted without adversely affecting the patient's condition or the quality of medical care rendered; and

2. Is not primarily Custodial Care.

BB. The term **Physical Therapy** as used herein shall mean the evaluation of physical status as related to functional abilities and Treatment procedures as indicated by that evaluation. Such therapy is therapy provided by a registered physical therapist who is licensed to practice in the state where the service is rendered. Services provided must meet the following criteria: prescribed by a licensed medical doctor, require the skills of and performed by a registered physical therapist, restorative potential exists, meets the standards for medical practice, reasonable and necessary for Treatment of the disease, illness, accident, injury or post-operative condition.

CC. The term **Rehabilitation and Rehabilitative Therapy** as used herein shall mean care concerned with the management of patients with impairments of function due to disease, illness, accident or injury. Impairments are the physical losses themselves; disabilities are the effects of impairments on overall function of the individual.

DD. The term **Rest Cure** as used herein shall mean care provided in a sanitarium, nursing home or other facility and designed to provide Custodial Care and provide for the mental and physical well being of an individual.

EE. The term **Treatment** as used herein shall mean all steps taken to effect the cure of a disease, illness, accident or injury and shall include, but not be limited to consultations, examinations, diagnoses, and any application of remedies.

FF. The term **Calendar Year** as used herein shall mean that period commencing at 12:01 a.m., January 1, standard time, at the address of the Employee, or the date the Covered Person first becomes covered under the Plan and continuing until 12:01 a.m., standard time, at the address of the Employee on the next following January 1. Each successive Calendar Year shall be the period from 12:01 a.m., January 1, standard time, at the address of the Employee to 12:01 a.m., the next following January 1.

GG. The term **Medicare** as used herein shall mean the health insurance available through any present or future laws enacted by the Congress of the United States, including but not limited to Public Law 89-97, known and described as Medicare, and including any amendments to such law.

II. EMPLOYEES TO BE COVERED

A. Employee Coverage

1. Employee — A person as defined in Article 1, Section I (E).

2. Husband and wife, both Employees

In the event the husband and wife are both eligible for coverage under the Plan as Employees, all eligible dependent Children will be enrolled as Dependents of the husband and the husband may also enroll his wife as a Dependent. IN NO EVENT MAY A PERSON BE ENROLLED SIMULTANEOUSLY AS AN EMPLOYEE AND AS A DEPENDENT UNDER THE PLAN. If a covered spouse chooses at a later date to be covered separately, and is eligible for coverage as an Employee, that person will be a

covered Employee effective the first day of the month after such election. In no event shall this change in coverage increase the benefits to the Employee or Dependent.

3. Effective dates of coverage

Each Employee who makes a written request to his Participant Employer for Employee coverage by completing the applicable enrollment forms, and agrees to make the required payroll contributions to his Participant Employer is subject to the terms of Article 1, Section II, (A)(4), and is to be effective for Employee coverage on the first day of the month coinciding with, or next following the completion of one calendar month's service, provided, however, that no Employee Coverage shall in any event become effective unless the Employee makes such request within thirty days after the date of employment. Any such request for coverage after thirty days of employment will be subject to the terms of Article I, Section II (E)(1).

4. Employee Deferral rule

In any instance in which an Employee is confined at home, in a Hospital, nursing home, or elsewhere, by reason of disease, illness, accident, or injury on the date the Employee would otherwise become covered under this Plan, the effective date of the Employee's coverage under this Plan shall be deferred until the date such Employee returns to active work for one full day at his customary duties and place of employment.

Notwithstanding any provisions of the preceding paragraph to the contrary, the return to active work requirement shall not serve to defer an Employee's effective date of coverage in the event that the individual's normal place of employment is not open on the day he would otherwise have returned to work. If an Employee is on an approved leave of absence on the day he would normally have returned to work, coverage will become effective on the day he would normally have returned to active work.

5. New Enrollment/Previous Contract

The coverage of a terminated Employee of a Participant Employer who is reemployed by the same or another Participant Employer within 12 months of the effective date of termination shall be considered a New Enrollment/Previous Contract application. (In order to be considered under these provisions, the Employee must have been covered or have been eligible for coverage under the Program at the effective date of termination.) As a New Enrollment/Previous Contract applicant, the Employee will be eligible for only that coverage in force at termination.

In the event that an additional Dependent was acquired during the period of termination, that Dependent may be covered provided he is added within 30 days of reemployment. The Dependent will be subject to any Pre-existing Condition limitations as defined in Article 1, Section II (E) which may be imposed on the covered Employee.

A New Enrollment/Previous Contract applicant who was enrolled with supplemental life insurance at the effective date of termination will be reinstated at an amount based upon the Employee's salary at the time of reemployment. A new Enrollment/Previous Contract applicant who was not enrolled for life insurance at the effective date of termination will be eligible for life insurance only through Evidence of Insurability acceptable to the life insurance carrier.

B. Retiree Coverage

1. Eligibility

Each Retiree, as defined in Article 1, Section I (G), of a Participant Employer shall be eligible for retiree coverage under this Plan.

2. Effective date of coverage

Retiree coverage will be effective on the first of the month following the date of retirement, provided the Employee and employer have agreed to make and are making the required contributions. RETIREES SHALL NOT BE ELIGIBLE FOR

COVERAGE AS OVERDUE APPLICANTS.

3. Active employment by a Participant Employer following retirement from a Participant Employer

An Employee retired from one Participant Employer may be covered as an active Employee of another Participant Employer or as a Retiree of the Agency from which he retired, but not both. In order to retain eligibility, upon termination of employment from the later Participant Employer, such Employee shall return to the retirement group of his original Participant Employer within 30 days. Life insurance benefits for the Employee shall be at a level no higher than that carried at the time of retirement from the original Participant Employer. In no event shall any person at any time be covered be more than one Participant Employer.

C. Dependent Coverage

1. Eligibility

A Dependent of an eligible Employee or Retiree shall be eligible for Dependent Coverage on the later of the following dates:

- a. The date the Employee becomes eligible as defined in Article 1, Section II (A) (3);
- b. The date the Retiree becomes eligible as defined in Article 1, Section II (B) (2);
- c. The date the covered Employee or covered Retiree acquires, as defined in Article 1, Section I (K), a Dependent.

2. Effective dates of coverage

a. Dependents of Employees

Dependents of an Employee who makes written application for Dependent Coverage and agrees to make the required contributions to his Participant Employer are to be covered for Dependent benefits on the date the Employee becomes eligible to carry Dependent Coverage or, if an overdue application, as provided for in Article 1, Section II (E).

b. Dependents of Retirees

Coverage for Dependents of Retirees shall be effective on the first of the month following date of retirement if the Employee and his Dependents were covered immediately prior to retirement. Coverage for Dependents of Retirees first becoming eligible for Dependent Coverage following the date of retirement shall be effective on the date of marriage (for new spouses of Retirees), the date of birth (for newborn Children of Retirees), or the Date Acquired (for other classifications of Dependents), if application is made within 30 days of the date of eligibility or, if an overdue application, as provided for in Article 1, Section II (E).

c. Dependent deferral rule

If a Dependent, other than a newborn child, is confined at home, in a nursing home, Hospital, or elsewhere, by reason of disease, illness, accident, or injury on the date he would otherwise become covered under this Plan, the effective date of that Dependent's coverage shall be deferred until the date confinement terminates or disability ends, whichever is later.

D. Members of Boards and Commissions

Except as otherwise provided by law, members of any boards or commissions are not eligible for participation in the Program.

This section shall not apply to members of school boards (L.R.S. 17:1223) or members of state boards or commissions who normally work 30 hours or more per week in that position, at their usual place of employment. The Program shall require documentation satisfactory to the Program that a board or commission member works 30 hours per week or more in that position.

E. Pre-Existing Condition

1. Overdue application

The terms of the following paragraphs shall apply to all eligible Employees who apply for coverage after 30 days from the date the Employee became eligible for coverage and to all eligible

Dependents of Employees and Retirees for whom the application for coverage was not completed within 30 days from the Date Acquired.

a. The effective date of coverage shall be:

(1) The first of the month following the date of the receipt by the State Employees Group Benefits Program of all required forms, if such forms are received by the State Employees Group Benefits Program prior to the fifteenth of the month.

(2) The first of the second month following the date of the receipt by the State Employees Group Benefits Program of all required forms, if such forms are received by the State Employees Group Benefits Program on or after the fifteenth of the month.

b. The Program will require that all overdue applicants complete a Statement of Physical Condition form and sign an Acknowledgement of Pre-existing Condition form.

c. Medical expenses incurred during the first 24 months that coverage for the Employee and/or Dependent is in force under this contract will not be considered as covered medical expenses if they are in connection with a disease, illness, accident or injury for which the Covered Person received Treatment or services, or was prescribed drugs, during the 12 month period immediately prior to the effective date of such coverage.

2. Political subdivisions

The terms of the following paragraph shall apply to all new Employees and Dependents of new Employees of political subdivisions authorized by law to participate in the Program when application for coverage is made within 30 days of the date of employment.

Medical expenses incurred during the first 12 months that coverage for the Employee and/or Dependent is in force under this contract will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which the Covered Person received Treatment or services, or was prescribed drugs during the three month period immediately prior to the effective date of such coverage.

III. CONTINUED COVERAGE

A. Leave of Absence

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

B. Disability

Employees who have applied for and have been granted a waiver of premium for Basic or Supplemental Life Insurance prior to July 1, 1984, may continue health coverage for the duration of such waiver, provided, however, the Employee shall pay the total contribution to the employer unless he is receiving a disability retirement income from a state or political subdivision retirement plan. On or after July 1, 1984, initial applications for disability waiver of premium for Basic or Supplemental Life Insurance shall not entitle any person to continue health coverage under the Program.

In the event that a state agency or political subdivision withdraws from the Program, health and life coverage for all Employees, including but not limited to those persons then insured by virtue of being disabled, shall terminate as of the effective date of withdrawal by the state agency or political subdivision.

C. Surviving Dependents

Benefits under this contract for the covered Dependents of a deceased covered Employee shall terminate at the end of the calendar month in which the Employee's death occurred unless the surviving covered Dependents elect to continue coverage AT THEIR OWN EXPENSE. Application for such continued coverage must be made within 60 days following the covered Employee's death.

1. The surviving legal spouse of an active or retired Employee may continue coverage until the spouse is eligible for health insurance coverage through an employer-sponsored medical plan, or until remarriage, whichever occurs first; provided, however, a surviving legal spouse who was effective as a surviving spouse prior to July 1, 1977, and had other group coverage at that time, will be allowed to remain as a Covered Person.

2. The surviving Children of an active or retired Employee may continue coverage until they are eligible for coverage by any employer-sponsored medical plan, or until attainment of the termination date for Children, whichever occurs first.

3. Any coverage provided by CHAMPUS (Civilian Health and Medical Program of the Uniform Services) shall not be sufficient to terminate the coverage of an otherwise eligible surviving legal spouse or dependent Children.

D. Overage Dependents

If an unmarried dependent child is incapable of self-sustaining employment by reason of mental retardation or physical incapacity, became incapable prior to the termination age for Children as defined in Article 1, Section I (1)(2), and is dependent upon the covered Employee for support, the coverage for such dependent child may be continued under the Plan, provided, however, the Program receives satisfactory proof of mental retardation or physical incapacity, and only for so long as such incapacity continues.

For purposes of this Section III, D, mental illness shall not constitute mental retardation.

The Program shall require that the Plan Member submit current proof from a licensed medical doctor of such continued mental-retardation or physical incapacity as often as it may deem necessary.

IV. CHANGE OF CLASSIFICATION

A. Change in Coverage

When, by reason of a change in family status (i.e., marriage, birth of child), the class of coverage is subject to change, such change shall take effect on the date of the change (i.e., marriage date or birth date), provided application for this change is made within 30 days of the date of the change.

In all cases, when a Plan Member acquires a new legal spouse, even when a change of classification will not result, application for coverage for this spouse must be made within 30 days of the date of marriage.

In the event a covered active employee or covered retiree does not make application within 30 days of the date he becomes eligible for a changed class of coverage, such change in coverage will be subject to the terms of Article 1, Section II (E) of these provisions.

Any change in the amount of benefits resulting from contract provisions regarding the Covered Person attaining any reduction age shall become effective on the July 1 coinciding with or next following the Covered Person's attainment of such age.

B. NOTIFICATION OF CHANGE OR ERROR

IT IS THE RESPONSIBILITY OF THE EMPLOYEE TO NOTIFY THE PROGRAM OF ANY CHANGE OR ERROR IN CLASSIFICATION OF COVERAGE OR ANY OTHER ERROR AFFECTING HIS CONTRIBUTION AMOUNT. ANY SUCH FAILURE LATER DETERMINED SHALL BE CORRECTED ON THE FIRST OF THE FOLLOWING MONTH. ALL REFUNDS OF CONTRIBUTIONS SHALL BE LIMITED TO SIX MONTHS FROM THE DATE NOTICE IS RECEIVED BY THE PROGRAM.

ARTICLE 2. TERMINATION OF BENEFITS

I. EMPLOYEE, RETIREE, AND DEPENDENT COVERAGE

All benefits of a Covered Person shall terminate under this contract on the earliest of the following dates:

A. On the date the Program terminates;

B. On the date the group or agency employing the covered Employee terminates or withdraws from the Program;

C. On the contribution due date if the group or agency fails to pay the required contribution for the covered Employee, except when resulting from clerical or other inadvertent error on the part of the group or agency;

D. On the contribution due date if the covered Employee fails to make any contribution which is required for the continuation of his coverage;

E. On the last day of the month of the covered Employee's death unless otherwise specifically provided herein; or

F. On the last day of the month in which the covered Employee ceases to be eligible within the classes eligible for coverage under this contract.

II. DEPENDENT COVERAGE ONLY

Unless otherwise specifically provided herein, Dependent coverage shall terminate under this contract on the earliest of the following dates:

A. On the date the covered Employee ceases to be covered with respect to himself under this contract;

B. When the covered Employee's Dependent, other than a legal spouse, becomes eligible for coverage as an Employee under this contract;

C. On the last day of the month in which the Dependent ceases to be an eligible Dependent of the covered Employee as defined in this contract;

D. Upon discontinuance of all Dependent coverage under this contract.

ARTICLE 3. MEDICAL BENEFITS

I. COMPREHENSIVE MEDICAL BENEFITS

A. Definitions

The general definitions previously indicated in Article 1, Section I, of this document entitled "Definitions" are also applicable to this Article 3, Medical Benefits. In addition, the following definitions shall apply only to this Article 3, Section I, Comprehensive Medical Benefits.

1. **Deductible Amount** as used herein shall mean those amounts indicated in the Schedule of Benefits.

2. **Family Unit** as used herein shall mean a covered Employee and all of his covered eligible Dependents.

3. The term **Out of Pocket Expenses** as used herein shall mean the sum of (a) any eligible medical expenses used toward the satisfaction of any deductibles for that year, not including expenses incurred for non-confined alcoholism, that satisfied all or part of the deductibles; (b) 20 percent of all such eligible medical expenses which exceed the deductibles for that Calendar Year and for which benefits were paid at 80 percent.

B. The comprehensive Deductible Amount shall apply with respect to each Covered Person, each Calendar Year, provided, however:

1. If a Covered Person incurs covered medical expenses during the last three months (October-December) of a Calendar Year and such expenses are not sufficient to meet the comprehensive Deductible Amount for that Covered Person for that Calendar Year, such covered expenses shall be applied to the

comprehensive Deductible Amount for the next succeeding Calendar Year for the Covered Person.

2. In no event shall any Family Unit be required to satisfy more than three individual comprehensive Deductible Amounts during any one Calendar Year regardless of the number of individuals in the Family Unit.

3. In the event more than one Covered Person in a Family Unit is injured in a common accident, only one individual comprehensive Deductible Amount will be required to be satisfied during the Calendar Year in which the accident occurs with respect to the total eligible expenses incurred as a result of the same accident by all such Covered Persons involved.

Any eligible medical expenses which are not related to injuries sustained in the accident will not be included with the combined eligible expenses resulting from the accident for the purpose of satisfying any Deductible Amount.

C. Benefits for Eligible Medical Expenses (except non-confined alcoholism)

When disease, illness, accident or injury (other than non-confined alcoholism) requires the Covered Person to incur any of the eligible expenses defined herein, and such service or Treatment is performed or prescribed by a Physician while this coverage is in force with respect to such Covered Person, and after the Deductible Amounts as defined herein have been satisfied, the Program will pay:

1. Eighty percent of the first \$5,000 of eligible expenses;
2. One hundred percent of eligible expenses in excess of \$5,000 for the remainder of the Calendar Year subject to the maximum amount as specified in the Schedule of Benefits.

D. Non-Confining Alcoholism

If a Covered Person is treated for alcoholism while not confined in a Hospital as a resident patient, benefits shall be limited to 50 percent of the reasonable eligible expenses incurred, including prescription drugs, provided, however, the maximum reimbursement for psychotherapy by a Physician shall not exceed the maximum amount as specified in the Schedule of Benefits.

Treatment of a Covered Person for alcoholism while not confined in a Hospital as a resident patient must be rendered by a Physician.

Payment for non-confining Treatment of alcoholism shall be limited to one visit per day and not more than 50 visits per Calendar Year, and shall be further limited to a maximum payment of \$20 per visit.

E. Maximum Benefit

Benefits under this Article 3, Section I, Comprehensive Medical Benefits, for covered medical expenses incurred by any one Covered Person during such person's lifetime shall not exceed the maximum amount as specified in the Schedule of Benefits.

1. The maximum benefit payable shall be reduced on the July 1 coinciding with or next following the covered Retiree's or covered Retiree's Dependent's attainment of age 65 to 50 percent of the remaining lifetime maximum as of the date immediately preceding such July 1. Should the Covered Person be Hospital confined on such July 1, the reduction shall be deferred until the date such confinement terminates.

2. The lifetime maximum benefit for an active Employee shall be reduced on the July 1 following retirement or attainment of age 70, whichever is sooner, to 50 percent of the remaining lifetime maximum as of the date immediately preceding such July 1. Should the Covered Person be Hospital confined on such July 1, the reduction shall be deferred until the date such confinement terminates.

3. The maximum amount payable is subject to partial and full restoration as indicated in Article 3, Section I (F).

F. Restoration and Reinstatement of Lifetime Comprehensive Medical Benefits.

1. Restoration — If a covered Employee, covered Retiree, or covered Dependent receives Comprehensive Medical Benefits under this Article 3, Section I, during a Calendar Year, the amount of such benefits or the maximum amount as stated in the Schedule of Benefits, whichever is less, shall be restored by the Plan on each January 1.

2. Reinstatement — If a covered Employee, covered Retiree, or covered Dependent receives Comprehensive Medical Benefits under this Article 3, Section I, and such benefits exceed the amount eligible for annual restoration as specified in the Schedule of Benefits, the entire Comprehensive Medical Benefit lifetime maximum payable with respect to such Covered Person may be reinstated upon receipt by the Program of evidence of insurability satisfactory to the Program, and furnished without cost to the Program.

G. Eligible Expenses

The following shall be considered eligible expenses under Comprehensive Medical Benefits when prescribed by a Physician and Medically Necessary for the Treatment of a Covered Person:

1. The Hospital's daily charge for Room and Board, not in excess of the maximum as specified in the Schedule of Benefits;
2. The Hospital's daily charge for intensive care units, not in excess of the maximum as specified in the Schedule of Benefits;
3. Anesthesia and the administration thereof;
4. Surgical dressings, plaster casts, and splints;
5. X-ray examinations and therapy, laboratory examinations, basal metabolism tests, electrocardiograms and electroencephalograms, and other diagnostic procedures;
6. Nuclear medicine and electroshock therapy;
7. Blood and blood plasma, blood derivatives and blood processing;
8. Drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription and dispensed by a licensed pharmacist, except for birth control medication and dietary supplements;
9. Oxygen and equipment necessary for its administration;
10. Medical and surgical supplies;
11. Intravenous injections and solutions;
12. Services of a Physician, except for examinations for the prescription and/or fitting of eyeglasses or contact lenses, except as may be otherwise provided for herein, hearing aids, routine physical examinations, immunizations and routine well-baby care, and except for other services as are excluded herein;
13. Services of a physiotherapist duly licensed under the laws of the state where the services were rendered, and who is not related to the Covered Person by blood, marriage, or adoption;
14. Services of a registered nurse (R.N.) and of a licensed practical nurse (L.P.N.) duly licensed under the laws of the state where the services were rendered, when Medically Necessary and prescribed by a licensed medical doctor, provided the nurse(s) are not related to the Covered Person by blood, marriage, or adoption.
15. Services rendered by a doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.V.) duly licensed under the laws of the state where the service is rendered for the Treatment of accidental injuries to a Covered Person's sound natural teeth, provided that:
 - a. Coverage was in effect with respect to the individual at the time of the accident;
 - b. Treatment commences within 90 days from the date of the accident and is completed within two years from the date of the accident;
 - c. Coverage remains continuously in effect with respect to the Covered Person during the course of the Treatment.

Eligible expenses shall be limited to the original estimated

total cost of Treatment as estimated at the time of initial Treatment.

16. Durable Medical Equipment required for Treatment of a non-occupational disease, illness, accident or injury when certification is submitted in writing to the Program by a licensed medical doctor as to the medical necessity for the equipment and the anticipated length of time the equipment will be required for therapeutic use. The Program will pay for either the rental or the purchase of one standard model of the equipment not to exceed the cost of the equipment. The Program will not replace or repair equipment that has been lost, stolen, damaged, worn out or outgrown, and certification may be required at least annually by the Program to determine the continued medical necessity of such equipment.

17. Initial prosthetic appliances required as a result of conditions caused only by a non-occupational disease, illness, accident or injury. Subsequent prosthetic appliances shall be eligible only when deemed Medically Necessary and when certification is furnished, acceptable to the Program, by the attending medical doctor.

18. Professional ambulance services, subject to the following provisions:

a. Ground transportation — Medically Necessary licensed professional ambulance service in a vehicle licensed for highway use to or from the nearest Hospital with facilities to treat an illness or injury. The Program will pay 80 percent of transportation charges incurred, said charges not to exceed \$100 per trip, plus 80 percent of charges for eligible medical expenses.

b. Air ambulance — charges for Medically Necessary professional medical services and eligible medical supplies rendered in connection with licensed air ambulance transportation. Payment for actual air transportation charges shall be limited to that provided for surface ambulance services.

19. The first pair of eyeglass or contact lenses required as a result of cataract surgery performed while coverage was in force with respect to a Covered Person. The Program will pay in addition 80 percent of charges for eyeglass frames, as a result of cataract surgery, said charges not to exceed \$50.

20. The first two pairs of surgical support hose if deemed by a Physician and the Program to be Medically Necessary for the Treatment of a physical condition, i.e., phlebitis or varicose veins. Additional surgical support hose may be considered an eligible expense at the rate of one pair per six month period, provided the attending Physician considers the continued use of such hose Medically Necessary for the Treatment of the Covered Person.

21. The first two ortho-mammary support brassieres if Medically Necessary and prescribed by a Physician for the Treatment of a physical condition, i.e., mastosis, simple or radical mastectomy. Additional ortho-mammary support brassieres may be considered an eligible expense at the rate of one per six month period, provided the attending Physician considers the continued use of such brassieres Medically Necessary for the Treatment of the Covered Person.

22. Orthopedic shoes prescribed by a Physician and custom built for a Covered Person;

23. Acupuncture when rendered by a medical doctor duly licensed under the laws of the state where the service is rendered;

24. Outpatient treatment in connection with the detection or correction by manual or mechanical means of structural imbalance, distortion or subluxation in the human body for purposes of removing nerve interference when such interference is a result of or related to distortion, misalignment, or subluxation of or in the vertebral column, with the following limitations: The Program will pay 80 percent of eligible charges incurred, said charges not to exceed \$100 for any Covered Person per calendar month.

H. Coverage After Termination of Comprehensive Medical Benefits

If coverage with respect to a Covered Person terminates while he is confined in a Hospital as an inpatient, and if confinement began prior to the effective date of the termination, the Program will continue to pay benefits provided under this Article 3, Section I, Comprehensive Medical Benefits, until the Covered Person is discharged from the Hospital.

If coverage with respect to a Covered Person terminates while he is totally disabled, any benefits provided under this Article 3, Section I, Comprehensive Medical Benefits, for the Covered Person, but for no other family member, will continue to be available for expenses incurred as a result of a disease, illness, accident, or injury which occurred prior to the date of termination and during the uninterrupted continuance of such total, whole, and continuous Disability but not beyond the end of the Calendar Year in which the termination occurred. Evidence as to the continuance of such Disability must be furnished by the Covered Person to the satisfaction of the Program.

I. Treatment of Alcoholism as a Resident Patient

When alcoholism requires the Covered Person to incur expenses while confined as a resident patient at a facility which meets the definition of Hospital as defined in Article 1, Section I (R) of this contract, the Program will pay benefits in accordance with the Schedule of Benefits. When alcoholism requires the Covered Person to be confined as a resident patient in a facility licensed by the Joint Commission on the Accreditation of Hospitals but which does not otherwise meet the definition of Hospital as defined in Article 1, Section I (R), the Program will pay 50 percent of all eligible expenses, including those of a Physician, following the satisfaction by the Covered Person of a separate \$200 deductible. This deductible will be in addition to any Deductible Amounts required under any other provision of this contract. Eligible expenses shall not include:

1. Room and Board charges in excess of the maximum amount as specified under Comprehensive Medical Benefits in the Schedule of Benefits;

2. Transportation;

3. Education and rehabilitation material and supplies;

4. Services rendered by Chemical Dependency Counselors or any other persons who do not otherwise meet the definition of a Physician as contained in Article 1, Section I (T).

BENEFITS PROVIDED UNDER THIS SECTION I, TREATMENT OF ALCOHOLISM AS A RESIDENT PATIENT, SHALL BE IN LIEU OF ANY OTHER BENEFITS OF THIS CONTRACT AND SHALL BE FURTHER LIMITED TO TWO CONFINEMENTS IN A COVERED PERSON'S LIFETIME. IN ORDER FOR THE EXPENSES OF A COVERED PERSON TO BE ELIGIBLE FOR PAYMENT, THE PRIMARY DIAGNOSIS MUST BE FOR TREATMENT OF ALCOHOLISM. THE PROGRAM SHALL DENY BENEFITS FOR THE TREATMENT OF SUBSTANCE ABUSE OTHER THAN ALCOHOL AND FOR THE TREATMENT OF MULTIPLE SUBSTANCE ABUSE, AS PROVIDED FOR IN ARTICLE 3, SECTION VII (E).

II. SECOND SURGICAL OPINION

A. When an eligible surgical procedure is recommended to a Covered Person, the Program will provide benefits up to but not to exceed the amount specified in the Schedule of Benefits for the purpose of consulting a Physician, other than the surgeon who has recommended the surgical procedure, as to the necessity and prudence of such procedure. Diagnostic X-ray and Laboratory tests necessary for the second Physician to make a reasonable recommendation will be considered eligible expenses, and no Deductible Amount shall apply to benefits payable under this Section. To be considered an eligible expense under this benefit, the following criteria must be met:

1. The second Physician must not be associated with or in practice with the Physician or surgeon recommending surgery.
2. The second Physician must be a specialist in the field required by the surgery.
3. The second Physician must physically examine the Covered Person.
4. The second Physician must prepare and make available a written statement of advantages and disadvantages of the recommended surgery.
5. The second opinion must be obtained within 60 days following the initial recommendation for surgery.
- B. The decision as to whether or not the recommended surgery is to be performed and who will perform the surgery shall be the decision of the Covered Person.

C. Exclusions — no payment shall be made under this provision for expenses incurred for the following:

1. Emergency surgical procedures necessitated by an Accidental Bodily Injury.
2. Second opinions regarding procedures not covered under the terms of this contract.

III. SUPPLEMENTAL EMERGENCY ACCIDENT BENEFITS

A. When non-occupational Accidental Bodily Injury requires the Covered Person to receive Treatment and incur an eligible expense within 72 hours of an accident, and services or Treatment as a result of such Accidental Bodily Injury are furnished by or at the direction of a Physician while this coverage is in force as to such person, the Program will pay the Reasonable Expense actually incurred, except as set forth below, and not to exceed the maximum amount payable as specified in the Schedule of Benefits for any one Accidental Bodily Injury.

The supplemental emergency accident benefits will be payable prior to benefits available under all other provisions of this contract, and no Deductible Amount shall apply to benefits payable under this Section.

B. Covered expenses shall include:

1. Room and Board charges, not to exceed the Hospital's average semi-private rate;
2. Intensive care unit charges, not to exceed twice the Hospital's semi-private rate;
3. Physician's charges for medical and surgical care;
4. Care by a registered nurse or licensed practical nurse, but only during confinement;
5. Anesthesia and the administration thereof;
6. Charges for Diagnostic X-ray and Laboratory tests, either as an in-patient or out-patient;
7. Treatment by a physiotherapist;
8. Drugs and medicines, approved by the Food and Drug Administration or its successor, requiring a prescription and dispensed by a licensed pharmacist;
9. Initial artificial limb(s) or eye(s);
10. Casts, splints, trusses, crutches, and braces (dental braces are not eligible);
11. Oxygen and rental of oxygen equipment;
12. Rental of standard model wheelchair or hospital type bed;
13. Local surface ambulance to the nearest Hospital.

C. Exclusions — no payment shall be made under supplemental emergency accident benefits with respect to:

1. Any loss resulting from the contraction of a disease or illness;
2. Any loss caused by or contributed to by war or any act of war, whether declared or not, or by any act of international armed conflict, or conflict involving the armed forces of any international authority; or
3. Expenses incurred for Treatment rendered or examina-

tion made after 90 days from the date of the accident. The date of the accident shall be considered day one.

4. Other exclusions and limitations applicable to these benefits are stated in Article 3, Section VII, captioned "Exceptions and Exclusions for all Medical Benefits" hereinafter set forth.

IV. DENTAL SURGICAL BENEFITS

A. When non-occupational disease, illness, accident or injury requires the Covered Person to undergo any oral surgical procedure listed in the Schedule of Dental Surgical Procedures as herein contained, and the procedure is performed by a doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.V.) while this coverage is in force as to such person, the Program will pay the Reasonable Expense actually incurred for such surgical procedure, including the usual pre-operative and post-operative care, not to exceed the maximum amount payable for the procedure as specified in such Schedule. No dental surgical benefits, except those procedures listed in the Schedule of Dental Surgical Procedures, will be considered eligible under this provision.

B. No Deductible Amount shall apply to benefits payable under this Section, and expenses in excess of the amounts shown in the Schedule of Dental Surgical Procedures shall not be considered eligible Out of Pocket Expenses as defined in Article 3, Section I (A) (3).

C. Schedule of Dental Surgical Procedures

	Maximum Reimbursement
Incision and drainage of:	
Abscess, intraoral	\$ 42.00
Abscess, extraoral	180.00
Alveolectomy/Alveoloplasty,	
per quadrant	30.00
Removal of ankylosed tooth	60.00
Apicoectomy	90.00
Cysts of the jaw (mandible or maxilla) excision of:	
Involving area of one or two teeth	90.00
Involving area of three or four teeth	180.00
Involving area of five or more teeth	270.00
Fibroma, epulis, excision of	42.00
Excisional or incisional biopsy	80.00
Impacted tooth, excision of one	67.50
two	135.00
three	202.50
four	270.00
Mandibular tori (per quadrant)	112.50
Torus palatinus excision	127.50
Tuberosity reduction	
Soft tissue	54.00
Bony	72.00

V. CATASTROPHIC ILLNESS ENDORSEMENT

A. Optional at the Election of the Employee

The Definitions as set forth in Article 1, Section I, are also applicable to the Catastrophic Illness Endorsement. These Catastrophic Illness Endorsement benefits are paid prior to benefits available under all other provisions of this contract.

These benefits will be provided only to those persons who elect this coverage and agree to pay the additional premium therefor. Only those Employees and Dependents who are covered for Comprehensive Medical Benefits under Article 3 [except dependent parents as defined in Article 1, Section I(4)] are eligible for enrollment. An Employee or Dependent may select coverage under this benefit within 30 days of the date of employment without evidence of good health. If this Endorsement is not elected within this 30 day period, the Employee or Dependent must furnish, without expense to the Program, satisfactory evidence of good health before the coverage will become effective. The effective date of such optional benefits will be determined by

the Program following the receipt by the Program of a fully completed Statement of Health and any other medical records or statements deemed necessary by the Program.

Only Dependents of covered Employees who elect to participate in the Catastrophic Illness Endorsement shall be considered eligible Dependents for purposes of this Article 3, Section V.

B. Diseases Included

Benefits will be payable under this provision if, on or after the effective date of the Covered Person's coverage under the policy, such person contracts one of the following diseases:

1. Cancer
2. Poliomyelitis (polio)
3. Leukemia
4. Diphtheria
5. Smallpox
6. Scarlet fever
7. Tetanus (lockjaw)
8. Spinal meningitis
9. Encephalitis (sleeping sickness)
10. Tularemia
11. Hydrophobia (rabies)
12. Sickle cell anemia

C. Cancer Limitation

No benefits will be provided hereunder due to, or as a result of cancer:

1. If the Covered Person has ever had cancer before the effective date of his coverage under this provision; or
2. Until after initial pathological diagnosis thereof as cancer.

D. Maximum Amounts Payable and Benefit Periods

1. With respect to all diseases listed above, **except cancer:**

The maximum liability of the Program under Section V (E) (1), below will be 70 percent of the applicable maximum amount payable as stated in the Schedule of Benefits for any one disease, and the maximum liability of the Program under Section V (E)(2), below will be 30 percent of the applicable maximum amount payable as stated in the Schedule of Benefits for any one disease. Benefits shall be available for expenses incurred during the three year period immediately following the diagnosis of any of the named diseases, and not thereafter. In the event a Covered Person has received the Maximum amount payable described herein for any one disease, such person shall become eligible for benefits under the Comprehensive Medical Benefits section of the Plan, to the extent that such benefits remain unpaid.

2. With respect **only to cancer:**

The maximum liability of the Program under Section V (E) (1), below will be 70 percent of the applicable maximum amount payable stated in the Schedule of Benefits during the LIFETIME of the Covered Person, and the maximum liability of the Program under Section V (E)(2), below will be 30 percent of the applicable maximum amount payable stated in the Schedule of Benefits during the LIFETIME of the Covered Person. In the event a Covered Person has received the maximum amount payable described herein for cancer, such person shall become eligible for benefits under the Comprehensive Medical Benefits section of the Plan.

E. Benefits

1. In-Patient Benefits

When a Covered Person receives care and Treatment in a Hospital for any of the diseases indicated above, and such care and Treatment is rendered at the direction of a licensed medical doctor while this coverage is in force as to such person, the Program will pay the Reasonable Expense actually incurred for

any of the following listed services, but not to exceed the maximum amount payable or benefit period specified in the Schedule of Benefits:

a. Hospital services, including Room and Board, care by regular Hospital attendants, and any Hospital apparatus used in the Treatment of such disease;

b. Services of a registered nurse (R.N.) and of a licensed practical nurse (L.P.N.) duly licensed under the laws of the state where the services were rendered, when Medically Necessary and prescribed by a licensed medical doctor, provided the nurse(s) are not related to the Covered Person by blood, marriage, or adoption.

c. Use of support and mechanical apparatus used in Treatment;

d. Blood transfusions — all charges for blood or plasma and transfusion services;

e. Drugs and medicines — all expenses incurred for medicines used in the Treatment of the disease, provided such drugs and medicines are approved by the Food and Drug Administration or its successor; and

f. X-ray and physiotherapy — all such services required for diagnosis and Treatment

1. Services of a physiotherapist duly licensed under the laws of the state where the services were rendered, and who is not related to the Covered Person by blood, marriage, or adoption;

2. X-ray — all charges for such services prescribed by a licensed medical doctor and required for diagnosis and Treatment.

2. Out-Patient Benefits and Professional Services

When a Covered Person receives care and Treatment for any of the diseases indicated above, and such care and Treatment is rendered at the direction of a licensed medical doctor while this coverage is in force as to such person, the Program will pay the Reasonable Expense actually incurred for any of the following listed expenses, but not to exceed the maximum amount payable or benefit period specified in the Schedule of Benefits:

a. Professional fees of the attending Physician, consulting Physicians, and medical specialists;

b. Professional fees of anesthesiologists not employed by a Hospital;

c. Drugs and medicines — all expenses incurred for medicines requiring a prescription, approved by the Food and Drug Administration or its successor, used on an out-patient basis for the Treatment of the disease;

d. Transportation — the fare for conveyance of the Covered Person and one medical attendant by ambulance, rail, air, or other public carrier directly to any Hospital, when the attending Physician considers such trip and mode of travel necessary to the proper Treatment of the Covered Person; and

e. Durable Medical Equipment, as defined in Article 1, Section I (Z).

VI. MEDICARE REDUCTION

Except as may otherwise be provided for by law, all benefits for services and supplies payable under all sections of this policy will be reduced when benefits are paid or payable through any present or future laws enacted by Congress of the United States including but not limited to Public Law 89-97, known and described as Medicare.

The charge for a service or supply will be reduced by whatever amounts are paid or payable by Medicare. The Program shall require written confirmation from the Social Security Administration or its successor that a Plan Member or his Dependent is not eligible for Medicare coverage. All provisions of this contract, including all limitations and exceptions, will be applied to the balance, and benefits will be paid accordingly.

VII. EXCEPTIONS AND EXCLUSIONS FOR ALL MEDICAL BENEFITS

No benefits are provided under this contract for:

A. Cases covered, in whole or in part, by a worker's compensation program, whether insured or self-funded, regardless of whether the Covered Person has filed a claim for benefits. This applies to compensation provided on an expense incurred basis or blanket settlements for past and future loss;

B. Services or supplies furnished by the Veterans Administration;

C. Services or supplies furnished under the laws of the United States or any state or political subdivision; provided, however, that benefits otherwise payable under the Plan will be payable if the Covered Person is rendered services, for which he is charged, in a publicly owned charity hospital;

D. Convalescent, sanitarium, or Custodial Care or Rest Cures;

E. Services rendered for the Treatment of abuse of any drug other than or in combination with alcohol and/or conditions resulting therefrom;

F. Expenses for elective, nontherapeutic voluntary abortion, provided, however, that expenses for complications arising therefrom shall be considered as eligible expenses;

G. Intentionally self-inflicted injuries, injuries sustained while in an aggressor role, or any attempt at suicide;

H. Any medical expense incident with or caused by any Covered Person's attempt at a felony or misdemeanor;

I. Expenses incurred while a Covered Person in connection with cosmetic surgery, unless necessary for the immediate repair of a non-occupational disease, illness, accident or injury which occurs while coverage is in force;

J. Expenses incurred for orthopedic shoes and related items such as wedges, cookies, arch supports, or shoes purchased unless custom built for the Covered Person;

K. Any expense incurred by a member of a Health Maintenance Organization (HMO), Health Maintenance Plan (HMP), or other prepaid medical plan or medical services plan;

L. Dental braces, dentures, orthodontic appliances, Treatment of periodontal disease;

M. Any medical services, Treatment or prescription drugs provided without charge to the insured;

N. Maternity expenses incurred by any person other than the covered Employee or the covered Employee's legal spouse;

O. Personal convenience items including, but not limited to, admit kits, bedside kits, telephone and television, guest meals and beds and similar items;

P. Charges for services, supplies, or Treatment which are in excess of Reasonable Expenses, as defined in Article 1, Section I (W);

Q. Services and supplies which are not Medically Necessary, as defined in Article 1, Section I (AA);

R. Services rendered for remedial reading and recreational, visual and occupational therapy, behavioral modification therapy and pain rehabilitation control, and dietary instruction for any disease, illness, or condition;

S. Services, supplies, or Treatment in connection with or related to: gender dysphoria or reverse sterilization, or any attempts of these procedures; any diagnostic or Treatment measures which are not recognized as generally accepted medical practice; surgery for excess fat in any area of the body; resection of excess skin or fat following weight loss or pregnancy;

T. Artificial organ implants, *in vitro* fertilization, and artificial insemination;

U. Air conditioners and/or filters, dehumidifiers, air purifiers, wigs or toupees, heating pads, home enema equipment, rubber gloves, swimming pools, saunas, whirlpool baths, home

pregnancy tests, and any other items not normally considered medical supplies;

V. Administrative fees, interest, or penalties;

W. Marriage counseling and/or family relations counseling;

X. Birth control medication or devices, appetite suppressant drugs, dietary supplements, vitamins;

Y. Charges for services rendered over the telephone from a Physician to a Covered Person;

Z. Radial keratotomy and similar procedures for the correction of refractive errors;

AA. Speech therapy, except when ordered by a Physician for the purpose of restoring partial or complete loss of speech resulting from stroke, surgery, cancer, radiation laryngitis, cerebral palsy, accidental injuries or other similar structural or neurologic disease;

BB. Services, supplies, or Treatment in connection with or related to obesity, except for endogenous obesity or obesity resulting from external causes when it is certified by the attending Physician to the satisfaction of the Program that such obesity is associated with a serious or life-threatening disorder.

VIII. COORDINATION OF BENEFITS

A. Definitions as applied to this provision

1. **Plan** means any Plan providing benefits or services for or by reasons of medical, dental, or vision care or Treatment under:

a. Group insurance;

b. Group practice, group Blue Cross, group Blue Shield, individual practice offered on a group basis, or other group prepayment coverage;

c. Labor management trustee Plans, union welfare Plans.

2. **Allowable Expense** means any Medically Necessary, Customary and Reasonable item of expense, at least a part of which is covered under one of the Plans covering the person for whom claim is made.

3. **Claim Determination Period** means a Calendar Year. However, if a person is not eligible for benefits under this Plan during all of the Calendar Year, then the Claim Determination Period for such person, as to that Year, shall be the total Period during which he was eligible for benefits.

4. **Program** means the State Employees Group Benefits Program.

B. Primary Plan and Secondary Plan

All benefits provided under this Article 3, Medical Benefits, are subject to coordination of benefits.

This provision is applicable when the total benefits that would be payable by this Plan in the absence of any coordination of benefits provision and the total benefits payable under all other group Plans insuring a Covered Person exceed expenses incurred during a Claim Determination Period.

One of the two or more Plans involved is the primary Plan and the other Plan(s) are secondary Plan(s). The primary Plan pays benefits first and without consideration of the other Plan(s). The secondary Plan(s) then provide the difference up to, but not in excess of, the total Allowable Expenses. No Plan will pay benefits greater than it would have paid in the absence of coordination of benefits.

Order of Benefit Determination

If an individual is covered by more than one group Plan, the order of benefit determination shall be in accordance with the coordination of benefit guidelines, as amended, established by the National Association of Insurance Commissioners.

C. Effect on Benefits

Benefits paid by the secondary carrier shall be reduced to

the extent necessary to assure the payment of up to but not in excess of 100 percent of all Allowable Expenses. Each benefit of the contract will be reduced by the amount that would have been payable in the absence of this provision.

Benefits not paid due to the application may be accrued for a single Claim Determination Period. Such accrued amounts may be used, with respect to that Covered Person only, to provide additional benefits when the combined payment of the primary Plan and all secondary Plans does not provide 100 percent reimbursement for all Allowable Expenses. This accrued amount shall not carry over to the next Claim Determination Period.

ARTICLE 4. UNIFORM PROVISIONS

I. STATEMENT OF CONTRACTUAL AGREEMENT

This written contract as amended and any documents executed by or on behalf of the covered Employee and accepted by the Program constitute the entire contract between the parties.

II. DEADLINE FOR FILING CLAIMS

A properly submitted claim for benefits as a result of any disease, illness, accident or injury must be received by the State Employees Group Benefits Program by 4:30 p.m., close of business, on June 30 next following the end of the Calendar Year in which the medical expenses were incurred. When June 30 is a non-work day, the deadline is automatically extended to 4:30 p.m. of the next regular work day. Each expense shall constitute a separate claim.

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

III. CLAIM FORMS

The program shall furnish all Participant Employers with claim forms. A PROPERLY COMPLETED CLAIM FORM, SIGNED BY THE PLAN MEMBER, IS REQUIRED TO BE SUBMITTED WITH EVERY CLAIM. If the Program receives a bill without a completed claim form, the Program has the right to require additional documentation in order to determine the extent of coverage, if any, under this Plan.

IV. RIGHTS OF EXAMINATION

The Program, through its Physician, shall have the right and opportunity to examine the Covered Person, whose disease, illness, accident or injury is the basis of claim, when and as often as it may reasonably require during pendency of the claim under this contract.

V. ANNUAL MEDICAL STATEMENT FOR RECURRING PRESCRIPTION DRUGS

The Program shall require a medical statement signed by a licensed Physician, at least once a year, for expenses incurred on a continuing basis for prescription drugs and/or medical supplies.

VI. RIGHT TO SELECT PHYSICIAN OF CHOICE

Subject to any agreements for participation in a Health Maintenance Organization (HMO), Health Maintenance Plan (HMP), or other prepaid medical Plan, the Covered Person shall have the sole right to select his own Physician, surgeon, and Hospital; and the Physician-patient relationship shall be maintained.

VII. RIGHT TO RECEIVE AND RELEASE INFORMATION

The Program may release to, or obtain from any company, organization, or person, without consent of or notice to any person, any information regarding any person which the Program deems necessary to carry out this provision, or like terms of any Plan, or to determine how, or if, they apply. Any claimant under this Plan shall furnish to the Program such information as may be

necessary to implement this provision.

VIII. FACILITY OF BENEFIT PAYMENT

Whenever payments, which should have been made under this Plan in accordance with this provision, have been made under any other Plan, the Program shall have the right, exercisable alone and in its sole discretion, to pay over to any organization making such other payments any amounts it shall determine to be warranted in order to satisfy the intent of this provision and amounts so paid shall be deemed to be benefits paid under this Plan. To the extent of such payments, the Program shall be fully discharged from liability under this Plan.

IX. COOPERATION OF EMPLOYEE

The Employee shall be required to furnish the Program, upon request, any information which the Program may require to implement the provisions of the contract. Such requests for information shall include, but not be limited to, a verification of the student status of dependent Children between the ages of 19 and 24 and the dependency status of covered Dependents. Failure to furnish the requested information shall constitute reason for denial of benefits.

X. INTERIM PAYMENT

The Program may, at its option, make interim payment for losses incurred on a continuing basis.

XI. PAYMENTS TO BENEFICIARY OR ESTATE

Any benefits payable for expenses incurred prior to the death of a covered Employee shall require one of the following documents in order to pay benefits to the beneficiary or the estate:

A. A notarized copy of the will;

B. In the absence of a will, a certified copy of the court order appointing an administrator or executor of the estate; or

C. In the absence of a will or an order appointing an executor or administrator, a "Request to Pay Proceeds Form" completed in triplicate and notarized. This form can be obtained from the Group Benefits Program's Office.

XII. LEGAL LIMITATIONS

No legal action shall be brought against the Program to attempt to recover benefits allegedly due pursuant to this contract until the Plan Member has exhausted all administrative remedies through the appeal of the claim to the Claims Review Committee as provided in Article 5. Legal actions may be brought against the Program in accordance with and subject to the time limitations delineated in Article 5.

XIII. RIGHT TO AND MEANS OF RECOVERY

A. The Program may recover overpayments from the Covered Person, provider of medical services, any insurance company or other organization, and from future claims of the covered Employee, covered Dependents, or any combination thereof.

B. Should legal action be required to recover overpayments made as a result of fraudulent statements or deliberate omissions on the application or claim form or any part thereof, the defendant will be responsible for attorney's fees of 25 percent of the overpayment or \$500 whichever is greater. The defendant will also be responsible for court costs and legal interest from date of judicial demand until paid.

XIV. SUBROGATION

Upon payment of any eligible benefits covered under this Plan, the Program shall succeed and be subrogated to all rights of recovery of the covered Employee, his Dependents or other Covered Persons, or their heirs or assigns, for whose benefit payment is made, and they shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights, and shall do nothing after loss to prejudice such rights.

The Program shall be entitled, to the extent of any payment made to a covered Employee, his Dependents or other Covered Persons, to the proceeds of any settlement or judgement that may

result from the exercise of any rights of recovery of a covered Employee, his Dependents or other Covered Persons, against any person or entity legally responsible for the disease, illness, accident or injury for which said payment was made. To this end, covered Employees, their Dependents, or other Covered Persons agree to immediately notify the Program of any action taken to attempt to collect any sums against any person or entity responsible for the disease, illness, accident or injury.

XV. EMPLOYER RESPONSIBILITY

It shall be the responsibility of the entity responsible for the reconciliation of the monthly invoices for an Employee or Retiree to submit enrollment and change forms and all other such necessary documentation to the Program in a professional and timely manner. Employees of said entity shall not, by virtue of furnishing any documentation to the Program on behalf of a Plan Member, be considered agents of the Program, and no representation made by any such person at any time shall change the provisions of this contract.

It shall be the responsibility of said entity to remit the entire monthly premium, consisting of the Employee and the Participant Employer portions (if applicable), and a properly reconciled monthly invoice within 30 days after the date the payment and reconciled invoice are due. In the event complete payment and a properly reconciled invoice are not received within this 30 day period, in addition to other actions available to the Program through operation of law, the payment of claims on behalf of the Employees of the delinquent Participant Employer may, at the option of the Program, be suspended until such time as complete payment and a properly reconciled invoice are received by the Program.

XVI. GROUP BENEFITS PROGRAM RESPONSIBILITY

It shall be the responsibility of the Program to adjudicate claims on behalf of Plan Members at all times using accepted industry standards, profiles, and techniques.

XVII. REINSTATEMENT TO POSITION FOLLOWING CIVIL SERVICE APPEAL

When coverage of a terminated Employee is reinstated by reason of a civil service appeal, coverage shall be reinstated to the same level retroactive to the date coverage terminated. The Employee and Participant Employer shall be responsible for the payment of all premiums for the period of time from the date of termination to the date of the final order reinstating the Employee to his position. The Program shall be responsible for the payment of all eligible benefits for charges incurred during this period. All claims for expenses incurred during this period must be filed with the Program within 60 days following the date of the final order of reinstatement.

ARTICLE 5. CLAIMS REVIEW AND APPEAL

This section establishes and explains the procedures for review of benefit and eligibility decisions by the Program.

I. Definitions.

As used in this section, the following definitions apply:

A. The term **Plan Member** means a Covered Person other than a Dependent, i.e., a covered Employee (active or retired).

B. The term **Covered Person** is defined in Article 1, Section I (H).

C. The term **Appealing Party** means a Plan Member affected by an Initial Determination.

D. The term **Initial Determination** means a formal written decision by an Employee of the Board who has reviewed a claim for benefits under a provision of the Program.

E. The term **Appeal** means a request for and a formal review of an Initial Determination, in accordance with the pro-

cedures established and explained in this Section.

F. The term **Representative** means:

1. The authorized parent or tutor of an unemancipated minor; or
2. The curator of an interdict; or
3. An attorney who is a member in good standing of the Bar of the State of Louisiana.

G. The term **Director** means the Executive Director of the Program.

H. The term **Committee** means the Claims Review Committee of the Board.

I. The term **Referee** means a hearing officer employed by the Board, to whom an Appeal may be referred for hearing.

J. The term **Party to a Hearing** means the Appealing Party and the Program.

II. Notice of Initial Determination.

Notice of an Initial Determination shall be mailed to the Plan Member at the last known address. Payment of a claim, along with an Explanation of Benefits (EOB) constitutes notification. In each instance when a claim is decided, an EOB is sent to the Plan Member. When an Initial Determination results in the disallowance of a claim, in whole or in part, the notice of determination shall inform the Plan Member of the right to review and appeal in accordance with this Section, and that a request for review must be received by the Director of the Program within 90 days of the date of the notice.

III. Claims Review and Appeal Prerequisite to Legal Action.

The Initial Determination becomes final, and no legal action shall be brought against the Program to attempt to establish eligibility or to recover benefits allegedly payable under the Program, unless a request for review is made in accordance with the provisions of sub-section IV of this section.

IV. Request for Review.

A plan Member, affected by an Initial Determination, may appeal the determination in the following manner:

A. The Appeal must (a) be in writing; (b) be signed by the Appealing Party or Representative; (c) give the name and address of the Appealing Party or Representative, if any; (d) contain a clear and concise statement of the matter in dispute and the basis of the Appeal; and (e) include a copy of the applicable determination.

B. The appeal must be filed with the Director, within 90 days of the date of the notice of Initial Determination. An Appeal shall be deemed filed on the date it is received in the office of the Director. The Director shall cause the date of filing to be noted on each Appeal.

V. Claims Review Committee.

The chairman of the Board shall appoint a Claims Review Committee of 6 members of the Board.

A. The Committee shall have the authority to hear and decide all Appeals.

B. The Committee may appoint a Referee to take testimony in and to hear all Appeals.

VI. Assignment of Appeals for Hearing.

The Director shall fix the time and the place for the hearing of Appeals by the committee. If a Referee has been appointed to hear an Appeal, the Referee shall fix the time and place for hearing the Appeal, with the Director's approval.

A. All Appeals before the Committee shall be heard in a convenient place in the City of Baton Rouge, selected by the Director. All Appeals before a Referee shall be heard in a convenient place, selected by the Referee, with the Director's approval.

B. Notice of the time and place fixed for the hearing shall be mailed to the Appealing Party at least 30 calendar days prior to the date of the hearing.

C. Appeals shall be heard as soon as reasonably possible. No continuance shall be granted except for compelling cause. An Appeal fixed for hearing may be continued, without prejudice to the Appealing Party, (a) by the Director, the committee, or the Referee in a referred case, upon a showing of compelling cause, at the request of any party; or (b) if it is not reached for hearing. An Appeal fixed for hearing and not reached shall be reassigned by preference over any Appeal continued for any other reason and any Appeal subsequently filed. Written notice of the time and place of the continued hearing shall be mailed to the Appealing Party, except when a continuance is ordered during a hearing, oral notice of the time and place of the continued hearing may be given to the Appealing Party present at the hearing.

VII. Procedure for Hearing Appeals.

A. Because of the personal and confidential nature of the matters to be considered, hearings shall be closed to the public. However, the Appealing Party or Representative may request an open hearing. In that event, the hearing will be open except to the extent that other legitimate purposes can only be protected by closing portions of the hearing.

B. The Appealing Party shall have the right, but shall not be required, to be represented at the hearing by legal counsel who is a member in good standing of the Bar of the State of Louisiana.

C. The Committee or Referee shall control the hearing in a manner best suited to ascertain the facts and safeguard the rights of the Parties to the Hearing.

D. The basis of the Initial Determination which is the subject of review shall be presented to the Committee or Referee first. The Appealing Party, or Representative, will then be given the opportunity to demonstrate why this Determination should be held in error. The Program will then be given the opportunity to present the case in support of the Initial Determination.

E. Testimony shall be taken only on oath, affirmation, or penalty of perjury. The committee, the Director, and Referee shall have the power to administer oaths and affirmations as well as other powers granted in this section and by law.

F. Each Party to the Hearing shall have the right to call and examine all other Parties to the Hearing and their witnesses; to introduce exhibits; to question opposing witnesses and Parties to the Hearing on any matter relevant to the issue, even though the matter was not covered in the direct examinations; to impeach any witness regardless of which Party to the Hearing first called the witness to testify; and to rebut any evidence presented.

G. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any statutory or other rule of law which might make improper the admission of such evidence over objection in a civil or criminal proceeding.

H. The Committee or Referee may question any Party to the Hearing or witness and may admit any relevant and material evidence.

I. The Appealing Party has the burden of proving whatever facts are necessary to support the opposition to the Initial Determination.

J. If, after the hearing has begun, the Committee or Referee determines that additional evidence is necessary for the proper determination of the case, (a) the hearing may be continued to a later date and any Party to the Hearing ordered to produce additional evidence; or (b) the hearing may be closed, and the record held open in order to permit the introduction of additional documentary evidence. The Committee or Referee may order a further hearing if the nature of the additional evidence or the refutation thereof makes further hearing desirable.

K. At the request of any Party to the Hearing made prior to the close of the hearing, the Committee or Referee shall grant oral

argument. If written argument is requested, it may be granted and, if granted, the Parties to the Hearing shall be advised as to the time and manner within which such argument is to be filed. The Committee or Referee may require any Party to the Hearing to submit written memorandum pertaining to any or all issues raised in the hearing.

L. A verbatim taped record will be made of the hearing and made a permanent part of the Committee's records. An actual typed transcript of the hearing will be made only when determined to be necessary at the hearing, or subsequently, if legal action results, at the cost of the party requesting the transcript.

VIII. Subpoena of Witnesses; Production of Documents.

A. The Committee, each member thereof, the Director, and Referee to whom an Appeal has been referred shall have the power to order the attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence.

B. The Committee or Referee may order the production or inspection of any records or relevant portions of records in the possession of the Program when necessary to decide the issues in any Appeal or to assist an Appealing Party in preparing for the proceeding. A request by an Appealing Party, or Representative for an order to produce or inspect records of the Program shall be in writing and shall state clearly the information desired, the records desired to be produced or inspected, and the reason therefor.

C. No subpoena will be issued requiring the attendance and giving of testimony by witnesses unless a written request therefor is received in the office of the Director no later than 15 calendar days before the date fixed for the hearing. The request for subpoenas shall contain the names of the witnesses, the street addresses at which the witnesses can be served, and a brief statement of what is intended to be proved by each witness. No subpoenas will be issued until the party requesting the subpoenas deposits with the Director a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to L.R.S. 13:3661 and 3671.

D. No subpoena for the production of books, papers and other documentary evidence will be issued unless written request therefor is received in the office of the Director no later than 15 calendar days before the date fixed for the hearing. The request for subpoena for books, papers, and other documentary evidence shall contain a description of the items to be produced in sufficient detail for identification and shall contain the name and street address of the person who is to be required to produce the items and a brief statement of what is intended to be proved by each item.

IX. Appeal Decisions

A. **Appeals heard by the Committee.** At the conclusion of the hearing, the Committee shall take the matter under submission and, as soon as is reasonably possible thereafter, render its decision in the case which will be based on the evidence adduced at the hearing or otherwise included in the hearing records. The decision will contain a statement of reasons for the decision and will be submitted to the Director. The Director shall send a copy of the decision by certified mail to the Appealing Party and any Representative thereof.

B. **Appeals heard by Referee.** At the conclusion of the hearing, the Referee shall take the matter under submission and, as soon as is reasonably possible thereafter, prepare a recommended decision in the case which will be based on the evidence adduced at the hearing or otherwise included in the hearing records. The decision will contain findings of fact and statement of reasons. The recommended decision will be submitted to the Director for review.

The recommended decision will be reviewed by the Director, who may concur without comment or who may prepare a written opinion of the recommendation.

1. If the Referee finds for the Appealing Party and the Director concurs, no further review is required and the Appealing Party, and any Representative will be so notified by the Director through certified mail.

2. If the Referee finds against the Appealing Party, or the Director disagrees with the recommended decision, the Director shall submit the Referee's decision, along with concurrence or a statement of reasons for disagreement to the Committee.

3. The Committee may adopt or reject the recommended decision. In the case of adoption, the Referee's decision becomes the decision of the Committee. In the case of rejection, the Committee shall render its decision which will include a statement of reasons for disagreement with the Referee's decision. The decision of the Committee will be submitted to the Director, who shall send a copy by certified mail to the Appealing Party and any Representative thereof.

X. Rehearing

A. An Appealing Party aggrieved by an appeal decision of the Committee may request a rehearing only on the grounds that:

1. The decision is clearly contrary to the law and the evidence;

2. The Appealing Party has discovered, since the hearing, evidence important to the issues which could not have, with due diligence, been obtained before or during the hearing;

3. There is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or

4. There is other good ground for further consideration of the issues and the evidence.

B. The request for rehearing must (a) be in writing; (b) be signed by the Appealing Party or Representative; (c) set forth the grounds which justify rehearing; and (d) contain a clear and concise statement of the reasons in support thereof.

C. The request for rehearing must be filed with the Director on or before thirty (30) calendar days after the mailing of the appeal decision of the Committee. The request shall be deemed filed on the date it is received in the office of the Director. The Director shall cause the date of filing to be noted on each request for rehearing.

D. When a rehearing is denied by the Committee, the Director shall so notify the Appealing Party and any Representative thereof by certified mail.

E. When a rehearing is granted by the Committee, an order shall be issued setting forth the grounds therefor. The Director shall send a copy of the order, along with notice of the time and place fixed for the rehearing, to the Appealing Party and any Representative by certified mail.

F. On rehearing, the matter shall be heard by the Committee and shall be confined to those grounds upon which the rehearing was granted.

G. When an Appeal has been decided on rehearing, another request for rehearing will not be considered.

XI. Judicial Review

An Appealing Party aggrieved by a final decision of the Committee is entitled to judicial review in accordance with L.R.S. 49:964.

EMPLOYEES GROUP LIFE INSURANCE PROGRAM AND ACCIDENTAL DEATH AND DISMEMBERMENT BENEFITS

UNDERWRITTEN BY CONTINENTAL ASSURANCE COMPANY

(Herein called the Company)
Underwriters for

THE STATE OF LOUISIANA BOARD OF TRUSTEES STATE EMPLOYEES GROUP BENEFITS PROGRAM

Baton Rouge, Louisiana (Herein called the Employer)

HEREBY CERTIFIED that the employee (herein individually called the Insured Employee), and his dependents, if any, (herein individually called the Insured Dependent), whose names are on file as being eligible for insurance with the Employer and for whom the required premium has been paid, are subject to all the exceptions, limitations and provisions of said policy for the benefits described in this Certificate of Insurance.

The term "Insured Person" wherever used in the certificate means either the insured employee or the Insured Dependent.

The term "Schedule of Benefits" wherever used in this certificate means the schedule appearing herein.

EFFECTIVE DATE OF INDIVIDUAL INSURANCE

On May 1, 1976, Employees and Retirees, and their eligible Dependents, enrolled on April 30, 1976, under the predecessor contracts and agreements became immediately eligible for the benefits described herein on May 1, 1976, provided, such Employee was actively at work on the date and such Retiree or Dependent was not hospital confined or disabled on that date.

The Life Insurance provided hereunder shall not be applicable to any Insured Employee, employed on and after February 24, 1982, who is age 70 or over, or attains age 70 after becoming employed. However, this does not apply to those employees or retirees who were employed prior to their 70th birthday.

Subsequent to May 1, 1976, all new and other full-time Employees and Retirees, other than temporary Employees, and their eligible Dependents will become eligible for coverage on the first day of the month coinciding with or next following the completion of one month service, provided, however that no employee coverage shall in any event become effective unless the employee makes such request within 30 days after the date of employment.

The effective date of coverage will be defined under the following circumstances; and the section entitled "Dependents" will not apply.

1. If an Employee is absent from active full-time work on account of accidental bodily injury or sickness when his insurance would otherwise take effect, it shall take effect on the date he returns to active full-time work; and

2. If a Retiree or Dependent is hospital confined on account of accidental bodily injury or sickness on the date his insurance would otherwise take effect, the insurance shall take effect on the date the hospital confinement terminates or disability ends, whichever is later.

CHANGE OF CLASSIFICATION

Any change in the amount of insurance, occasioned by a change in the Insured Employee's classification, shall become effective, provided the Insured Employee is then actively at work,

on the first day of the insurance month following the date of such change and provided he makes the necessary contribution. If such employee is not then actively at work, such change shall become effective on the next following day on which he is actively at work. If the employee does not make the necessary contribution within 31 days of such date, and such change provides for an increase in benefits, the employee must furnish evidence of insurability without expense to the Company, which is satisfactory to it, before the increased benefits can go into effect, on a date to be designated by the Company.

Any change in the amount of insurance, occasioned by the employee's attainment of age 70 shall become effective on the next July 1 coinciding with or next following the date the employee attains age 70, whether or not he is actively at work.

If notice is not given to the Company within 31 days after the date of a change in classification increasing benefits, the Company may require evidence of insurability satisfactory to it before accepting such change.

INDIVIDUAL TERMINATIONS

The insurance of an Insured Employee shall terminate on the earliest of the following dates:

1. On the date the master policy is terminated;
2. On the premium due date if the Employer fails to pay the required premium for the Insured Employee, except when resulting from clerical mistake or inadvertent error; or
3. On the last day of the month in which the Insured Employee leaves or is dismissed from the employment of the Employer, provided, however, authorized retirement shall not be considered as a reason for termination of insurance.

Cessation of premium payment for an Insured Employee, termination of his membership in the class or classes eligible for insurance under the policy or termination of the policy shall not act to terminate his insurance hereunder if he is covered under the provision entitled, WAIVER OF PREMIUM DURING TOTAL DISABILITY.

Any Insured Employee's insurance will continue beyond the day it would otherwise terminate as provided above provided the following conditions are satisfied:

An Insured Employee's insurance will continue and employment will be deemed to continue, provided the Employer continues to pay the applicable premium and follows an established plan which precludes individual selection under the following circumstances:

- a. If the Insured Employee is absent from active full-time work because of temporary lay-off or because of leave of absence, for a period of up to twelve months following cessation of active full-time work, or
- b. If the Insured Employee is absent from active full-time work or on a part-time employment basis because of accidental bodily injury or sickness.

Within the meaning of this provision, Total Disability is defined to be the disability of an Insured Employee which occurs as the result of an accidental bodily injury or sickness which causes the Insured Employee to be wholly and continuously prevented from performing his normal active duties and from engaging in his own or any other business or occupation for remuneration or profit.

The insurance of an Insured Dependent shall terminate on the earliest of the following dates:

1. The date of the Insured Employee's transfer to a class ineligible for dependent life insurance;
2. On the date that the Insured Dependent ceases to be a dependent as defined herein;
3. The date that the Insured Employee's insurance under the policy terminates;

4. On the date that the policy is amended to terminate the provision of Life Insurance for dependents;

5. On the date the Insured Dependent enters the armed forces of any state, province, country, or any international organization;

6. On the date that the Insured Dependent becomes covered hereunder for insurance as an Insured Employee; and,

7. On the July 1 coinciding with or next following the insured Dependent's attainment of age 65;

8. On the date the Insured Employee attains age 70;

9. On the date the Insured Employee retires.

LIFE INSURANCE BENEFITS FOR EMPLOYEES

A. DEATH BENEFIT

Immediately upon receipt of due proof of death of any Insured Employee while insured under the policy, the Company will pay to his beneficiary, subject to the provisions of the policy, the amount of Life Insurance specified in the Schedule of Benefits.

The provisions of the policy principally affecting the Insured Employee's Insurance are described in this certificate. All benefits are governed by and are subject in every respect to the provisions of the policy, which alone constitutes the agreement under which payments are made.

B. MODES OF SETTLEMENT

An Insured Employee may elect, by written instructions for settlement delivered to the Company, to have the whole or any part of the benefit paid upon his death to his beneficiary, in a fixed number of monthly payments, as set forth below. If no written instructions for settlement are in effect upon the death of the Insured Employee, his beneficiary may make such election.

No. of Years of Payment	Mo. Payment for each \$1,000 Applied
1	\$84.28
2	42.66
3	28.79
4	21.86
5	17.70
6	14.93
7	12.95
8	11.47
9	10.32
10	9.39
15	6.64
20	5.27

If the Death Benefit is payable in a lump sum, such payment shall be made immediately upon receipt of proof of death. If monthly payments are elected, the first payment will be made immediately upon receipt of proof of such death. In no event may a period of years resulting in monthly payments of less than \$20.00 be elected.

If any beneficiary dies while receiving monthly payments under the policy, payment of the remaining amount shall be made in a lump sum to the estate of the beneficiary unless otherwise specified by the Insured Employee in written instructions for settlement.

The amounts payable in accordance with the above table are based upon interest at the rate of 2½ percent per year.

The Company may change the above table on any policy anniversary or on any date the provisions of the policy are changed, but the new table shall not apply to any claim pending under the policy before the date of the change.

C. BENEFICIARY

The beneficiary of an Insured Employee shall be designated by the Insured Employee in writing and the death benefit shall be payable in accordance with such designation.

If more than one beneficiary is named by the Insured Employee and the respective interests of each beneficiary have not been specified, the beneficiaries shall share equally.

If any named beneficiary predeceases the Insured Employee, the interest of such beneficiary shall terminate and shall be shared equally by each of the beneficiaries as survive the Insured Employee, unless such Insured Employee has made written instructions otherwise. If, however, there be no surviving named beneficiary, the amount of the death benefits shall be paid in one lump sum to the estate of the Insured Employee.

The Company, at its option, may pay an amount not to exceed \$1,000 of the Insured Employee's insurance to any person appearing to the Company to be equitably entitled to the payment because of expense incurred in connection with the last illness, death or burial of the Insured Employee.

If the beneficiary of the Insured Employee is a minor or is otherwise incapable of executing a valid release for any payment due, the Company, at its option, and until claim is made by the duly appointed guardian, committee, or other legally authorized representative of the beneficiary, may make payment of the proceeds otherwise payable to the beneficiary, at a rate not exceeding \$50 per month per \$1,000 of insurance in force not to exceed \$200 per month per beneficiary to any relative by blood or connection by marriage of the beneficiary, or to any other person or institution appearing to the Company to have assured custody and principal support of the beneficiary.

D. CHANGE OF BENEFICIARY

An Insured Employee who has not named an irrevocable beneficiary may change his beneficiary at any time without the beneficiary's consent by filing written notice of the change with the Employer, but the change shall not become effective under the policy unless the notice is received by the Company at its Executive Offices or by the State of Louisiana, Board of Trustees, State Employees Group Benefits Program, acting on behalf of the Company. Upon receipt of the notice by the Company, the change will take effect as of the date the notice was signed, but without prejudice as to any payment made before such change is recorded by the Company.

E. WAIVER OF PREMIUM DURING TOTAL DISABILITY

"Total Disability," as used herein, means any disability of an Insured Employee commencing while such Insured Employee is insured under the policy and prior to his 65th birthday, which results from bodily injury or disease and which wholly and continuously prevents the Insured Employee from engaging in any occupation for wage or profit. This waiver of premium benefit is self-insured by the Board of Trustees, State Employees Group Benefits Program, for disabilities commencing on or after February 1, 1976.

Upon condition that due proofs be submitted to the Company, as specified hereafter:

1. That termination of employment of the Insured Employee occurred (a) while said Insured Employee was insured hereunder, (b) prior to the Insured Employee's attainment of age 65, and (c) as a result of total disability as defined above; and

2. That the aforesaid total disability continued without interruption from the date of termination of employment until the date of death, provided the Insured Employee is not covered under the Waiver of Premium Provision of the prior carrier's policy.

Then, upon receipt by the Company of due proofs of the Insured Employee's death, the amount of Life Insurance in force

on the life of the Insured Employee at the date of his death shall be paid to his beneficiary, provided, however, if an individual policy has been issued in conversion of such Insured Employee's insurance and a death claim shall have been paid under that policy, no payment shall be made by the Company under the foregoing provisions of this Section, nor under any other provisions of the policy.

Initial proof of such total disability must be submitted within a period of 12 months immediately following the date of termination of employment. Thereafter, subsequent proof of continuance of such total disability must be submitted within each three months' period immediately preceding each following policy anniversary of the date of termination of employment.

All proofs must be submitted in writing to the Company at its Executive Offices in Chicago, Illinois, or to the Board of Trustees, State Employees Group Benefits Program, acting on behalf of the Company. The Company shall have the right to have the Insured Employee examined at any time or times during such period of disability. If such disabled employee fails to submit proofs in the manner specified or the time required, or refuses to be examined when requested by the Company, then from that date, he shall not be entitled to benefits under this provision or any other provisions of the policy.

F. CONVERSION PRIVILEGE

Upon Individual Termination

If the insurance, or any portion of it, of any Insured Employee ceases because of termination of employment, termination of membership in a class eligible for insurance under the policy, or if the amount of Life Insurance in force for such Insured Employee under the policy decreases due to age as specified in the Schedule of Benefits, such Insured Employee shall be entitled to have issued to him by the Company, without evidence of insurability, an individual policy of life insurance (except term insurance) without disability or any other supplementary benefits. The Insured Employee may select any form of individual policy, except term insurance as stated above, that is customarily issued by the Company for any amount not in excess of the amount which is being terminated.

The Insured Employee must make written application for the individual policy, and the first premium must be paid to the Company within the 31-day period following the Insured Employee's termination of employment, termination of membership in a class eligible for insurance, or decrease in the amount of insurance in force due to age. Premiums for such individual policy shall be at the then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such Insured Employee belongs, and to his attained age on the effective date of the individual policy.

Upon Termination or Amendment of Policy:

If the insurance of an Insured Employee terminates because the policy terminated or is amended to exclude the class of which the Insured Employee is a member, and if the Insured Employee has been continuously insured under the policy for at least five years before the termination date, such Insured Employee shall be entitled to have issued to him an individual policy of life insurance subject to the same conditions and limitations as provided under "Upon Individual Termination" above, except that the amount of such individual policy shall not exceed the lesser of:

1. The amount of insurance ceasing because of the termination, less any amount of life insurance for which the Insured Employee is or becomes eligible under any group policy issued or reinstated by the Company or by another company within 31 days after such termination date; or

2. \$2,000

Death Within Conversion Period:

If the Insured Employee dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with the provisions of this Conversion Privilege and before an individual policy becomes effective, the amount of life insurance which the Insured Employee would have been entitled to have issued to him under the individual policy shall be payable as a claim under the policy, whether or not application for such individual policy or payment of the first premium therefor has been made.

If an Insured Employee is on Waiver of Premium, as provided in Sub-Section E above, when the policy terminates and he subsequently recovers, he will have the right to convert his insurance according to the provisions of the paragraph entitled "Upon Termination or Amendment of Policy", in Sub-Section F, within 31 days after his complete recovery.

This Policy shall be in lieu of all other benefits under the policy.

ACCIDENTAL DEATH AND DISMEMBERMENT BENEFITS

(Insured Active Employees under age 70 only)

Upon receipt of notice and due proof that an Insured Employee has sustained any of the losses listed in the following Table of Losses, as a result of injury as defined herein, and within 90 days after the date of the accident, the Company will pay, subject to the terms and conditions hereof, the amount of insurance specified for any one such loss in accordance with the Principal Sum applicable to such Insured Employee as set forth in the Schedule of Benefits.

A. TABLE OF LOSSES

For the Loss Of:	The Benefit Will Be:
Life.....	The Principal Sum
Both Hands or Both Feet	The Principal Sum
One Hand and One Foot	The Principal Sum
Sight of Both Eyes	The Principal Sum
One Hand and Sight of One Eye	The Principal Sum
One Foot and Sight of One Eye	The Principal Sum
One Hand	One-Half the Principal Sum
One Foot	One-Half the Principal Sum
Sight of One Eye	One Half the Principal Sum

The term "Loss," as used herein, with respect to hands or feet, shall mean loss by complete and permanent severance at or above the wrist or ankle joint and with respect to eyes shall mean the entire and irrecoverable loss of the entire sight thereof.

The term "Injury," as used herein, shall mean accidental bodily injury which is sustained directly and independently of all other causes by the Insured Employee while insured under the policy.

Benefits will not be paid for more than one of the above losses (the greatest) sustained as a result of any one accident.

B. EXCEPTIONS

No benefit will be paid for any loss caused by or resulting from:

1. suicide or any attempt thereat while sane or self-destruction or any attempt thereat while insane; or
2. declared or undeclared war or act of war; or
3. disease of the body or mental infirmity, or as a result of medical or surgical treatment or diagnosis therefor; or
4. ptomaines or bacterial infection except only pyogenic infection occurring simultaneously with and in consequence of a visible accidental cut or wound; or
5. service in the armed forces of any state, province, country, or any international organization; or
6. participating in a riot or as the result of the commission of a felony by the Insured Employee; or

7. taking of poison whether voluntary or involuntary or asphyxiation from or inhaling gas, whether voluntary or involuntary, which does not arise out of or in the course of the Insured Employee's employment.

C. ACCIDENTAL DEATH AND DISMEMBERMENT PROVISIONS

Notices of Claim

Written notice of injury upon which claim may be based must be given to the Company or to the State of Louisiana, Board of Trustees, State Employees Group Benefits Program, acting on behalf of the Company, within 20 days after the date of the first loss for which benefits arising out of each such injury may be claimed.

Written notice given by or in behalf of the Insured Employee to the Company at its Executive Offices or to the State of Louisiana, Board of Trustees, State Employees Group Benefits Program, acting on behalf of the Company, with particulars sufficient to identify such Insured Employee, shall be deemed notice to the Company. Failure to furnish notice within the time provided herein shall not invalidate any claim if it shall be shown not to have been reasonably possible to furnish such notice and that such notice was furnished as soon as was reasonably possible.

Claim Forms

The Company, upon receipt of the notice required herein, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not so furnished within 15 days after the Company receives such notice, the claimant shall be deemed to have complied with the requirements specified herein as to proofs of loss upon submitting, within the time fixed herein for filing proofs of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

Proofs of Loss

Written proof of loss upon which claim may be based must be furnished to the Company or to the State of Louisiana, Board of Trustees, State Employees Group Benefits Program, acting on behalf of the Company, not later than 90 days after the date of such loss. Failure to furnish such proof within such time shall not invalidate or reduce any claim if it shall be shown not to have been reasonably possible to furnish proof within such time and that such proof was furnished as soon as reasonably possible.

Payment of Claims

Any benefit provided herein will be paid upon receipt by the Company of the proofs of loss required herein. The benefit for loss of life and all other benefits which remain unpaid at the death of the Insured Employee shall be paid in accordance with sub-section C "BENEFICIARY," of Section V, entitled "LIFE INSURANCE BENEFITS FOR EMPLOYEES," and as set forth in sub-section B of that Section V. All other benefits shall be paid to the Insured Employee.

Examinations

The Company, at its own expense, shall have the right to have the Insured Employee, whose injury is the basis of a claim hereunder, examined by a physician designated by it, as often as it may reasonably require during the pendency of such claim, and also the right and opportunity to have an autopsy performed in case of death, where it is not forbidden by law.

Legal Actions

No action at law or inequity shall be brought to recover hereunder prior to the expiration of 60 days after proof of loss has been furnished in accordance with the requirements of section hereof entitled "Proofs of Loss," nor shall such action be brought at all unless brought within three years from the expiration of the time within which proof of loss is required to be furnished.

Policy Provisions Excepted

The rights and benefits under sub-section F, entitled "CONVERSION PRIVILEGE", in Section V, shall not apply to

Accidental Death and Dismemberment Benefits, nor shall the amount of the Principal Sum be considered in determining any amount of insurance to be converted.

The rights and benefits under the provisions relating to total disability shall not apply to Accidental Death and Dismemberment Benefits.

DEPENDENT LIFE INSURANCE BENEFITS

Active employees under age 70 who choose the Basic Benefit

Amount of Life Insurance	UNIT
Legal Spouse under 65 years of age*	\$1,000.00
Children 14 days to 19 years of age	\$ 500.00
Student Dependent to 24 years of age	\$ 500.00

Active employees under age 70 who choose the Basic and Supplemental Life Benefit

Amount of Life Insurance	
Legal Spouse under 65 years of age*	\$2,000.00
Children 14 days to 19 years of age	\$1,000.00
Student Dependent to 24 years of age	\$1,000.00

The Dependent Life Insurance Benefit will terminate when the Employee attains age 70 or retires, whichever occurs first.

State employees are required to pay the entire cost of Dependent Life Insurance.

*See Individual Termination Section.

DEPENDENT DEFINITION

The term "Dependent," as used herein, means any of the following persons who are enrolled for coverage as dependents, provided they are not also covered as an employee:

1. The Insured Employee's legal spouse under 65 years of age.
2. Any unmarried children 14 days of age and over but under 19 years of age depending upon the employee for their support.
3. Any unmarried children 19 years of age but under 24 years of age who are enrolled as full-time students and who depend upon the employee for their support.

It is hereby agreed that if an unmarried dependent child is incapable of self-sustaining employment by reason of mental retardation or physical handicap and became so incapable prior to attainment of the Termination Age stated above and is chiefly dependent upon the Insured Employee for support and maintenance and if, within thirty-one days of the date such dependent child's coverage under the policy would otherwise terminate due to attainment of the termination age for children stated in the policy, the Company receives due proof of such incapacity, the coverage of such dependent child under the policy may be continued at the option of the Insured Employee for so long as the insurance of the Insured Employee under the policy remains in force and the dependent remains in such conditions.

A. DEATH BENEFIT

If an Insured Dependent dies while insured under the policy, the Company, upon receipt of written proof of such death and subject to all other provisions of the policy, will pay the applicable amount of life insurance as specified in the Schedule of Benefits.

Any insurance payable on account of the death of an Insured Dependent shall be paid to the Insured Employee, if surviving at the death of the Insured Dependent, otherwise payment shall be made to the first surviving class of the following classes of successive preference beneficiaries:

1. The Insured Employee's legal spouse;
2. The Insured Employee's children born to or legally adopted by the Insured Employee, share and share alike; or

3. The Insured Employee's estate.

If class (2) is the first surviving class of preference beneficiaries, an affidavit, signed by any member of such class shall be sufficient proof to the Company that the person or persons so named therein are the sole surviving members of such class. Payment by the Company based upon such an affidavit shall fully discharge the Company from any liability to the extent of such payment.

Any benefits payable to any minor in accordances with the provisions of this section may be paid to the legally appointed guardian of such minor; or, if there be no such guardian, to any such adult or adults that have in the opinion of the company assumed the custody and principal support of such minor.

B. CONVERSION PRIVILEGE

Upon Individual Termination:

If the insurance of the Insured Dependent Spouse terminates because the Insured Employee's eligibility for Dependent Life Insurance terminates for reasons other than non-payment of premium or termination or amendment of the policy, the insurance on the Insured Dependent Spouse insured at the time of such termination may be converted, without evidence of insurability, by the Insured Employee, if living, otherwise by the spouse, to an individual policy of life insurance (except term) without disability or other supplementary benefits.

The application for the individual policy must be made and the first premium paid to the Company within 31 days following such termination. The premium on the policy shall be at the Company's then customary rate applicable to the form and the amount of the individual policy, to the class of risk to which the dependent then belongs and to his attained age on the effective date of the individual policy. The amount of Life Insurance with respect to such dependent insured under the individual policy shall not be in excess of the amount applicable to such dependent at the time of such termination.

Upon Termination or Amendment of Policy:

If the insurance of the Insured Dependent Spouse terminates because the policy terminates or is amended to exclude the class of which the Insured Dependent Spouse is a member, and if the Insured Dependent Spouse has been continuously insured under the policy for at least five years before the termination date, such Insured Dependent shall be entitled to have issued to him an individual policy of life insurance subject to the same conditions and limitations as provided under the paragraph entitled "Upon Individual Termination" above, except the amount of such individual policy shall not exceed the lesser of

1. The amount of insurance ceasing because of the termination, less any amount of Life Insurance for which the Insured Dependent is or becomes eligible under any group policy issued or reinstated by the Company or another company within 31 days after such termination; or
2. \$1,000.

Death Within Conversion Period:

If the Insured Dependent dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with the provisions of this Conversion Privilege and before the individual policy becomes effective, the amount of Life Insurance which the Insured Dependent would have been entitled to have issued to him under the individual policy shall be payable as a claim under the policy whether or not application for such individual policy or payment of the first premium therefor has been made.

This Conversion Privilege shall be in lieu of all other benefits under the policy.

GENERAL PROVISIONS

Assignment

The insurance under the policy may be assigned by the Insured Employee. The Insured Employee must make a request for such assignment, in writing, through the State of Louisiana, Board of Trustees, State Employees Group Benefits Program. Upon receipt and approval of the properly completed assignment form by the Company at its Executive Offices in Chicago, Illinois, the assignment shall take effect as of the date that the assignment was executed by the Insured Employee, but without prejudice to the Company as to any payment made before such assignment was approved by the Company.

Misstatement of Age

If the age of any Insured Employee has been misstated, the amount payable under the policy will be the full amount of insurance to which the Insured Employee is entitled at his true age in accordance with the application for the policy. The Employer shall pay the actual premium required at the true age of the Insured Employee.

Entire Contract

The policy, the application of the Employer, a copy of which is attached to and made a part of the policy, and the individual applications, if any, of the Insured Employee shall constitute the entire contract between the parties. All statements made by the Employer or by an Insured Employee shall be deemed representations and not warranties. A statement made by an Insured Employee shall not be used in any contest unless a written copy of the statement is or has been furnished to such Insured Employee or to his beneficiary.

Modifications

The policy may be amended at any time by mutual agreement between the Employer and the Company without the consent of the Insured Employees or of their beneficiaries but without prejudice to any claim originating prior to the effective date of such amendment. No person except the President or Secretary of the Company has authority on behalf of the Company to modify or change the policy in any way.

Incontestability

Coverage as to any Insured Employee shall be incontestable, except for nonpayment of premium, after such coverage has been in force for two years from the Effective Date, and any statement made by any Insured Employee relating to his insurability under the policy shall not be used in contesting the validity of insurance with respect to which such statement was made unless it is contained in a written statement signed by the Insured Employee, nor shall such statement be used at all after the insurance has been in force prior to the contest for a period of two years during the lifetime of the Insured Employee.

CONTINENTAL ASSURANCE COMPANY
E.J. Noha
Chairman of the Board

**LIFE SCHEDULE DEFINITIONS
COVERAGE PROVIDED BY
CONTINENTAL ASSURANCE COMPANY**

**LIFE INSURANCE BENEFITS
(Insured Employees)**

Amount of Life Insurance

- (A) Under Age 65:
 - Active Employees and Employees who retire after January 1, 1973
 - (a) Basic Life Insurance . . \$2,000
 - or

- (b) By selection, Basic Life Insurance \$2,000 plus Supplemental Life Insurance An amount equal to one and one-half times annual earnings* rounded to the next higher \$1,000 up to a combined maximum of \$40,000. (See Exhibit I) For Employees earning more than \$12,666.66 per year, any combined amount of insurance in excess of \$20,000 cannot exceed one and one-half times annual earnings.* For employees earning less than \$12,666.66 per year, any combined amount of insurance cannot exceed \$20,000.
- Active employees age 65 and over but not age 70 or over shall have a benefit equal to 75 percent of the amount for which he was insured immediately prior to attainment of age 65. Upon attainment of age 70, active employees shall have benefits reduced as outlined in this Section B. (See Exhibit II)

*"Annual Earnings" for those academic employees who work only nine months of the year shall be the salary for the nine month period.

- (B) Age 65 and over and upon attainment of age 65:
 - Employees who retire after January 1, 1973
 - (1) Basic Life Insurance . . \$1,000
 - or
 - (2) Basic Life Insurance . . \$1,000 Plus Supplemental Life Insurance 50 percent of the amount of Life Insurance that the Employee had immediately before his attainment of age 65, rounded to the next higher \$1,000. (See Exhibit III)

- (C) By selection on July 1, 1970 only:
 - Active Employees age 60 and over, choice of (a) An amount (rounded to the next higher \$1,000) equal to the Life Insurance Benefit (frozen as of December 31, 1972) with the percentage reductions (if any) carried into retirement as specified in the contract with the previous carrier, Pan American Life Insurance Company, or (b) The amount of Life Insurance (rounded to the next higher \$1,000) provided by this plan at their attained age.

(D) Employees who retired prior to January 1, 1973	An amount (rounded to the next higher \$1,000) equal to the Life Insurance Benefit (frozen as of December 31, 1972) with the percentages and reductions (if any) carried into retirement as specified in the contract with the previous carrier, Pan American Life Insurance Company.	14,666.67 - 15,333.34 - 16,000.01 - 16,666.67 - 17,333.34 - 18,000.01 - 18,666.67 - 19,333.34 - 20,000.01 - 20,666.67 - 21,333.34 - 22,000.01 -	15,333.33 16,000.00 16,666.66 17,333.33 18,000.00 18,666.66 19,333.33 20,000.00 20,666.66 21,333.33 22,000.00 22,666.66	23,000 24,000 25,000 26,000 27,000 28,000 29,000 30,000 31,000 32,000 33,000 34,000
(E) Members of the Boards and Commissions of the State of Louisiana and Members of the Legislature of the State of Louisiana		22,666.67 - 23,333.34 - 24,000.01 - 24,666.67 - 25,333.34 - 26,000.01 -	23,333.33 24,000.00 24,666.66 25,333.33 26,000.00 & Over	35,000 36,000 37,000 38,000 39,000 40,000
(a) Basic Life Insurance . . \$ 2,000 or		25,333.34 - 26,000.01 -	26,000.00 & Over	39,000 40,000
(b) By selection, Basic Life Insurance \$ 2,000 Plus Supplemental Life Insurance \$18,000				

* See Individual Terminations

ACCIDENTAL DEATH AND DISMEMBERMENT BENEFITS
(Active Employees under age 70 only)

PRINCIPAL SUM: An amount equal to the Life Insurance Benefit provided to the Insured Employee under the policy.
The Accidental Death and Dismemberment Benefit terminates on the July 1 next following the date the Employee attains age 70 or retires, whichever occurs first.

EXHIBIT I
BASIC AND SUPPLEMENTAL LIFE INSURANCE SCHEDULE FOR ACTIVE AND RETIRED EMPLOYEES UNDER AGE 65*

Annual Earnings		Maximum Insurance
Basic Life:	65 and over	\$ 1,000
	Under age 65	2,000
\$ 0 -	\$ 666.66	3,000
666.67 -	1,333.33	4,000
1,333.34 -	2,000.00	5,000
2,000.01 -	2,666.66	6,000
2,666.67 -	3,333.33	7,000
3,333.34 -	4,000.00	8,000
4,000.01 -	4,666.66	9,000
4,666.67 -	5,333.33	10,000
5,333.34 -	6,000.00	11,000
6,000.01 -	6,666.66	12,000
6,666.67 -	7,333.33	13,000
7,333.34 -	8,000.00	14,000
8,000.01 -	8,666.66	15,000
8,666.67 -	9,333.33	16,000
9,333.34 -	10,000.00	17,000
10,000.01 -	10,666.66	18,000
10,666.67 -	11,333.33	19,000
11,333.34 -	13,333.33	20,000
13,333.34 -	14,000.00	21,000
14,000.01 -	14,666.66	22,000

EXHIBIT II
BASIC AND SUPPLEMENTAL LIFE INSURANCE SCHEDULE FOR ACTIVE EMPLOYEES AGE 65-70*

Annual Earnings		Maximum Insurance
Basic Life:		\$ 2,000
\$ 0 -	\$ 1,333.33	3,000
1,333.34 -	2,000.00	4,000
2,000.01 -	2,666.66	5,000
2,666.67 -	4,000.00	6,000
4,000.01 -	4,666.66	7,000
4,666.67 -	5,333.33	8,000
5,333.34 -	6,666.66	9,000
6,666.67 -	7,333.33	10,000
7,333.34 -	8,000.00	11,000
8,000.01 -	9,333.33	12,000
10,000.01 -	10,000.00	13,000
10,666.67 -	10,666.66	14,000
13,333.34 -	13,333.33	15,000
14,000.01 -	14,000.00	16,000
14,666.67 -	14,666.66	17,000
16,000.01 -	16,666.66	19,000
16,666.67 -	17,333.33	20,000
17,333.34 -	18,666.66	21,000
18,666.67 -	19,333.33	22,000
19,333.34 -	20,000.00	23,000
20,000.01 -	21,333.33	24,000
21,333.34 -	22,000.00	25,000
22,000.01 -	22,666.66	26,000
22,666.67 -	24,000.00	27,000
24,000.01 -	24,666.66	28,000
24,666.67 -	25,333.33	29,000
25,333.34 -	& Over	30,000

* See Individual Terminations

EXHIBIT III
BASIC AND SUPPLEMENTAL LIFE
INSURANCE SCHEDULE
FOR RETIRED EMPLOYEES
OVER AGE 65

Annual Earnings at Retirement		Maximum Insurance
Basic Life:		\$ 1,000
\$ 0 -	\$ 1,333.33	2,000
1,333.34 -	2,666.66	3,000
2,666.67 -	4,000.00	4,000
4,000.01 -	5,333.33	5,000
5,333.34 -	6,666.66	6,000
6,666.67 -	8,000.00	7,000
8,000.01 -	9,333.33	8,000
9,333.34 -	10,666.66	9,000
10,666.67 -	13,333.33	10,000
13,333.34 -	14,666.66	11,000
14,666.67 -	16,000.00	12,000
16,000.01 -	17,333.33	13,000
17,333.34 -	18,666.66	14,000
18,666.67 -	20,000.00	15,000
20,000.01 -	21,333.33	16,000
21,333.34 -	22,666.66	17,000
22,666.67 -	24,000.00	18,000
24,000.01 -	25,333.33	19,000
25,333.34 -	& Over	20,000

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Seed Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1433, relative to the authority of the Seed Commission, notice is hereby given that the Department of Agriculture, Seed Commission, will conduct a public hearing at 10 a.m. on May 2, 1984, at the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the repeal of Rule 11.5, which requires a three cents per bushel fee for inspection of certified sweet potatoes in storage, and the amendment of Rule 35.3, which presently permits Red Rice and Spearhead seed in certified rice seed. Rule 35.3 will be amended to permit Red Rice seed in certified rice seed and will prohibit Spearhead seed in certified rice seed. The Seed Commission may also consider other rule changes which may be proposed at the said hearing.

Comments will be accepted by John Armstrong, State Seed Analyst, until May 31, 1984, and may be submitted to him in writing at Box 16390-A, Baton Rouge, LA 70813, or in person at his office at the Harry D. Wilson Building, LSU Campus, Baton Rouge, LA.

All interested persons will be afforded an opportunity to submit data or arguments, orally or in writing, at the said public hearing.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Certified Seed, Sweet Potatoes

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

Implementation of this regulation will cause no additional costs or savings to state or local governmental units.

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

There will be a decrease of approximately \$4,779 in revenues to the agency as a result of repeal of Rule 11.5. Local governmental units will not be affected by this proposed rule change.

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

Five growers of certified sweet potatoes will, collectively, realize a savings of approximately \$4,779 per year with the repeal of the three cents inspection fee (Rule 11.5).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The proposed rule change will have no effect on competition or employment, because all growers will still follow the same procedures and will be subject to the same regulatory oversight which exists prior to the proposed rule change.

John W. Impson
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Certified Seed (Rice)

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

Implementation of this regulation will cause no additional costs or savings to state or local governmental units.

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

There will be no change in agency collections as a result of amendment of Rule 35.3. Local governmental units will not be affected by this proposed rule change.

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

Certified rice seed growers may realize increased profits from the sale of certified rice seed which is free of Spearhead seed, but such increase cannot be projected prior to the marketing of certified rice seed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The proposed rule change will have no effect on competition or employment, because all growers will still follow the same procedures and will be subject to the same regulatory oversight which exists prior to the proposed rule changes.

John W. Impson
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of State Civil Service
Civil Service Commission

The State Civil Service Commission will hold a public hearing on May 2, 1984 for the purpose of considering proposed Civil Service Rules 1.1.1, 1.5.3, 1.17.2, 1.24.01, 1.24.02, 1.26.1, 1.41.1 (Definitions), and 10.12 through 10.22. The Commission will additionally consider amending Rules 1.39 and 10.1.

The hearing will begin at 8 a.m. and will be held at the Republic Tower Building, 5700 Florida Boulevard, Twelfth Floor Commission Room, Baton Rouge, Louisiana.

You will note that there are several new definitions being added. Rule 10.1 is being modified to accommodate both the old service rating system and the new performance appraisal system. Rules 10.2 through 10.11, relating to the traditional service rating system, are not being changed. Of course, they will eventually be abolished. Rules 10.12 through 10.22 will govern the new performance appraisal system.

Consideration will be given to the following:

PROPOSAL A

Chapter 1

1.1.1 'Acceptable Rating' means a performance appraisal rating of either "Achieves Results Expected", "Exceeds Results Expected" or "Outstanding".

1.5.3 'Change in Position' for the purpose of the performance appraisal rating system, means either a voluntary demotion or the assignment of an employee to another position in the same class with significantly different duties from those of the position he previously held, or the movement of an employee to another position in another agency.

1.17.2 'Job Analysis' means a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of the work behaviors and tasks performed.

1.24.01 'Performance Appraisal Rating' means the overall rating of an employee, made in accordance with the performance appraisal system established by these rules.

1.24.02 'Performance Standard' means a statement or description of observable conditions that define the levels of performance for each major task or duty area.

1.26.1 'Progress Review' means a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in the area of performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.

1.39 'Service Rating' means the individual rating of an employee, made in accordance with the service rating system established by these rules.

1.41.1 'Unacceptable Rating' means a performance appraisal rating of either "Needs Improvement" or "Unsatisfactory".

Chapter 10

10.1 Methods of Appraising Employee Performance — Departments, or specified classes, or specified classes within an organizational unit therein shall have in effect either the service rating system or a performance appraisal system for the purpose of periodic rating of employees on the basis of performance in accordance with the following provisions:

(a) Departments, or specified classes, or specified classes within an organizational unit therein which do not have a performance appraisal system approved by the director of Civil Service shall be governed by Rules 10.1(c) and 10.2 through 10.11 regarding service ratings.

(b) Departments, or specified classes, or specified classes within an organizational unit therein whose performance appraisal system has been approved by the director of Civil Service and which have completed a trial performance rating period shall be governed by Rules 10.1(c) and 10.12 through 10.22 concerning performance appraisal ratings.

(c) The director shall prescribe the form on which service ratings are to be made, and departments or specified classes therein which use the service rating system, shall use the form prescribed by the director, or one approved by the director, in accordance with these rules and the instructions on the official form. Approval of the director shall be required for the form(s) on which performance appraisal ratings are to be made.

10.2 Service Ratings - How Made.

(a) The appointing authority of each department shall, as of March 31 of each year, have a service rating made of each permanent employee who has worked 90 days or more in the class of position he occupies.

(b) The service rating shall be made by supervisory personnel as designated by the appointing authority and shall become official when signed by the appointing authority or his agent.

10.3 Employee's Right to Notification of Service Rating — Within 30 days after the service rating has become official the employee shall be furnished written notification of this rating by his employing authority and a duplicate thereof shall be made a part of his personnel file maintained by the department employing him.

10.4 Right of Appeal of Service Rating.

(a) An employee who has received an official service rating of "Unsatisfactory" and who desires to have the rating reviewed must, within 30 calendar days of the official notification to him of such rating, first appeal in writing to the appointing authority giving reasons why he is dissatisfied with the rating.

(b) When an employee who has been assigned an "Unsatisfactory" service rating appeals to his appointing authority for a review of the rating, a hearing on the rating shall be granted and held before the appointing authority, his designated agent or agents, within 15 calendar days of receipt of the employee's appeal. The employee shall be given an opportunity to be heard and to call witnesses and introduce other evidence in his behalf. Within 15 calendar days following the hearing, the appointing authority, agent or agents, shall render a written decision sustaining or modifying the rating which has been appealed and shall furnish the employee a copy of such decision.

(c) If the employee whose rating has been reviewed as provided above is dissatisfied with the decision on the appeal, he may within 30 calendar days of the date he is furnished a copy of the decision of the appointing authority, appeal in writing to the Commission giving reasons why he is dissatisfied with the rating.

(d) Nothing in this rule shall prevent an employee against whom action authorized by Chapter 12 has been taken, from appealing directly to the Commission in accordance with the procedure set forth in Chapter 13.

10.5 Repealed, effective February 1, 1955.

10.6 Number of Ratings — There shall be only two alternate service ratings for each employee, namely “Satisfactory” and “Unsatisfactory”

10.7 Repealed, effective February 6, 1968.

10.8 Effect of “Unsatisfactory” Rating.

(a) When an employee receives an “Unsatisfactory” service rating, he becomes ineligible for promotion or salary increases until he received a “Satisfactory” rating. On or after June 30, but not later than September 30, of each year the appointing authority shall cause each employee who has an “Unsatisfactory” rating to be rerated and shall notify the director of the new rating.

(b) In addition to the penalties provided in Sub-section (a) hereof, an employee with an “Unsatisfactory” rating may be subjected to any of the penalties set forth in Rule 12.1.

10.9 If a permanent employee does not have an official service rating on record, he shall be considered as having a “Satisfactory” rating.

10.10 When an employee has received an “Unsatisfactory” service rating the appointing authority shall, on or before June 1 of each year, furnish the director with a copy of the letter notifying the employee of his rating along with written reasons and justification of such rating.

10.11 Report of Rating Assigned — On or before June 1 of each year, the appointing authority, or each department shall transmit to the director, in such form as the director may prescribe, a report indicating the completion or status of the service rating program for the year ended the previous March 31.

10.12 Performance Appraisal Ratings - How Made — The progress review and the performance appraisal rating shall be made by supervisory personnel as designated by the appointing authority and shall become official when signed by the appointing authority or his designated agent.

10.13 Criteria for Performance Appraisal Systems — A performance appraisal system shall meet the following criteria in order to be approved by the director of Civil Service:

(a) The system shall contain a formal, structured job analysis to be conducted for each classified position, which shall identify the major tasks or duty areas to be measured.

(b) The system shall define five levels of performance to be measured for each major task or duty area when possible. The five levels will be:

1. “Unsatisfactory”
2. “Needs Improvement”
3. “Achieves Results Expected”
4. “Exceeds Results Expected”
5. “Outstanding”

(c) The system shall provide for a trial rating period of not less than three months, so that the standards will be tested for reasonable application.

10.14 Communication of Performance Standards — Tasks and duty areas with applicable performance standards shall be communicated in writing and discussed with an employee within 30 days of the effective date of his probational or provisional appointment, change in position, promotion, demotion, or reallocation. The documentation of this communication will be maintained within the agency and will not be reported to Civil Service.

10.15 Employees on Temporary Appointments — Time served on restricted, multiple restricted, or job appointment will not count toward setting any rating dates nor must any employee on such an appointment receive an “official performance rating.”

10.16 Initial Progress Review — An initial progress review shall be conducted for an employee newly assigned to a position no sooner than two months, nor later than three months from the effective date of the appointment. Documentation of this review

will be maintained within the agency and will not be reported to Civil Service.

10.17 Rating the Acceptable Employee — An employee shall be rated effective five months from the date of his original probationary or provisional appointment, promotion or upward reallocation, and the rating must be conducted within 15 calendar days of that date. This rating shall be the employee’s “official performance rating” and shall be reported to the Department of State Civil Service within 30 days of the date of the rating

(a) The employee rated acceptable shall be further rated each year thereafter effective on the anniversary date of the first five month rating.

(b) A progress review shall be conducted one year from the effective date of the employee’s last appointment, promotion, or upward reallocation, and on that same date each year thereafter. Documentation of this progress review will be maintained within the agency and will not be reported to Civil Service.

10.18 Rating the Unacceptable Employee — An employee who is rated unacceptable (i.e., “Needs Improvement” or “Unsatisfactory”) may be reassigned, changed in position, demoted, or terminated, or may be afforded a re-rating period(s). Should the appointing authority elect to re-rate the unacceptable performer, he shall be re-rated according to the schedules in Rules 10.18(a) and 10.18(b). A copy of this rating form, and a copy of the performance standards, shall be submitted to the director of Civil Service within 30 days of the effective date of the rating.

(a) Re-rating the “Unsatisfactory” Employee.

1. A progress review shall be conducted not later than three months from the effective date of the “Unsatisfactory” rating or re-rating. Documentation of progress reviews will be maintained within the agency and will not be reported to Civil Service.

2. An “official performance re-rating” shall be conducted no sooner than three months nor later than six months from the effective date of the “Unsatisfactory” rating or re-rating.

3. A copy of this re-rating form, and a copy of the performance standards if they have changed, shall be submitted to the director of Civil Service within 30 days of the effective date of the re-rating.

4. An employee who is re-rated “Unsatisfactory” following the initial re-rating period shall be reassigned, changed in position, demoted, or terminated, or the appointing authority shall provide the director of Civil Service written justification for a second re-rating period not to exceed six months. This written justification must be submitted to the director within 30 days of the effective date of the re-rating.

5. An employee who is re-rated “Unsatisfactory” following the second re-rating period shall be reassigned, changed in position, demoted, or terminated within 90 days following the date of the second re-rating.

6. Any disciplinary action taken as a result of the performance appraisal system shall be processed in accordance with the provisions of Chapter 12 of these rules.

(b) Re-rating the “Needs Improvement” Employee.

1. A progress review shall be conducted not later than three months from the effective date of the “Needs Improvement” rating or re-rating. Documentation of progress review will be maintained within the agency and will not be reported to Civil Service.

2. An “official performance re-rating” shall be conducted no sooner than three months nor later than six months from the effective date of the “Needs Improvement” rating or re-rating.

3. A copy of this re-rating form, and a copy of the performance standards if they have changed, shall be submitted to the director of Civil Service within 30 days of the effective date of the re-rating.

4. An employee who is re-rated "Needs Improvement" may be reassigned, changed in position, demoted, or terminated, or may be afforded additional re-rating periods.

5. Any disciplinary action taken as a result of the performance appraisal system shall be processed in accordance with the provisions of Chapter 12 of these rules.

10.19 Employee's Notification of Performance Appraisal Rating — The employee shall be furnished a copy of his "official performance appraisal rating" form by his appointing authority within 30 days of the effective date of the rating. A duplicate of the performance rating form shall be made a part of his personnel file maintained within the agency.

10.20 Effect of Absence of Rating — An employee who is not rated according to the provisions of Rules 10.12 through 10.22 shall be considered as having an "Achieves Results Expected" rating.

10.21 Effect of Unacceptable Rating.

(a) When an employee is rated unacceptable (i.e., "Needs Improvement" or "Unsatisfactory") he becomes ineligible for promotion or salary step increases until he receives an acceptable rating.

(b) When a probationary employee is rated unacceptable (i.e., "Needs Improvement" or "Unsatisfactory") he becomes ineligible for salary step increases until he receives an acceptable rating. The probationary period of the employee shall be automatically extended for six months, or until he receives an acceptable rating, or he is terminated, whichever occurs first.

10.22 Right of Appeal of Performance Appraisal Rating.

(a) A permanent employee who has received an official performance appraisal rating or re-rating of "Needs Improvement" or "Unsatisfactory" and who desires to have the rating reviewed, must, within 30 calendar days of the official notification to him of such rating, first appeal in writing to this appointing authority giving reasons why he is dissatisfied with the rating.

(b) When a permanent employee who has been assigned a "Needs Improvement" or "Unsatisfactory" performance rating or re-rating appeals to his appointing authority for a review of the rating, a hearing on the rating shall be granted and held before the appointing authority, or his designated agent(s) within 15 calendar days of the receipt of the employee's appeal. The employee shall be given an opportunity to be heard and to call witnesses or introduce arguments in his behalf. Within 15 calendar days following the hearing, the appointing authority or his designated agent(s) shall render a written decision sustaining, modifying, or rescinding the rating which has been appealed and shall furnish the employee a copy of such decision. This written decision shall include the employee's notification of the right of appeal as stated in Rule 12.3(a)2.

(c) If a permanent employee whose rating or re-rating has been reviewed as provided above is dissatisfied with the decision on the appeal, he may, within 30 calendar days of the date he is furnished a copy of the decision of the appointing authority, appeal in writing to the Commission giving reasons why he is dissatisfied with the rating.

(d) Nothing in this rule shall prevent a permanent employee against whom action authorized by Chapter 12 has been taken, from appealing directly to the Commission in accordance with the procedure set forth in Chapter 13.

EXPLANATION

As you are aware, the Department of State Civil Service has developed a new performance appraisal system for state employees. Several departments of state government are actively implementing the new system. The Department will be assisting other departments in implementation, or in adjusting their own system so that the minimum standards of the appraisal system are

met. The new rules require Job Analysis, developing Performance Standards, and training in Counseling and Feedback.

Persons interested in making comments relative to these proposals may do so at the public hearing or in writing to the following address: Director, Department of State Civil Service, Box 44111, Baton Rouge, LA 70804.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to 1) adopt rule LAC 11-6:2.8 (renumbered LAC 35:315) relative to minors attending race meetings; 2) amend rule LAC 11-6:20.2C (renumbered LAC 35:4303C) relative to jockeys and exercise persons taking annual medical examinations and providing blood and/or urine analyses when required; and 3) amend rule LAC 11-6:21.1 (renumbered LAC 35:4501) relative to the number of jockeys a jockey agent may represent in a single race as opposed to the general limit.

Rule LAC 11-6:2.8 to read as follows:

"Minors are prohibited from attending race meetings except that any minor 12 years of age, or older, together with proof of age, may with Association approval, attend any race meeting if accompanied by a parent, grandparent or companion. In no case shall any minor in attendance be allowed to engage in wagering. (For the purposes of this rule, companion is defined as any person 21 years of age or older who is a kin-relative of the minor.)"

Rule LAC 11-6:20.2C to read as follows:

"...C. Must provide an annual medical affidavit certifying such person is physically and mentally capable of performing the activities and duties of a licensed jockey or exercise person. The stewards may require that any jockey or exercise person provide blood or urine samples for analysis. Should a jockey or exercise person fail to comply with this requirement this person shall be suspended and referred to the Commission to show cause for refusing to do so. ..."

Rule LAC 11-6:21.1 to read as follows:

"A jockey agent may not contract the riding engagements of more than three riders. No jockey agent shall contract for more than two riders to start in any one race, except stakes races, who are under contract to the same jockey agent. As used herein, 'jockey agent' shall mean any person who contracts engagements for a rider or riders."

All interested persons may submit written comments relative to these proposed rules through May 4, 1984, at the Commission office at 616 Baronne Street, Second Floor, New Orleans, LA 70113-1068. The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may contact either Alan J. LeVasseur or Tom Trenchard at this time, holidays and weekends excluded.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 11-6:2.8

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

There is no implementation cost to this agency.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The community as a whole will benefit by prohibiting impressionable youths from attending the races, which are gambling events.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition or employment.

Alan J. LeVasseur
Executive Assistant

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11-6:20.2C**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no implementation cost to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Benefit: to all jockeys and exercise persons by insuring that all riders are physically and mentally capable of maintaining control of their mounts.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition or employment.

Alan J. LeVasseur
Executive Assistant

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11-6:21.1**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no implementation cost to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Indeterminate costs would be to those jockey agents who would have otherwise represented three jockeys in a single race. The benefits would be to the race-going public and horsemen by eliminating the appearance of improprieties in racing.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition or employment.

Alan J. LeVasseur
Executive Assistant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

1. The Board deleted Board Policy 3.01.87-1(b) which places a two year limit on the terms of the Reference Materials Adoption Committee members.
2. The Board approved the following recommendations of the Department regarding the employment of special education teachers: "Special education teachers who were employed prior to the 1984-85 school year and who were placed on an Interim Plan shall be given a three-year period to complete the plan; and that effective with the 1984-85 academic year, newly employed *uncertified* special education teachers who are eligible for temporary certification shall be placed on temporary certificates and required to complete applicable certification requirements."
3. The Board directed that no new elective courses for high school be approved by the Department unless first submitted to the Board for its approval.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., June 8, 1984 at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 3.01.87**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated implementation costs to the state.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections by the state.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There is no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revision in timelines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs (savings) to state or local governmental units.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

This will benefit teachers currently working on interim requirements in that they will have more time to complete their coursework.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Special education teachers employed prior to 1984-85 will have additional time to complete their Interim requirements to continue employment.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Board Policy affecting Bulletin 741**

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

There will be no cost to the state or local systems to implement this policy change.

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

There will be no effect on revenue collections.

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

There will be no costs or economic benefits to any group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Southern University Board of Supervisors

The Southern University Board of Supervisors does hereby give notice in accordance with law that it intends to consider for adoption the assessment of an application fee of \$5 to residents of the United States and \$15 to foreign students who apply for admission to Southern University.

Consideration of the fee will take place at the June 23, 1984 meeting of the Board in the Audio-Visual Room, Clark Education Building, Southern University-New Orleans. If approved, the fee will become effective July 1, 1984.

Information concerning the proposed fee may be reviewed at the Office of the Board of Supervisors, Joseph Samuel Clark Administration Building, Southern University, Baton Rouge. The Office of the Board will be open from 8 a.m. to 5 p.m., Monday through Friday.

The Board of Supervisors of Southern University shall accept written comments until 5 p.m., June 20, 1984 at the

following address: Henrietta Vessel, Administrative Secretary, Southern University, Southern University Board of Supervisors, Box 10879, Baton Rouge, LA 70813.

Jesse N. Stone, Jr.
President, Southern University System
Secretary to the Board

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Admission Fee (\$5 - \$15)**

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

There are no estimated implementation costs to the agency.

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

1984 - 85 — \$76,650

1985 - 86 — \$80,475

1986 - 87 — \$84,485

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

Only persons applying for admission to the University will be affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality
Environmental Control Commission**

Under the authority of the Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1066 (1) and 1084 B (1) and in accordance with the Administrative Procedure Act, LA. R.S. 49:951, the Louisiana Environmental Control Commission initiated rulemaking procedures on proposed regulations for the Louisiana Prevention of Significant Deterioration (PSD) program at its January 26, 1984 hearing. The Department will afford all interested persons the opportunity to submit comments on the proposed regulations, orally or in writing at a public hearing scheduled on May 7, 1984 at 7 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. A summary of all comments received will be transmitted to the Joint Natural Resources Committees prior to their consideration of the regulations. All written comments should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1265.

Following initiation of rulemaking procedures by the ECC on January 26, the proposed amendments were forwarded on April 10, 1984 to the oversight subcommittees of the Joint Committees on Natural Resources for their consideration and approval. Upon approval by the oversight subcommittees the Secretary of the Department of Environmental Quality will consider adoption of the proposed amendments on June 12, 1984.

Prevention of Significant Deterioration (PSD) is a mechanism for assuring that existing clean air areas remain clean. The purpose of the PSD regulation is to manage economic growth in a way consistent with concern for good air quality. It not only requires that a new source or a modification to an existing source not cause a violation of national ambient air quality standards (NAAQS), but also that the increased emissions associated with such sources not cause degradation of the air quality greater than an incremental increase in concentrations deemed significant by the EPA. This increment limitation applies only to sulfur dioxide and suspended particulate matter at this time.

The agency contact responsible for responding to inquiries or requests for copies of the proposed regulations is Ms. Terrie deLorimier, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1206. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945 North I-10 Service Rd., Metairie, LA.

Department of Environmental Quality, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Proposed Prevention of Significant Deterioration Regulations

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

There will be no implementation costs to the state. Program implementation costs were included in the FY 82 budget and the BR-4 request for funds was approved at that time. This will incur no additional burden on the surveillance side as state inspectors were already conducting PSD* inspections. Any other costs incurred will be absorbed in the existing budget. (*Prevention of significant deterioration).

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

The Department anticipates collecting approximately \$150,000 in PSD permit application fees during fiscal year 1984 upon adoption of these regulations. The amount of fees collected for this activity cannot be projected for future years, as it is contingent upon the number of companies applying for this type of permit.

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

The estimated cost to the affected industry will be approximately \$150,000. Although a fee will be collected for a PSD permit application at the state level, industry will derive economic benefits from the state administering the PSD program. Economic benefits to industry (although difficult to

determine the exact amount) will result from closer proximity of industry to state offices, easier access to state permit staff and better technical review capability.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition or employment.

Winston R. Day
Secretary

Mark C. Drennen
Legislative Fiscal Officer.

NOTICE OF INTENT Department of Environmental Quality Office of Air Quality Environmental Control Commission

Under the authority of the Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1066 (1) and 1084 A (1) and in accordance with the Administrative Procedure Act, LA. R.S. 49:951, the Louisiana Environmental Control Commission initiated rulemaking procedures on proposed revisions to the Louisiana State Implementation Plan (SIP) at its December 15, 1983 hearing. All interested persons are invited to submit written comments on the proposed revisions. Comments received by the agency prior to the close of the working day on June 11, 1984 will be considered by the Department before a final decision is rendered by the Secretary to adopt the proposed revisions. All written comments should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1265.

Following initiation of rulemaking procedures by the ECC on December 15, the proposed revisions were forwarded on April 10, 1984 to the oversight subcommittees of the Joint Committees on Natural Resources for their consideration and approval. Upon approval by the oversight subcommittees, the Secretary of the Department of Environmental Quality will consider final adoption of the proposed amendments on June 12, 1984.

This proposed action allows Conoco Chemicals Company, Incorporated and Ethyl Corporation adequate time to implement Volatile Organic Compound (VOC) bubbles under a schedule. Under justifiable circumstances, certain point sources were unable to meet the December 31, 1982 deadline to be in compliance with the Clean Air Act. Therefore, excess reductions achieved at other sources within the same facilities were used to offset the emission levels of the subject point sources. The "bubble" will be in effect until the schedule which bring the total facility into compliance is met. There will be no adverse effects on the ambient air quality.

The agency contact responsible for responding to inquiries or requests for copies of the proposed revision is Ms. Terrie deLorimier, Box 44066, Baton Rouge, LA 70804-4066, or phone 504/342-1206. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945 North I-10 Service Rd., Metairie, LA.

Department of Environmental Quality, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA.

Patricia L. Norton
Secretary

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

Rule Title: Revision to State Implementation Plan

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs to the state being that no additional responsibilities have been placed on existing staff.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections being that an overall compliance fee has already been implemented.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no estimated costs to Conoco or Ethyl because these companies are already set up to implement the volatile organic compound (VOC) bubbles.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

Winston R. Day
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration**

Fiscal Policy and Procedure Memorandum No. 63
Uniform Policy for the Use and Management
of State Vehicles (April, 1984)

In accordance with the authority vested in the Commissioner of Administration by Sections 60, 231, and 361-365 of Title 39 of the Revised Statutes of 1950, notice is hereby given to again revise PPM 63, to be effective June 20, 1984.

The purpose of these revisions is to suspend the collection of a fee from State employees who commute in State-owned vehicles, which would have been effective by the Rule on July 1, 1984. All other provisions of the Rules as published in the April, 1984 *Register* remain intact.

Section V.E. "Reimbursement for Commute Miles" shall include only the following statement:

At the present time, State employees who are permitted to commute in State-owned vehicles between their residences and official domiciles or duty stations shall retain responsibility for personally reporting the fair market value of this fringe benefit to the Internal Revenue Service. The Commissioner of Administration may delegate to the Governor the authority to issue Executive Orders in regard to commute fees or income reporting. In the absence of such, or of further rulemaking by the Commissioner, commute fees will not be collected by the State.

Section V.F., G., H., I., and J. will be rescinded.

All interested persons are invited to submit comments on these proposed revisions through May 11, 1984 to Darrell Hunt, Executive Assistant Commissioner, Box 44095, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed regulations.

Stephanie L. Alexander
Commissioner of Administration

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

Rule Title: PPM #63

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No savings are anticipated as full implementation of the remainder of PPM 63 will still require some administrative support. Additional costs will include those associated with maintenance and operation of the vehicles due to commuting mileage, which would have been recovered by the fees.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
1983/84 = None, due to effective date of this Rule
1984/85 = Loss of \$1.7 million
1985/86 = Loss of \$2 million
These figures represent anticipated collections under the fee schedule in the current Rule and the delay of vehicle purchasing (or slower turnover) due to reduced accumulated mileage by those who turn vehicles in.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The persons using State vehicles for personal commuting will continue to receive a fringe benefit or perquisite which is not reported to the Internal Revenue Service.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment by suspension of these fees, unless the privilege of commuting is offered as an inducement to employment (which should not occur without Division of Administration and Civil Service concurrence).

Darrell Hunt
Executive Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Governor's Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:951 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs intends to revise its hearing procedures to read as follows:
Section 1004 (Repealed)

NOTE: The Governor's Office of Elderly Affairs is no longer required to provide an opportunity for a hearing to a defunded nutrition project on the basis of its having been in effect on September 29, 1978.

Section 501(b) of the 1978 amendments of the Older Americans Act provided that "Any project receiving funds under Title VII of the Older Americans Act of 1965, as in effect on the day before the effective date of this Act, shall continue to receive funds under Part C of Title III of such Act, as amended by this Act, if such project meets the requirements and criteria established in such Title III, as amended by this Act, except that a State, pursuant to regulations prescribed by the Commissioner on Aging shall not discontinue the payment of such funds to a project unless such a State, after a hearing (if requested by the person responsible for administering such project), determines that such project has not carried out activities supported by such funds with demonstrated effectiveness."

In the 1981 Amendments, Section 501(b) was amended to read as follows: "No contract awarded after September 30, 1982, shall be entered into for the provision of nutrition services unless such contract has been awarded through a competitive process. Whenever there is no evidence of improved quality of services or cost effectiveness on the part of another bidder, a provider of services who received funds under Title VII of the Older Americans Act of 1965 as in effect on September 29, 1978, shall be given preference.

Information concerning the proposed action may be obtained by writing: Betty Nelond, Planning Supervisor, Governor's Office of Elderly Affairs, 4528 Bennington Avenue, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams
Director

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

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

The repeal of Section 1004 of the Governor's Office of Elderly Affairs Hearing Procedures will have no impact on costs or savings to this agency.

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

There will be no effect on revenue collections.

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

There will be no effect on affected groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is expected.

Sandra C. Adams
Director

Jean S. Vandal
Legislative Fiscal Analyst

**NOTICE OF INTENT
Office of the Governor
Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Office of Elderly Affairs intends to adopt policies for implementing programs under the Older Americans Act and for the operation of state-funded senior centers.

These policies are being established in accordance with the federal regulations, as stated in the *Federal Register*, Volume 45, Number 63, Monday, March 31, 1980, Page 21149, Subsection 1321.15(b) "State Agency Policies." The regulations require the state agency to develop and follow written policies to carry out its functions and set forth the manner in which the policies must be adopted.

A public hearing was conducted November 22, 1983 to receive comments on the revised Policy Manual draft which was issued subsequent to the Notice of Intent published in the April 20, 1983 edition of the *Louisiana Register*. Oral and written comments have been reviewed and incorporated in the final version.

A section of Fiscal Requirements has been added to the proposed Policy Manual. Written comments on this section are

solicited and may be submitted to the Office of Elderly Affairs any time prior to May 4, 1984.

Copies of the Fiscal Requirements section of the proposed manual may be obtained by writing: Ms. Betty Nelond, Planning Supervisor, Governor's Office of Elderly Affairs, 4528 Bennington Avenue, Box 80374, Baton Rouge, LA 70898-0374.

The policies will become effective June 20, 1984. Printed copies will be made available at cost.

Sandra C. Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Notice of Intent, Policy Manual**

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

The publication of these policies will not effect implementation costs for programs administered by the Office of Elderly Affairs. These policies or similar policies have been in effect for a number of years and are being published to comply with State and Federal requirements.

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

There will be no effect on revenue collections.

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

There are no monetary costs or benefits to affected groups. The purpose of these policies is to ensure the availability of consistent policies and procedures to local organizations who plan, coordinate and deliver services to the elderly statewide.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Sandra C. Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Governor's Special Commission on Education Services
Loan/Grant Division**

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to amend its policies and procedures to provide for a one percent insurance fee to be charged to students who apply for a guaranteed student loan for any academic period beginning on or after July 1, 1984.

The fee insures the holder of the loan against losses it may suffer if the student borrower defaults or is adjudicated a bankrupt on the loan. The fee allowed by Federal law is one percent per annum on the loan beginning with the month following the month funds are disbursed and ending 12 months after the borrower's anticipated date of graduation.

The student loan is provided to students attending eligible postsecondary schools worldwide and are made through authorized lenders in the community such as commercial banks, credit unions, savings and loan associations, insurance companies and some schools and guaranteed at 100 percent of principal and interest to lenders by the Governor's Special Commission on Education Services.

Persons who desire to do so may submit comments or suggestions in writing to Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70804.

Richard W. Petrie
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Guaranteed Student Loan Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no estimated implementation costs to the Governor's Commission on Education Services with this policy change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Self-generated revenues are conservatively estimated at \$1,200,000 annually from the one percent insurance fees, based upon average student loan volumes of \$60,000,000 each year for three years. However, use of fees are limited to payment of defaults and administrative expenses of student loan program. Estimated defaults for FY 83-84 is \$3,500,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Undergraduate college junior, sophomore and freshman students would pay proportionately higher insurance fees than the undergraduate college senior and the vocational students who attend only nine months of school, because the one percent per annum insurance fee would be applicable for a longer period of time from disbursement to graduation plus 12 months.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Richard W. Petrie
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators**

The Louisiana State Board of Examiners for Nursing Home Administrators intends to adopt new Administrator-in-Training regulations for hours in training.

RULE 12:

Administrator-in-Training (A.I.T.)

After passing all examinations and meeting all criteria in Rule 7, an applicant must serve as a full-time (40 hours per week) practicing Administrator-in-Training for a minimum period of six consecutive months. During this time, the "A.I.T." must work under close, direct, personal, on-site supervision of a full-time preceptor who shall be the administrator of record in the facility in which the A.I.T. undertakes his training. The Preceptor shall be duly licensed as a Nursing Home Administrator in Louisiana and shall provide on-site supervision for at least 20 hours per week. A nursing home administrator who serves more than one facility shall be eligible to serve as preceptor for no more than one A.I.T.

Interested persons may submit written comments at the

following address: Winborn E. Davis, Executive Secretary, Louisiana State Board of Examiners for Nursing Home Administrators, 3535 Government St., Suite D, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no added cost or savings to the Board.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no added cost to any group affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Winborn E. Davis
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, Medical Assistance Program, proposes to delete certain drugs in specified dosage forms from the Louisiana Maximum Allowable Cost (LMAC) list.

The original rule establishing these drugs as part of the LMAC list was published in the August 20, 1983, issue of the *Louisiana Register*, Vol. 9, No. 8, Page 552.

PROPOSED RULE

Effective July 1, 1984, the following drugs shall be deleted from the Louisiana Maximum Allowable Cost (LMAC) list.

VITAMIN A	25,000.00 u.	Capsule
VITAMIN A	50,000.00 u.	Capsule
EPHEDRINE SULFATE	25 mg.	Capsule
EPHEDRINE SULFATE	20 mg/5 ml.	Syrup

These drugs are classified as nonpayable by the Title XIX Medical Assistance Program. They were inadvertently included on the original LMAC list.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held May 2, 1984, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing, at said hearing.

Sandra L. Robinson, M.D., M.P.H.
Secretary

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

Rule Title: Delete Drugs from LMAC List

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

There will be no costs or savings because, although the drugs were included on the LMAC list, they are not covered by the program.

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

There will be no effect on revenue collections.

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

Only in cases where a physician continues to recommend the drugs being deleted will there be a cost to recipients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective July 1, 1984, the Department of Health and Human Resources, Office of Family Security, proposes to continue the suspension of homemaker services. Homemaker services were provided for under the approved waiver document (Section 2176 of Public Law 97-35) which implemented Home and Community Based Services. This suspension shall remain in effect until December 31, 1984, at which time the above-mentioned approved waiver document will expire.

The original rule suspending homemaker services, effective March 1, 1983, through August 31, 1983, was published in the *Louisiana Register* on February 20, 1983, in Volume 9, Number 2, Page 64. The rule continuing the suspension from September 1, 1983, through June 30, 1984, was published in the *Louisiana Register* on August 20, 1983, in Volume 9, Number 8, Page 551.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held May 2, 1984, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing, at said hearing.

Sandra L. Robinson, M.D., M.P.H.
Secretary

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

Rule Title: Elimination of Title XIX Reimbursement for Homemaker Services until December 31, 1984

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

Continuation of the suspension of homemaker services until December 31, 1984, will result in a savings of \$27,128,070 for 1984-85, including \$10,430,743 in state funds and \$16,697,327 in federal funds.

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

Since federal financial participation will not be claimed for this service potential federal revenues will be reduced by \$16,697,327.

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

As this is a continuation of the suspension of the homemaker services component of the waiver, there is no estimated costs or benefits to affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to establish a prospective reimbursement methodology for nursing homes participating in the Title XIX Medical Assistance Program.

PROPOSED RULE

Effective August 1, 1984 for July services the Medical Assistance Program will reimburse nursing homes (see definition below) for services at rates determined as shown below in this rule. The rates will be prospective and no retrospective cost settlement will be made.

A. DEFINITIONS

1. Nursing Home - Long term care institutions classified and licensed as Intermediate Care Facility-I (ICF-I), Intermediate Care Facility-II (ICF-II), and Skilled Nursing Facility (SNF). Does not include Intermediate Care Facilities for the Handicapped and/or Mentally Retarded (ICF-H, ICF-MR) and other facilities whose rates are set by Department of Health and Human Resources policy for Rate Setting for Residential Care published in the *Louisiana Register* on April 20, 1983 (volume 9, number 4, page 215) and July 20, 1983 (volume 9, number 7, page 470-472)

2. Indices

a. CPI - ALL ITEMS - The Consumer Price Index for all Urban Consumers-South Region (All Items line) as published by the United States Department of Labor.

b. CPI - FOOD - The Consumer Price Index for All Urban Consumers - South Region (Food line) as published by the United States Department of Labor.

c. CPI - Medical Care - The Consumer Price Index for All Urban Consumers - South Region (Medical Care line) as published by the United States Department of Labor.

d. WAGE - The average annual wage for production or non-supervisory service workers in SIC code 80, Health Service, as published in the "Supplement to Employment and Earnings" by the Bureau of Labor Statistics, United States Department of Labor.

3. Economic Adjustment Factors

- a. CPI - All Item Factor
- B. CPI - Food Factor
- c. CPI - Medical Care Factor

Each of the above economic adjustment factors is computed by dividing the value of the corresponding Index for December of the year preceding the Rate Year by the value of the index one year earlier (December of the second preceding year).

d. Wage Factor

The wage factor is computed in the same manner as the other adjustment factors except that the average Annual Wage for the calendar year ending in the indicated December is used instead of an index value.

4. Rate year - The rate year is the one year period from July 1 through June 30 of the next calendar year during which a particular set of rates is in effect. It corresponds to a State Fiscal Year.

5. Base Rate - The base rate is the rate calculated in accordance with Section B of this rule, plus any base rate adjustments granted in accordance with Section C of this rule, and which is in effect at the time of calculation of new rates or adjustments.

6. Base Rate Components - The base rate is the summation of the components shown on Table I. Each Base Rate Component is intended to reimburse for the costs indicated by its name.

TABLE I

BASE RATE COMPONENT	ECONOMIC ADJUSTMENT FACTOR
FOOD COSTS	CPI - FOOD
OTHER ROUTINE COSTS	CPI - ALL ITEMS
AIDS ATTENDENT SALARIES	WAGE
OTHER NURSING SERVICES	CPI - MEDICAL CARE
FIXED COSTS	NONE (1)
RETURN ON EQUITY	NONE (2)

(1) No inflation allowed

(2) Adjusted by the Return on Equity Factors shown on

Table II

B. Calculation of the Rate

Separate daily rates will be calculated for each level of care - ICF-I, ICF-II, and SNF. The rate for each level of care will be recalculated each year and will be effective for July services. The rates for each level of care shall be calculated by using the following formulae:

$$1. NFCC = FCC \times CPIF$$

where: NFCC is the new food cost component, FCC is the current (base) food cost component, CPIF is the CPI - Food Economic Adjustment Factor

$$2. NORCC = ORCC \times CPIAI$$

where: NORCC is the new other routine cost component, ORCC is the current (base) other routine cost component, CPIAI is the CPI - All Items Economic Adjustment Factor

$$3. NAASC = AASC \times W$$

where: NAASC is the new Aid & Attendent Salaries Component, AASC is the current (base) Aid & Attendent Salaries Component, W is the Wage Economic Adjustment Factor

$$4. NONSC = ONSC \times CPIMC$$

where: NONSC is the New Other Nursing Services Component, ONSC is the current (base) Other Nursing Services Component, CPIMC is the CPI - Medical Care Economic Adjustment Factor

$$5. RATE = (NFCC + NORCC + NAASC + NONSC + FCC) \times ROEF$$

where: NFCC, NORCC, NAASC and NONSC are computed by formulae 1 through 4 above, FCC is the Fixed Cost Component for the appropriate level of care as shown in Table III, ROEF is the return on Equity Factor for the appropriate level of care as shown in Table II, RATE is the new reimbursement rate per patient day for the level of care for the next rate year.

After formal adoption of the new rate, the components computed above will become the base rate components used in calculating the next year's new rate, unless they are adjusted as provided in Section C below.

TABLE II

SKILL LEVEL	SNF	ICF-I	ICF-II
RETURN ON INVESTMENT FACTOR	1.05	1.05	1.05

C. INTERIM ADJUSTMENT TO RATES

If an unanticipated change in conditions occurs which affects the cost of a level of care of at least fifty percent of the enrolled nursing homes providing that level of care by an average of 5 percent or more, the rate may be changed. The Office of Family Security will determine whether or not the rates should be changed when requested to do so by 10 percent or more of the enrolled nursing homes, or an organization representing at least 10 percent of the enrolled nursing homes, providing the level of care for which the rate change is sought. The burden of proof as to the extent and cost affect of the unanticipated change will rest with the entities requesting the change. In computing the costs, all capital expenditures will be converted to interest and depreciation. The Office of Family Security, however, may initiate a rate change without a request to do so. Changes to the rates may be one of two types: 1) Temporary adjustments or 2) base rate adjustments.

2. Base Rate Adjustments - Base rate adjustments may be made when the event causing the adjustment is not one that would be reflected in the Indices. This would normally be a change which applies only to the nursing home industry, such as a change in licensure standards. Base rate adjustment will result in a new base rate component value(s) which will be used to calculate the new rate for the next year.

1. Temporary Adjustment - Temporary adjustment may be made in the rates when changes which will eventually be reflected in the Economic Indices, such as a change in the minimum wage, a change in FICA or a utility rate change, occur after the end of the period covered by the Index, i.e. after the December preceding the rate calculation. Temporary adjustments are effective only until the next rate calculation which uses Economic Adjustment Factors based on index values computed after the change causing the adjustment. Temporary adjustments do not affect the base rate used to calculate new rates.

D. TRANSITION PROVISIONS

Upon adoption of this rule the rates currently in effect (published in the *Louisiana Register* July 20, 1983) and the Component values shown in Table III shall become, respectively, the base rate and the base rate components.

Provisions for adjustments (Section C) shall be effective immediately upon adoption of this rule and will apply to events occurring after June 30, 1983.

E. Availability of Federal Funds to implement the rule is dependent on the Health Care Financing Administration's (HCFA) approval of this methodology. Disapproval of the methodology by HCFA will automatically cancel the provisions of this rule. In such a case, the rate cited in Table III for each level of care will be effective August, 1984 for July services and continue for the fiscal year. Should HCFA disapprove and the rate in Table III apply, recoupments as to each provider will be made.

TABLE III

BASE RATE COMPONENT	VALUE		
	SNF	ICF-I	ICF-II
FOOD COSTS			
FOOD COSTS	\$ 2.22	\$ 2.28	\$ 2.11
OTHER ROUTINE COSTS	12.71	13.03	12.12
AID & ATTENDENT SALARIES	9.20	6.13	3.61
OTHER NURSING SERVICES	6.52	4.35	2.57
FIXED COST	2.74	2.84	2.60
RETURN ON EQUITY	1.41	1.13	0.86
TOTAL DAILY RATE	\$34.80	\$29.76	\$23.87

F. MISCELLANEOUS

1. All calculations described in this rule shall be carried out algebraically.

2. In all calculations the base rate and the base rate components will be rounded to the nearest one cent (two decimal places) and the Economic Adjustment Factors will be rounded to four decimal places.

3. Cost Reports

a. Cost Reports will continue to be required as at present.

All rules concerning allowable costs continue in effect.

b. Cost reports will be primary evidence in the justification of interim rate adjustments provided for in Section C of this rule.

c. Cost reports will be compared by the Office of Family Security to the rates calculated by this rule at least every three years to insure that the rates remain reasonably related to costs. When indicated by such comparison, base rate components and the overall base rate will be adjusted to reflect cost experience.

4. For state owned facilities, a differential to account for the higher wage rates applicable to civil service employees may be passed through in establishing cost and rate structures.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held May 2, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing at said hearing.

Sandra L. Robinson, M.D., M.P.H.
Secretary

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

**Rule Title: Establish Prospective Reimbursement
Methodology for Nursing Homes**

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

	FY 84-85	FY 85-86	FY 86-87
State	\$ 4,607,259	\$ 4,858,297	\$ 5,175,079
Federal	7,375,210	7,777,066	8,284,164
TOTAL	\$11,982,469	\$12,635,363	\$13,459,243

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

Federal revenues will be increased by \$7,375,210 for FY 84-85; \$7,777,066 for FY 85-86; and \$8,284,164 for FY 86-87.

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

The nursing homes of Louisiana that participate in the Title XIX Medical Assistance Program will benefit because of their overall rate increase for the services they render.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No impact is anticipated on competition or employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective June 20, 1984, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to adopt the following rule pursuant to LSA-R.S. 40:33 and R.S. 40:41(D).

LSA-R.S. 40:41(D) as amended by the 1983 Legislature provides for the disclosure of vital records for public health research purposes and in the administration of the programs of the Department in accordance with rules and procedures established by the State Health Officer.

GENERAL RULE

I. DEFINITIONS

1. Research: A systematic epidemiological and/or public health investigation designed to develop or contribute to medical knowledge.

2. Limited Research: The investigator or researcher provides the name, date and place of birth/death for all requests and assures that no contact with the subjects or subjects' families will occur.

3. Department: Department of Health and Human Resources.

4. Human subject: A person to whom the record pertains or his next of kin as described in LSA-R.S. 40:41(C).

5. Panel: Refers to Vital Records Review Panel consisting of the State Health Officer, the state registrar of vital records and the tumor registry administrator as described in R.S. 40:41(D), along with a representative from Louisiana State University (LSU) Medical School - New Orleans and a representative from Tulane University Medical School.

II. PANEL

A. PANEL MEMBERS — The State Health Officer, the State Registrar, and the Tumor Registry administrator form the nucleus of the panel and shall be called "Class A" members. One representative each from Louisiana State University, New Orleans and Tulane Medical Schools will be appointed for two year terms by the State Health Officer in consultation with the deans of the two medical schools and shall be called "Class B" members. The State Health Officer may also appoint resource persons, who are not necessarily employed by the department to attend panel meetings and review proposals. These resource persons shall be called "Class C" members.

B. PANEL QUORUM — A quorum shall require the presence of two Class A members and one additional member from either Class A or Class B. Only Class A and Class B members may vote. A majority of the voting members present must concur via roll call vote for the panel to take action on the approval or disapproval of any application.

III. PUBLIC HEALTH RESEARCH

A. PANEL RECORDS — Adequate documentation of the panel activities shall be maintained including the following:

1) Copies of all research proposals reviewed, including attachments.

2) Minutes of all panel meetings shall be in sufficient detail to show attendance at meetings, actions taken by the panel, the vote on the actions including the number of members voting for, against or abstaining; the basis for requiring changes in or disapproving research; and a written summary of controversial issues and their resolution.

3) Copies of all correspondence.

4) The records required by these rules shall be retained for at least six years after completion of the research.

B. APPLICATION — A request for the use of vital records for research shall be in writing and shall be addressed to the State Registrar of Vital Records. The date request must include:

1) A complete experimental protocol including public health objectives, rationale for the study, design detail and scientific basis for selection of subjects.

2) A summary of the protocol.

3) A copy of the informed consent form and an outline of the consent process which meets the consent requirements described in these rules, as provided in part III D.

4) Provisions to protect the confidentiality of the data and the privacy of the subjects and their families.

5) Resumes of all investigators, listing educational degrees and societies, certifying boards, and academic institutions which have recognized their competence by granting membership, diplomate, or title; previous work in the subject area; and employment.

6) Approval from an institutional review board for this study or approval from an educational department chairman, where the applicant is employed by or associated with an institution which requires such approval.

7) Affirmation that a report of the findings resulting from the use of the records shall be provided to the State Health Officer.

8) A signed agreement to indemnify and hold the State, the Department, and its employees harmless from any liability arising out of authorized or unauthorized access to the vital records.

C. CONFIDENTIALITY — The researcher must establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the records. Information that allows the individual to be identified must be removed or destroyed at the earliest time which is consistent with the purpose of the project.

D. INFORMED CONSENT — 1) The following basic elements of informed consent must be provided to each subject when the research design calls for personal contact or other follow-up:

a. A statement that the study involves research, an explanation of the purpose of the research, the expected duration of the subject's participation, and a description of the procedure to be followed;

b. A description of any benefits which may reasonably be expected from the research;

c. A statement describing the extent to which confidentiality of records identifying the subject will be maintained;

d. An explanation of whom to contact for answers to pertinent questions about the research and the rights of the subject; and

e. A statement that participation is voluntary. Refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled. The subject may discontinue participation at any time without penalty.

2) An investigator shall seek the consent of the subject under circumstances that provide sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence.

3) The information that is given shall be in language understandable to the subject.

4) In obtaining informed consent no exculpatory language through which the subject is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator or the sponsor from liability for negligence shall be used.

5) A written document embodying the elements of informed consent as described above must be signed by each subject. The original shall be retained by the investigator/researcher.

E. CRITERIA FOR APPROVAL OF RESEARCH — The following shall be the criteria for the approval of research:

1) The study objective and design reflect that the proposal is in the best interest of the public health.

2) The selection of subjects is made on a scientific basis.

3) The investigators/researchers are deemed qualified based on their past research, employment and education.

4) Where appropriate, as provided in part III B 6, approval of an institutional review board has been obtained.

5) Provisions to protect the confidentiality of the data and the subjects comply with part III D.

6) The informed consent process and forms follow the guidelines required in these rules and will be appropriately documented as required.

F. NOTIFICATION — The Panel shall notify requestors in writing of the decision to approve or disapprove the proposed study or of modifications required to secure approval of the research activity.

If the committee disapproves a request, it shall include in its written notification a statement of the reasons for its decision and give the investigator/researcher an opportunity to request reconsideration in writing.

G. REQUESTS FOR RECONSIDERATION — Requests for reconsideration must be filed within 30 days of the date appearing on the notification. The principal investigator/researcher may be invited to appear at the hearing. The decision of the committee after reconsideration is final.

H. FEES — Fees for photostat copies of certificates will be the same as those set forth in R.S. 40:40(D). The cost per reel for computer tape with no accompanying certificates will be \$100.

I. EXCEPTION TO APPROVAL PROCESS — Requests for vital records information may be approved by the State Health Officer or a duly authorized representative without being presented to the panel if the request is for limited research and the investigator/researcher provides the name, date, and place of death for all requests. An affidavit stating that no family members will be contacted and that stringent confidentiality procedures will be followed to protect the data and the privacy of the subject must be submitted. A signed hold harmless agreement and a description of the research design must be submitted.

IV. DEPARTMENTAL ADMINISTRATION

As the release of hard copy vital records to departmental agencies is governed by rules published in the February 20, 1983 issue of the *Louisiana Register*, this section of the proposed rule addresses access to data stored in the computer.

A. ACCESS TO DATA (DHHR ONLY)

1) Birth Data — The following birth data shall be accessible through the DHHR CLIENT information system where there is documentation that consent has been given by the prospective client for the release of this information:

- Name
- Birth date
- Sex
- Zip Code of Mother
- Parish of Birth

- Birth Record Number
- File Date

2) Death Data — The following death data shall be maintained available for administrative use:

- Name
- Sex
- Race
- Age
- Date of Death
- Parish of Occurrence
- Parish of Residence
- Certificate Number

B. SECURITY AND CONFIDENTIALITY

1. Only the Office of Health Services and Environmental Quality shall alter, add, or delete vital records data.

2. Data released to other Offices of the Department of Health and Human Resources shall not, in turn, be released or disclosed to other agencies, researchers, commercial enterprises, or any other non-departmental organization or person.

Comments on the proposed rule may be submitted to Sarah M. Braud, M.D., Acting Assistant Secretary, Office of Health Services and Environmental Quality, Room 513, State Office Building, 325 Loyola Avenue, Box 60630, New Orleans, Louisiana 70160, Telephone: (504) 568-5050 or LINC -621-5050.

Sandra L. Robinson, M.D., M.P.H.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Access to Vital Records**

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

No additional costs are anticipated.

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

No significant change in revenues is anticipated.

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

The timely processing of public health research proposals will enable those involved in research projects to avoid costly delays in gaining access to necessary information.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will not be any effect on competition and employment.

Sarah M. Braud, M.D.
Acting Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICES OF INTENT

**Department of Health and Human Resources
Office of the Secretary**

The Louisiana Department of Health and Human Resources (DHHR) intends to apply for Block Grant federal funding for FY 1984-85 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register*, Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472 - 29493. DHHR will continue to administer programs funded under the Block Grants in accordance with provisions set forth in Public Law 97-35 and the federal regulations.

The Block Grant and the DHHR Offices responsible for program administration are as follows:

1. Alcohol and Drug Abuse and Mental Health Services — Office of Mental Health and Substance Abuse (OMHSA). Inquiries and comments may be addressed to James W. Loe, M.D., Assistant Secretary, Office of Mental Health and Substance Abuse, Box 4049, Baton Rouge, LA 70821. The application is available for review at any OMHSA facility.

2. Maternal and Child Health Services — Office of Health Services and Environmental Quality (OHSEQ). Inquiries and comments may be addressed to Sarah M. Braud, M.D., Deputy Health Assistant Secretary, Office of Health Services and Environmental Quality, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OHSEQ facility.

3. Preventive Health and Health Services — Office of Health Services and Environmental Quality (OHSEQ). Inquiries and comments may be addressed to Sarah M. Braud, M.D., Deputy Health Assistant Secretary, Office of Health Services and Environmental Quality, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OHSEQ facility.

4. Title XX Social Services — Office of Human Development (OHD). Inquiries and comments may be addressed to Melvin J. Meyers, Jr., Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD facility.

5. Low-Income Home Energy Assistance — Office of Family Security (OFS). Inquiries and comments may be addressed to Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. The application is available for review at any OFS facility.

A copy of each application may be obtained by writing directly to the DHHR Office responsible for administration. In addition, a copy of the application may be obtained by contacting the Governor's TIE LINE, Post Office Box 44004, Capitol Station, Baton Rouge, LA 70804, Phone: 1-800-272-9868.

Public hearings on Block Grant Applications for FY 1983-84 are scheduled as follows:

Schedule of Block Grant Hearings

Wednesday, May 9, 1984 in Baton Rouge — State Insurance Building, 950 North Fifth Street, Plaza Floor Hearing Room, Baton Rouge, LA; 9 a.m. Title XX Social Services Low-Income Home Energy Assistance; 12:30 p.m. Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services.

Thursday, May 10, 1984 in Lafayette — Girard Park Recreation Center, Magnolia Room, Off Girard Park Drive, Lafayette, LA; 9 a.m. Title XX Social Services Low-Income Home Energy Assistance; 12:30 p.m. Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services.

Friday, May 11, 1984 in New Orleans — Orleans Parish OFS Building, Second Floor Auditorium, 2601 Tulane Avenue, New Orleans, LA; 9 a.m. Title XX Social Services Low-Income Home Energy Assistance; 12:30 p.m. Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services.

Tuesday, May 15, 1984 in Monroe — State Office Building, Room 242-A, 122 St. John, Monroe, LA; 9 a.m. Title XX Social Services Low-Income Home Energy Assistance; 12:30 p.m. Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services.

Wednesday, May 16, 1984 in Shreveport — State Office Building, Room 205, 1525 Fairfield Avenue, Shreveport, LA; 9 a.m. Title XX Social Services Low-Income Home Energy As-

sistance; 12:30 p.m. Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services.

Thursday, May 17, 1984 in Alexandria — State Office Building, Second Floor Conference Room, 900 Murray Street, Alexandria, LA; 9 a.m. Title XX Social Services Low-Income Home Energy Assistance; 12:30 p.m. Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services.

Friday, May 18, 1984 in Lake Charles — Calcasieu Parish, Health Unit Auditorium, 721 Prien Lake Road, Lake Charles, LA; 9 a.m. Title XX Social Services Low-Income Home Energy Assistance; 12:30 p.m. Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services.

At the public hearings all interested persons will have the opportunity to provide recommendations on the proposed Block Grant applications, orally or in writing. Written comments will be accepted through May 25, 1984.

Sandra Robinson, M.D., M.P.H.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: SSBG (SSA Title XX) 1984-85**

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

Implementation cost of this plan is \$64,234,288 which includes \$53,243,622 federal funds, \$9,349,297 state funds and \$1,641,369 IAT from within DHHR. Federal funds include \$12,056 of FFY 83 Jobs Bill allotment plus \$16,749,487 of Revised FFY84 allotment plus \$36,482,079, or 73%, of the anticipated FFY 85 allotment-total \$53,243,622.

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

P.L. 98-35 enacted 10-24-83 increased the authorization for SSBG appropriation from \$2.5 billion to \$2.7 billion for FFY 84 and each succeeding fiscal year. La. FFY 84 allotment was revised from \$46,706,037 to \$49,975,450, an increase of \$3,269,413 in FFY 84 funds. La. FFY 85 allotment is anticipated to be the same as Revised FFY 84 allotment.

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

This Plan deletes the prior years' requirement of 25% match of state/local funds to 75% federal funds. Private providers of contracted services will be encouraged to expend local funds on social services programs rather than be required to certify such expenditures. There is the potential for provider funded services to decrease; OHD plans to purchase the same level of services as in the previous year dependent on the level of federal and state appropriations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect is anticipated on competition and employment.

Melvin Meyers, Jr.
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Alcohol, Drug Abuse and Mental Health Block Grant**

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

The administration and implementation of the Block Grant will be accomplished with available resources, both fiscal and human. There will be no additional cost or savings to the agency.

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

Based on information received from the Federal Government, Federal Revenues to be collected by the State for FY'85 for implementation of the Block Grant will be reduced by \$302,000. These funds were made available to the state through the supplemental Jobs Bill and will not be forthcoming in the next fiscal year.

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

These contracts will no longer be provided because of the loss of the supplemental Jobs Bill fund.

1. Caddo-Bossier Detox Program	\$100,000
2. Friends of the Psychologically Handicapped	12,500
(This represents only a portion of the grant)	
3. Crisis Stabilization Program	34,038
4. Five positions at Pines Treatment	61,418
5. Four positions at Briscoe Treatment	44,604
6. Northeast La. Alcohol & Drug Abuse Clinic	49,440

Since the amount of the block is estimated at the 1984 level, the only negative affect for OMHSA programs will be the need to cover inflationary cost. The current Louisiana allotment for the ADAMH Block will be approximately \$4.4 million. If no increase is budgeted for 1985, and assuming 6.9 percent inflation rate, the effect would be a loss in services equivalent to \$303,600. This translates into a loss of substance abuse services affecting approximately 115 citizens; six residential treatment; 109 out-patient treatment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

It is anticipated that funding will maintain employment in the private sector at a level minimum to that of 82/83 level.

James W. Loe, M.D.
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Low Income Home Energy Assistance Program**

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

Based on the assumption that the LIHEAP funds allocated to Louisiana for Federal FY 1985 remain at the 1984 level an amount estimated to be \$16,426,500 would be available to provide for the administration and benefits of an Energy Assistance Program. Up to ten percent of the total LIHEAP allocation will be transferred to the Title XX Social Services Block Grant. Up to 15 percent of the estimated funds will be allocated to the Department of Urban and Community Affairs (DUCA) for residential weatherization for eligible low income households.

Administrative cost cannot exceed 10 percent of the total allotment and are estimated to be \$800,000 for LIHEAP.

Therefore, the estimated amount available to provide assistance for home energy cost is \$11,519,875.

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

\$16,426,500 in Federal Funds would be available for use in the FY 85 Low Income Home Energy Assistance Program.

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

Estimates obtained using data from the Office of Family Security's file indicates 130,000 households are potentially eligible for assistance. The estimated average benefits will be \$44 in February and August, 1985. Total benefits are subject to adjustment based upon the State's actual allotment and the number of households determined eligible for assistance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Competition and employment will not be noticeably affected by the Low Income Home Energy Assistance Program as benefits to eligible recipients will be applied to ongoing current utility bills for the households. The economic impact is that the State will have an additional \$16,426,500 in circulation by the low income consumer groups.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Maternal and Child Health Block Grant (FY'85)

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

This block was implemented in FY '82. Neither an increase nor a decrease in implementation costs is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.

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

No effect on revenue collections is anticipated. Naturally, if the federal allotment to Louisiana for this block decreases, the State will be required to subsequently decrease the allotment to all programs covered under the block, but this is a factor beyond our control. OHSEQ anticipates receiving \$10,672,761 in federal funds for this block grant in 1984-85. This is the same level of funding as the current year.

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

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment will result.

Sarah M. Braud, M.D.
Deputy Health Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Preventive Block 1985

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

Neither increase nor decrease in costs to implement is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations.

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

OHSEQ anticipates receiving \$2,857,099 in federal funds for this block grant in fiscal year 1984-85. This level of funding, compares to \$2,782,975 expected to be received during the current fiscal year.

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

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect is anticipated on competition and employment.

Sarah M. Braud, M.D.
Deputy Health Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of Forestry**

Pursuant to the provisions of R.S. 56:1503, amended by Act 169 of 1969, the Louisiana Forestry Commission proposes to adjust the prices at which forest tree seedlings are sold to landowners. Revised prices, to be effective July 1, 1984, are as follows: Regular Pine - \$22 per M (up from \$19 per M); Improved Pine - \$30 per M (New Species); Hardwood Seedlings remain at \$100 per M and Special Pine Seedlings remain at \$50 per M.

Interested persons may submit written comments through May 20, 1984, to Michael P. Mety, Assistant Secretary, Office of Forestry, Box 1628, Baton Rouge, LA 70821.

Michael P. Mety
Assistant Secretary

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

Rule Title: Revise Tree Seedling Prices

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

There are no implementation costs involved. Nursery tree seedling production is a continuing program. There will be no effect on local government as a result of this rule change. This is a state program that serves Louisiana landowners.

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

Based on planned seedling production and anticipated sales, self-generated revenues will increase approximately \$103,936 over current year receipts to offset increases in nursery production costs for 1984-85. There will be no effect on revenues to local governmental units. This is solely a state program.

Self-generated revenues (collected by the state/Office of Forestry) are determined by actual sales. Tree seedling production is based on landowner demand . . . actual production is a result of seed germination, favorable agricultural conditions and crop care.

(1) Total production and sales for 1983-84 was 76,605,400 seedlings.

Regular Pine	74,746,000 @ \$19 per M =	\$1,420,174
Special Pine	1,480,000 @ \$50 per M =	74,000
Hardwoods	379,400 @ \$100 per M =	37,940
	<u>76,605,400</u>	<u>\$1,532,114*</u>

(2) Planned production and proposed prices for 1984-85:

Regular Pine	49,225,000 @ \$22 per M =	\$1,082,950
Improved Pine	14,020,000 @ \$30 per M =	420,600
Special Pine	1,450,000 @ \$50 per M =	72,500
Hardwoods	600,000 @ \$100 per M =	60,000
	<u>65,295,000</u>	<u>\$1,636,050*</u>

(*1,636,050 - 1,532,114 = \$103,936)

M = Thousand

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

Louisiana landowners will pay more for certain species of pine tree seedlings next year. Trees are sold at "cost", and prices are adjusted periodically to offset production costs. Regular pine prices will be increased by \$3 per M (from \$19 to \$22 per M) and genetically superior seed developed over past 20 years will be planted for first time resulting in improved seedlings to be sold at \$30 per M.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated as a result of this rule.

H.H. Meng
Administrative Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of the Secretary**

Under the authority of the State and Local Resources Management Act of 1978, La. R.S. 49:213.11 and in accordance with the provisions in La. R.S. 49:950 et seq., the Secretary gives notice that rulemaking procedures have been initiated to amend the Rules and Procedures for Coastal Use Permits.

The proposed amendments to the Rules would amend Part III C (1) of Appendix c1, "Rules and Procedures for Coastal Use Permits" and add Parts III C (2), (3), (4) and (5) to Appendix c1.

The primary purpose of the proposed amendment is to provide for the establishment and collection of reasonable fees for Coastal Use Permit Application processing. The rule change provides for the charging of fees for CUP applications based on \$100 per application, \$0.10 per cubic yard of dredge or fill material with a maximum charge of \$5,000 for the volume disturbed portion of the fee for any one applicant. The amendment would enable the Coastal Management Division (CMD) to recover the cost for the regulatory portion of the Louisiana Coastal Resource Program (LCRP) from Coastal Use Permit applicants.

All interested persons are invited to submit written comments on the proposed amendments. Comments must be submitted no later than May 7, 1984 to the agency contact, Joel L. Lindsey, at the Louisiana Department of Natural Resources, Coastal Management Division, Box 44124, Baton Rouge, LA 70804.

The proposed amendments are as follows:

I.

Amend Part III C (1) of Appendix c1, "Rules and Procedures for Coastal Use Permits" as follows:

C Fee Schedule

(1) The following schedule of fees will be charged for the processing and evaluation of Coastal Use Permit applications.

(a) A non-refundable application fee shall accompany each application or request for determination submitted to the Coastal Management Division. The charge shall be \$100 per application or request for determination.

(b) In addition to the non-refundable application fee, the following fees will be assessed according to total volume of material disturbed per Coastal Use Permit application:

1. Proposed projects which involve less than 1.0 cubic yard of dredge or fill volume, shall not be assessed additional fees.

2. Proposed projects which involve 1.0 cubic yard or greater of dredging and/or filling but less than 50,000 cubic yards shall be assessed at \$0.10 per cubic yard.

3. Proposed projects which involve 50,000 cubic yards or more of dredging and/or filling shall be assessed the maximum fee of \$5,000 per Coastal Use Permit application.

II.

Add Part III C(2) as follows:

(2) A Coastal Use Permit Application will be considered incomplete and returned to the applicant if the appropriate processing fees do not accompany the application. It is recommended that application and additional fees include separate amounts for the application and volume disturbed fee. Payment shall be made by money order, certified or cashiers check or similar monetary instrument.

III.

Add Part III C(3) as follows:

(3) A Coastal Use Permit Application which has been returned to the applicant by the Coastal Management Division or withdrawn by the applicant and is subsequently resubmitted shall be subject to an additional processing fee which will consist of an application fee and a volume disturbed fee if the application has undergone substantial revisions, pursuant to Part IV (A) (1) of these Rules (Appendix c1).

IV.

Add Part III C(4) as follows:

(4) Individual applications authorized under any existing or future CMD CUP general permits will only be assessed the application fee unless the Administrator determines that full individual permit processing is in the public interest. Should a general CMD permit application require full CUP processing, both the application and volume disturbed fee will be assessed according to the schedule outlined above for regular CUP applications.

V.

Add Part III C(5) as follows:

(5) The right for local governments with approved programs to assess fees for processing and evaluating Coastal Use Permit Applications is reserved to those local governments.

Frank P. Simoneaux
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Coastal Use Permit Fee Schedule**

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

It is estimated that an additional cost of approximately \$54,000/year may be incurred by the implementation of this

rule involving the fee schedule for CUP's. These funds will be used for one Accountant II and one Secretary position (plus operating expenses, needed to process the CUP application fees) above CMD and DNR present staff levels after implementation of the fee schedule. However, the increased cost, involved in processing the paperwork involved with the collection of fees would be financed by the applicants for CUP's who would be funding the entire portion of the regulatory part of the LCRP. Preliminary calculations indicate that \$1.51M could be recovered from fees collected for CUP applications.

Local governments would have to pay CUP application fees for projects which they sponsor should the proposed rule change be implemented. The cost of an average permit application not involving any disturbed material (dredging and/or filling) would be \$100 to local governments as well as other applicants. The fee range for projects which involve a disturbed volume of material (i.e. dredging and/or filling) would be a minimum of \$100 per CUP with a maximum fee of \$5,100.

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

Through the institution of the CUP application fee schedule, approximately \$1.51M may be collected and placed in the State's Treasury to be used for the regulatory portion of the LCRP. Presently the regulatory budget is \$1.43M, 20 percent (\$286,000) of which is presently financed by the State of Louisiana on a 20/80 match basis with the federal government. It may be possible for the state to terminate this 20 percent match for this part of the LCRP should the fee schedule be implemented. This represents a possible savings to the State Treasury of \$286,000/year.

The rule modification is based on a simple fee schedule which involves a \$100 application fee and a \$0.10/cu.yd. additional fee for dredging and/or filling activities with a maximum of \$5,000 for this disturbed volume fee. Based on 1982 CUP application data in the CMD, \$1.51M/year could possibly be collected by this schedule thereby funding the regulatory portion of the LCRP.

Local revenue collection would not be reduced by this rule change; but local governments with approved Coastal Resource Programs (CRP's) may elect to charge permit fees for CUP's involving uses of local concern. This rule change does not prevent any local government from levying legal taxes or charging legal fees nor does this rule change automatically allow local governments to charge fees for local Coastal Use Permits. Individual parishes with approved CRP's would have to enact specific ordinances should they wish to collect fees for local Coastal Use Permits. It is difficult to determine at this time exactly how much local funds may be generated as an indirect result of this rule change because no local CRP's have been approved by the DNR Secretary at this date, and the local governments may have the authority to enact their own fee schedule ordinances which may be different from that proposed in this rule change.

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

The CUP application fee schedule would cost permit applicants approximately \$1.51M annually based on 1982 CMD statistics. In 1982 there were 1,856 CUP applications, therefore, if the present system were implemented the costs to individual applicants would range from \$100, for the application fee, to a maximum fee of \$5,100 which would involve the application fee and maximum fee for volume of material disturbed by the project. For example, if a project involves

50,000 cu.yds. or more of disturbed volume the maximum disturbed volume fee (\$5,000) would be charged. It is difficult to predict accurately the average fee per CUP application due to the difference in the types of projects for which CUP applications are submitted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

All applicants for CUP's in coastal Louisiana would be subject to the same application fees. Therefore, no change in competition and employment is projected for those companies operating in coastal Louisiana.

This increase in the overall cost of projects due to CUP application fees is not expected to change competition or employment for companies operating in the coastal zone of Louisiana.

Joel L. Lindsey
Administrator

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Materials Laboratory**

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt specifications for Gasohol or 10 percent Ethanol Enriched Gasoline, as follows:

Specifications for Gasohol or
10 percent Ethanol Enriched Gasoline

General Description: This specification covers a mixture of gasoline and ethanol in a 90-10 volume mixture for use in automotive internal combustion engines. A green dye shall be used in this mixture to color it so as to differentiate it from normal gasolines, when the gasohol or 10 percent ethanol enriched gasoline qualifies for Louisiana tax exemption.

Detailed Requirements: Gasohol or 10 percent ethanol enriched gasoline shall conform to the following detailed requirements:

Property				
Ethanol, %			9.2-13	
Gasoline, %			87-90.8	
Flash Point, °F, max.			110	
Suspended Matter			None	
Water, %, max.			0.30	
Sulfur, %, max.			0.25	
Reid Vapor Pressure, lbs., max.			13.5	
Octane Number, $\frac{(R + M)}{2}$	Reg.	Unleaded	Reg. Leaded	Premium
		87	89	91
Distillation Data				
Percent Distilled (0-167) °F, min.				10
Percent Distilled (0-284) °F, min.				50
Percent Distilled (0-392) °F, min.				90
Residue, %, max.				2.0
Recovery, %, min.				95
End Point, °F, max.				437
Purity				99.0
Effects on seals, gaskets, packing				None
Effects on human flesh				None
Chemicals used to denature alcohol, %, max.				5.0
Water, %, max.				1.0

Labeling on the face of the pumps with the word gasohol or 10 percent ethanol enriched gasoline using black letters at least one inch in height on yellow background is required.

Methods of blending at jobber top-loading rack: Loading arm must be equipped with the drop pipes and flow deflectors. Fill the tank truck compartment 90 percent of the compartment's volume with gasoline. Complete the filling of the compartment with 10 percent ethanol. Due to the slow loading rate of jobbers' racks, it is recommended that the alcohol and the gasoline be at approximately the same temperature.

Methods of blending at bottom-load terminals: Fill the transport compartment 10 percent of compartment's volume with alcohol. Bottom-load to the compartment's capacity with gasoline. The difference in product's temperatures is not as critical here as in tank wagon top-loading.

Storage stability in previously used gasoline tanks: The alcohol in gasohol or 10 percent ethanol enriched gasoline will remove, very efficiently, varnish oxidized gasoline, and rust from the inside walls of previously used gasoline tanks. Because of this fact, any tank must be RESTED FOR 24 HOURS AND THE BOTTOM THIEFED before this product can be dispensed. Due to the vapor pressure of this product, it is recommended that a P-V vent be placed on all tanks which have a slow product withdrawal rate in order to protect and maintain the octane number. It is a #548A 2 inch thread 16-ounce pressure, 1-ounce vacuum #6 mesh screen. The standard vapor recovery P-V vent is not applicable for gasohol or 10 percent ethanol enriched gasoline service.

Storage stability in new gasoline tanks: Any new tank must be graded down three inches to the fill stack at the "A" end of the tank. This is so that the water bottom can be thiefed out. The suction stub should not be any farther than three inches from the bottom of the tank. Under no circumstances should a fill stack be placed in the center of a tank unless an opening is provided to thief the tank at the low ("A") end. Due to high vapor pressure of alcohol blending stocks, a P-V vent should be placed on the vent riser discharge. All fill stacks must have interior drop tubes. All gasohol or 10 percent ethanol enriched gasoline storage tanks over 1,500 gallons must also have drop tubes.

all as authorized by and in accordance with Louisiana R.S. 47:714.1. The Secretary will accept written comments regarding adoption of this rule until 4:15 p.m., June 5, 1984, at the following address: David Azar, Louisiana Department of Transportation and Development, Materials Lab, Box 44245, Capitol Station, Baton Rouge, LA 70804.

Robert G. Graves
Secretary

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

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

Implementation of this regulation will cause no additional costs or savings to state or local governmental units.

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

Implementation of this regulations will have no effect on revenue collections of state or local governmental units.

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

Implementation of this regulation will not cause af-

ected groups to incur any additional economic costs or benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Implementation of this regulation will cause no effect on competition and employment.

Vaughn R. Ross
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The following resolution was passed at the April 3, 1984 meeting of the Louisiana Wildlife and Fisheries Commission:

WHEREAS, the Louisiana Department of Wildlife and Fisheries has received from the public numerous letters and resolutions making recommendations for the 1984-85 hunting seasons, and

WHEREAS, the Department personnel have met with various wildlife clubs, Louisiana Wildlife Federation, civic groups and others to receive recommendations for the hunting seasons, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission conducted three public hearings, in Monroe, Alexandria and Houma, LA for the purpose of the public making recommendations for the hunting seasons, and

WHEREAS, the Game Division staff met pertaining to putting together the various recommendations from the public and field data and observation from field personnel, and

WHEREAS, after combining this data the Game Division and Enforcement Division met with the Commission Hunting Season Regulations Committee and Wildlife Management Areas Committee to review the proposed 1984-85 hunting seasons recommendations, now

THEREFORE BE IT RESOLVED that the recommendations as presented to the Louisiana Wildlife and Fisheries Commission on this date April 3, 1984, at a public meeting held in The District VII Office, Baton Rouge, LA, be adopted as proposals for the 1984-85 Louisiana resident game hunting seasons.

Interested parties may submit their views in writing to Joe L. Herring, Chief, Game Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Season and Bag Limit-Hunting**

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

There are no estimated implementation costs to state or local governmental units.

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

There is no estimated effect on revenue collections.

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

There is no estimated costs and/or benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no estimated effect on competition and employment.

Mary Mitchell
Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

House of Representatives Committee on Appropriations

Dear Governor Edwards:

On March 19, 1984, I wrote to inform you that the Subcommittee on Oversight of the House Committee on Appropriations had voted to disapprove a portion of the rules promulgated by the Division of Administration dealing with the use and management of state vehicles. Due to some confusion over notification to your office of that disapproval, as well as the problems inherent in the transition to a new committee membership, it became necessary for the subcommittee to revote on the issue.

This letter is to inform you that on March 20, 1984, the subcommittee met again and again voted unanimously to disapprove the same portion of those rules. Specifically the subcommittee determined that Section V.F. of the rules, Notice of Intent to which was published February 20, 1984, purporting to amend Fiscal Policy and Procedure Memorandum No. 63, was determined by the subcommittee to be unacceptable pursuant to R.S. 49:968D(2)(d).

Elias "Bo" Ackal, Jr., Chairman
Subcommittee on Oversight/
House Committee on Appropriations

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 4, 1984, and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries, for which Notice of Intent was published in the March 20 *Louisiana Register* with the following results:

1) Proposed prohibition of trammel nets, gill nets, flag nets, and fish seines in D'Arbonne Lake, Union and Lincoln Parishes.

Approved by a vote of 5-0.

2) Proposed revisions to regulations governing seismic exploration.

Approved by a vote of 6-0.

3) Proposal to set not less than two open seasons each year for all inside waters for the taking of saltwater shrimp, one of which shall commence not later than May 25 and shall remain open a minimum of 50 days or until technical data indicates a need for closure.

Approved by a vote of 6-0.

Clyde W. Kimball
Chairman

Potpourri

POTPOURRI

Department of Agriculture Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at the Student Union Building, LSU-Shreveport, Shreveport, Louisiana, on May 22, 23, 24 and 25, 1984. The deadline for getting in application and fee is May 4, 1984.

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

Bob Odom
Commissioner

POTPOURRI

Department of Health and Human Resources Board of Nursing

Special Board Meeting:

A special meeting of the Louisiana State Board of Nursing is scheduled to begin at 9 a.m., Thursday, May 3, 1984 in the office of the Board of Nursing, for the purpose of continuing the review of Draft V of the proposed revisions of the Standards and Requirements for Educational Programs in Nursing as submitted by the Board's Ad Hoc Committee.

This is a special meeting, not the Open Hearing, therefore oral testimony or comments will not be received at this time.

Merlyn M. Maillian, R.N.
Executive Director

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that 22 completed claims, amounting to \$20,454.74, were received during the month of March, 1984. During the same month, 51 claims, amounting to \$57,488.86. The following is a list of the paid claims:

Claim No. 83-1122 Blanchard & Cheramie, Inc.	Claim No. 83-1199 Joseph Edward Verdin
Claim No. 83-1220 Lanny J. Rousse	Claim No. 83-1230 August E. Despaux, Sr.
Claim No. 83-1270 James L. Terrio, Sr.	Claim No. 83-1275 Anthony Galliano
Claim No. 83-1350 Steven Charpentier	Claim No. 83-1355 Linton Charpentier
Claim No. 83-1357 Douglas Blanchard	Claim No. 83-1251 Thaddeus M. Pellegrin, Jr.
Claim No. 83-1134 Kenneth R. Adams, Jr.	Claim No. 83-1135 Kenneth R. Adams, Jr.
Claim No. 83-1215 Steve A. Curole	Claim No. 83-948 Clarence R. Guidry
Claim No. 83-1320 Clarence R. Guidry	Claim No. 83-1363 Clarence R. Guidry

Claim No. 83-1055 Charles R. Robin, Jr.	Claim No. 83-1147 Alen Cheramie
Claim No. 83-1167 Marcello Reynon, Jr.	Claim No. 83-1223 The Guiding Light, Inc.
Claim No. 83-1225 The Guiding Light, Inc.	Claim No. 83-1242 Mark Barbe
Claim No. 83-1247 Shelby Olano	Claim No. 83-1273 August Bertoniere
Claim No. 83-1328 Gerald E. LeBlanc	Claim No. 83-1354 Bennie A. Trosclair
Claim No. 83-1362 Rudolph E. Kreger, Jr.	Claim No. 83-1367 Louis Molero, Jr.
Claim No. 83-1375 Joseph Assevado	Claim No. 83-1379 John S. Domingo, Jr.
Claim No. 83-1396 Dale Belsome & Alvin Fabre	Claim No. 83-840 Jacov Jurisich
Claim No. 83-981 Rusty L. Barras	Claim No. 83-982 Rusty L. Barras
Claim No. 83-1096 Lawrence J. Plaisance	Claim No. 83-1171 Windjammer, Inc.
Claim No. 83-1201 Herbert L. Clayton	Claim No. 83-1236 Clinton P. Guidry, Sr.
Claim No. 83-1248 Allen P. Daigle	Claim No. 83-1257 Michael J. Russell
Claim No. 83-1269 Scott C. Pete	Claim No. 83-1300 Arnold J. Rodriguez
Claim No. 83-1302 Anthony G. Troups	Claim No. 83-1303 Anthony G. Troups
Claim No. 83-1304 Franklin D. Wiseman	Claim No. 83-1371 James Daspit
Claim No. 83-1098 Dwayne Fails	Claim No. 83-1099 Dwayne Fails
Claim No. 83-1100 Dwayne Fails	Claim No. 83-1023 Roy Robino
Claim No. 83-1305 Franklin D. Wiseman	

No hearings are scheduled for the month of May, 1984.

William C. Huls
Secretary

POTPOURRI

**Department of Natural Resources
Office of Conservation
Injection and Mining Division**

DOCKET NUMBER UIC 84-7

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 1 p.m., Friday, May 25, 1984, in the Police Jury Meeting Room of the Cameron Parish-Police Jury Annex, located on Courthouse Square, Cameron, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of ECO Industries, Inc., 532 New Road, Waco, Texas

76710. The applicant intends to operate a commercial non-hazardous oilfield waste treatment facility in Section 31, Township 14 South, Range 9 West, Cameron Parish, LA.

Prior to authorizing the use of this facility for treatment of nonhazardous oilfield waste, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 228 of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., May 31, 1984, at the Baton Rouge office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275. Re: Docket No. UIC-84-7, Commercial Treatment Facility, Plaquemines Parish.

Herbert W. Thompson
Commissioner of Conservation

POTPOURRI

**Department of Natural Resources
Office of Conservation
Injection and Mining Division**

DOCKET NUMBER UIC 84-8

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 1 p.m., Tuesday, May 29, 1984, in the Plaquemines Parish Commission Council Room located in the Plaquemines Parish Courthouse, Point a la Hache, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Gulf Coast Resources, Inc., 1423 Whitney Avenue, Gretna, LA 70053. The applicant intends to operate a commercial nonhazardous oilfield waste treatment facility in Section 17, Township 21 South, Range 31 East, Plaquemines Parish, LA.

Prior to authorizing the use of this facility for treatment of nonhazardous oilfield waste, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 228 of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., June 5, 1984, at the Baton Rouge office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275. Re: Docket No. UIC-84-8, Commercial Treatment Facility, Plaquemines Parish.

Herbert W. Thompson
Commissioner of Conservation

POTPOURRI

**Department of Urban and Community Affairs
Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs will be amending the Jobs Bill Final Statement in a subsequent issue of the *Louisiana Register*. Part III E, 8 of the Jobs Bill Final Statement will read as follows:

(8) Certification of Unemployment. Local governments must certify that maximum priority be given to hiring individuals within their jurisdiction who were unemployed 15 of 26 weeks prior to March 24, 1983.

Dorothy M. Taylor
Secretary

Errata

ERRATA

**Commissioner of Agricultura and
Advisory Commission on Pesticides**

The Rules and Regulations for Administration of the Pesticide Enforcement and Certification Program in accordance with R.S. 3:3201-3257 contain a typographical error in the table shown in Rule 12.2F. The correct provisions, as recommended by the Advisory Commission on Pesticides and adopted by the Commissioner of Agricultura, are as follows:

12.2 F. In any application of the pesticides listed in Rule 12.2 B in any of the areas listed in Rules 12.2 C, 12.2 D, or 12.2 E, the wind speed at the time of application shall determine the distance which must separate the center of the swath from the nearest inhabited structure and/or susceptible crop, as follows:

Wind Speed	Minimum Distance	
	Aerial Equipment	Ground Equipment
0- 3 mph	½ mile downwind	⅛ mile downwind
	½ mile crosswind	⅛ mile crosswind
	50 feet upwind	20 feet upwind
3- 6 mph	1 mile downwind	¼ mile downwind
	½ mile crosswind	⅛ mile crosswind
	50 feet upwind	5 feet upwind
6-10 mph	2 miles downwind	½ mile downwind
	½ mile crosswind	¼ mile crosswind
	50 feet upwind	5 feet upwind
Above 10 mph	Prohibited	Prohibited

Note: "Crosswind" means 90 degrees (+ or - 10 degrees) from the flight path or the direction of the application.

Bob Odom
Commissioner

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