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Executive Orders

EXECUTIVE ORDER JBE 17-14

Suspension of Rule and Regulation Promulgation by the Louisiana State Uniform Construction Code Council

WHEREAS, on March 10, 2016, pursuant to La. R.S. 29:724(B)(1), 31 JBE 2016 was issued, declaring a state of emergency as a result of severe weather, and which was renewed most recently by 63 JBE 2017;

WHEREAS, pursuant to La. R.S. 29:724(B)(1), on August 12, 2016, 111 JBE 2016 was issued, declaring a state of emergency due to the heavy rain and flooding, and on August 22, 2016, pursuant to La. R.S. 29:766(B), 116 JBE 2016 was issued, declaring a state of public health emergency in the following parishes affected by the historic flooding: Acadia, Ascension, Assumption, Avoyelles, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, West Baton Rouge and West Feliciana, which was renewed most recently by 64 JBE 2017;

WHEREAS, as provided for by La. R.S. 40:1730.21, the public policy of Louisiana is to maintain reasonable standards of construction in buildings and other structures consistent with the public health, safety, and welfare of its citizens, with an aim to provide “reasonable safeguards for the health, safety, welfare, comfort, and security, balanced with affordability for the residents of this state who are occupants and users of buildings...”;

WHEREAS, Louisiana Revised Statute 40:1730.28 provides for the mandatory adoption of certain codes and standards by the Louisiana State Uniform Construction Council, including and as qualified within this statute, the International Building Code; International Existing Building Code; International Residential Code; International Mechanical Code; International Plumbing Code; International Fuel Gas Code; and the National Electric Code;

WHEREAS, the Louisiana State Uniform Construction Code Council has filed a notice of intent, pursuant to La. R.S. 40:1730.26 and La. R.S. 40:1730.28, to replace currently adopted construction codes with the 2015 editions of the *International Building Code*, *International Residential Code*, *International Plumbing Code*, *International Existing Building Code*, *International Fuel Gas Code* and *International Mechanical Code*, and the 2014 edition of the *National Electric Code*;

WHEREAS, Louisiana Revised Statute 29:724 and La. R.S. 29:766 confer upon the Governor emergency powers to deal with emergencies and disasters in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any

statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, multiple residents experienced extensive damage to property as a result of the severe weather referenced in the above-cited proclamations, and currently, citizens across the State of Louisiana are in various stages of rebuilding and repairing their homes and businesses; and

WHEREAS, changes to the Uniform Construction Code would hinder or delay effective response and recovery to the emergency conditions, and there is a need to assist the citizens of Louisiana by providing for stability in certain construction standards and requirements as they rebuild and repair property.

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

SECTION 1: The authority of the Louisiana Construction Code Council is hereby suspended from adopting and replacing the currently adopted construction code with the 2015 editions of the *International Building Code*, *International Residential Code*, *International Plumbing Code*, *International Existing Building Code*, *International Fuel Gas Code* and *International Mechanical Code*, and the 2014 edition of the *National Electric Code*.

SECTION 2: This Order is effective upon signature and shall remain in effect until June 1, 2018.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 14th day of June, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1707#006

EXECUTIVE ORDER JBE 17-15

Healthy Vending

WHEREAS, effective worksite wellness programs improve the health and productivity of the workforce, contributing to state agencies' capacity to accomplish their missions;

WHEREAS, a comprehensive wellness plan can improve productivity, quality of life, and life expectancy;

WHEREAS, policies related to healthy food, and disease prevention significantly influence the environments in which people work;

WHEREAS, the work environment influences the adoption of healthy lifestyles, by making it more or less

difficult for individuals to choose behaviors that promote or diminish health;

WHEREAS, published research about other successful private and public programs throughout the nation shows the importance of a comprehensive wellness program that promotes both worksite wellness activity and health insurance plan design changes;

WHEREAS, Louisiana ranked 50th in overall health in America's Health Rankings annual report on public health;

WHEREAS, the report noted that more people die of cardiovascular disease in Louisiana than in nearly any other state;

WHEREAS, chronic conditions such as heart disease, stroke, obesity, and diabetes are largely preventable; and

WHEREAS, agencies collaborating with each other and their valued employees to improve the health of all state employees and reduce health care costs is important to our shared success.

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

SECTION 1: The Louisiana Division of Administration (DOA) shall create and implement a standard for healthier foods and beverages in all vending machines on property owned or leased by the State with an effective date of January 1, 2018.

SECTION 2: The vending machines standard shall be consistent with or stronger than those developed by the

American Heart Association, or by the U.S. Department of Health and Human Services/General Services Administration, or by the National Alliance for Nutrition Activity.

SECTION 3: All vending machines on property owned or leased by the State shall display nutritional labeling that, at a minimum, complies with the standards for nutritional labeling set forth in 21 CFR sections 101 and 109, as may be amended from time to time.

SECTION 4: DOA shall promulgate any rule, regulation or policy by March 1, 2018.

SECTION 5: DOA and all other State Agencies shall take any and all actions within their delegated authority necessary to implement this policy by July 1, 2018.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 30th day of June, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1707#033

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Horticulture and Quarantine Programs
Emerald Ash Borer Quarantine (LAC 7:XV.167)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority of the state entomologist set forth in R.S. 3:1652, and in order to avoid a lapse in coverage until a permanent rule is in effect, notice is hereby given that Department of Agriculture and Forestry is adopting these emergency regulations establishing a quarantine in Bienville, Jackson, and Morehouse Parishes for the following pest: Emerald Ash Borer (“EAB”), *Agrilus planipennis* Fairmaire. The state entomologist has determined that EAB has been found in Bienville, Jackson, and Morehouse Parishes and may be prevented, controlled, or eradicated by quarantine.

EAB poses an imminent peril to the health and welfare of Louisiana forests, commercial and private forestry/wood product industries, and nursery growers due to its ability to infest ash trees. In 2013, the wholesale value of woody ornamental sales for nursery growers in the state was \$62.6 million, a portion of which is comprised of sales of ash trees (Louisiana State University AgCenter 2013 Louisiana Summary, Agriculture and Natural Resources). Louisiana’s forests and forestry/wood products industries generated an output industry production value of \$10.86 billion in 2012, a portion of which is comprised of ash trees and ash tree products (Louisiana State University AgCenter publication 3367-G, 2015). Sales of ash firewood by retail and wholesale suppliers to private individuals also are important to the state’s economy.

Natural spread of EAB is limited to relatively short distances. However, without restriction, EAB can spread through human-assisted means over long distances via infested ash nursery stock, ash logs/timber and cut firewood. Once an ash tree is infested, it experiences twig dieback and tree decline. Tree death occurs within a few years. Failure to prevent, control, or eradicate this pest threatens to damage Louisiana’s commercial ash tree nursery industry, and over time this pest poses a threat to destroy the majority of ash in our state, both commercial and residential. The loss of the state’s commercial nursery-grown ash trees, forestry/wood ash products and even residential ash trees would be devastating to the state’s economy and to its private citizens. The quarantine established by this emergency regulation is necessary to prevent the spread of EAB to all areas in Louisiana where ash may exist, outside of the current areas where this pest has been found.

For these reasons, the presence of EAB in Louisiana presents an imminent peril to the health, safety and welfare of Louisiana’s citizens and forests, the state’s commercial and private forestry/wood product industries, and nursery growers. As a result of this imminent peril, the Department

of Agriculture and Forestry, Office of Forestry and Office of Agricultural and Environmental Sciences, hereby exercises its full and plenary power pursuant to R.S. 3:1652 to deal with crop and fruit pests and contagious and infectious crop and fruit diseases by imposing the quarantines set out in these emergency regulations.

This Rule shall have the force and effect of law effective June 20, 2017, and will remain in effect 120 days, unless renewed by the commissioner of agriculture and forestry or until permanent rules are promulgated in accordance with law.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter F. Emerald Ash Borer Quarantine

§167. Emerald Ash Borer Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the insect emerald ash borer (“EAB”), *Agrilus planipennis*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantined areas in this state include:

1. the entire parishes of Bienville, Bossier, Claiborne, Jackson, Morehouse Lincoln, Union and Webster;
2. a declaration of quarantine for EAB covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Subsection shall be moved out of any area of this state that is listed in this Subsection as a quarantined area for EAB, except as provided in this subsection.

D. The following articles are hosts of EAB and are deemed to be regulated articles for purposes of this subsection.

1. The emerald ash borer in all of its life stages; firewood of all hardwood (non-coniferous) species; nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*.

2. Any other article, product, or means of conveyance not listed in this Section may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

E. Regulated articles may be moved from quarantined areas to non-quarantined areas within or outside of Louisiana only if moved under the following condition.

1. The regulated articles being moved are accompanied by a certificate or limited permit issued by LDAF and attached in accordance with the EAB federal requirements.

2. The regulated articles being moved are not accompanied by a certificate or limited permit but are being

moved by the United States Department of Agriculture for experimental or scientific purposes;

3. The regulated articles being moved are not accompanied by a certificate or limited permit but originated outside of any EAB quarantined area and are moved interstate through the quarantined area under the following conditions:

a. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

b. The regulated article, if moved through the quarantined area, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

c. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

d. The article has not been combined or commingled with other articles so as to lose its individual identity.

F. Persons or businesses engaged in growing, handling, or moving regulated articles intrastate may enter into a compliance agreement with LDAF if such persons or businesses review with an LDAF inspector each provision of the compliance agreement. Any person or business who enters into a compliance agreement with LDAF must agree to comply with the provisions of this subpart and any conditions imposed under this Subpart.

1. Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector determines that the person who has entered into the compliance agreement has not complied with this subpart or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to LDAF within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants LDAF to consider in deciding the appeal. A hearing may be held to resolve a conflict as to any material fact. Rules of practice for the hearing will be adopted by LDAF. As soon as practicable, LDAF will grant or deny the appeal, in writing, stating the reasons for the decision.

G. Any person violating this quarantine shall be subject to imposition of the remedies and penalties set forth in R.S. 3:1653.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652 and 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 41:2577 (December 2015), amended LR 43:245 (February 2017), LR 43:

Mike Strain, DVM
Commissioner

1707#005

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Residential Homes
(LAC 67:V.Chapter 71)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Residential Licensing, Chapter 71, Sections 7107, 7109, 7111, and 7117. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on July 28, 2017 and will remain in effect until the Final Rule becomes effective.

The Department considers emergency action necessary in order to revise the residential licensing standards to correctly identify referenced regulations and section numbers.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 71. Residential Homes, Type IV

§7107. Licensing Requirements

A. - F.3.c. ...

d. All staff/children of residents'/resident's information shall be updated under the new ownership as required in LAC 67:V.7111.A.2.c, A.5, A.7, B.2, and B.4.b-g prior to or on the last day services are provided by the existing owner.

e. If all information in Paragraph F.3 of this Section is not received prior to or on the last day services are provided by the existing owner, the new owner shall not operate until a license is issued. The new owner is not authorized to provide services until the licensure process is completed in accordance with Paragraphs F.3 of this Section.

F.3.f. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:

§7109. Critical Violations/Fines

A. In accordance with R.S. 46:1430, when a provider is cited for violations in the following areas, the department may at its' discretion elect to impose sanctions, revoke a license, or both:

1. Section 7107.A.5, Section 7111.A.2.c.ii, Section 7111.A.5.b, or Section 7111.B.2.a.ii—criminal background check;

2. Section 7107.A.6, Section 7111.A.2.c.iii, Section 7111.A.5.c, or Section 7111.B.2.a.x—state central registry disclosure;

3. Section 7111.A.9.a.i.-v,vii,ix, or x—staffing ratios;

4. Section 7117.F.19—motor vehicle checks;

5. Section 7111.D.1.a or b—critical incident reporting; and/or

6. Section 7111.A.9.a.vi, Section 7111.A.9.a.xi, Section 7111.A.9.a.xiii-xv, Section 7111.A.4.c, Section 7123.B.5, or Section 7123.B.6.—supervision.

B. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), LR 43:

§7111. Provider Requirements

A. - A.5.b. ...

c. Contractors hired to perform work which involves contact with residents or children of residents, shall be required to have documentation of a state central registry disclosure form (SCR 1) as required by R.S. 46:1414.1. This information shall be reported prior to the individual being on the premises of the facility and shall be updated annually, at any time upon the request of DCFS, and within three business days of the individual receiving notice of a justified (valid) determination of child abuse or neglect. All requirements in §7111.B.2.a.x.(a)-(c) shall be followed.

A.6. - A.7.b.xxiv. ...

xxv. use of specialized services identified in §7117.D.6.

A.7.c.- A.8.a.xx. ...

xxi. use of specialized services identified in §7117.D.6; and

A.8.a.xxii. - A.8.c. ...

d. All direct care staff shall have documentation of current certification in adult CPR and first aid. Effective August 1, 2016, if residents or children of residents under the age of 10 are accepted into the program, then staff shall also obtain a certificate in infant/child CPR. No staff member shall be left unsupervised with residents or children of residents until he/she has completed all required training. Online only training is not acceptable.

A.8.e. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:

§7117. Provider Services

A. - F.18. ...

19. A visual inspection of the vehicle is required to ensure that no child of a resident is left in the vehicle. A staff person shall physically walk through the vehicle and inspect all seat surfaces, under all seats, and in all enclosed spaces and recesses in the vehicle's interior. For field trips, staff shall inspect the vehicle and conduct a face-to-name count conducted prior to leaving the facility for the destination, when destination is reached, before departing destination for

return to facility, and upon return to facility. For all other transportation, the staff shall inspect the vehicle at the completion of each trip prior to the staff person exiting the vehicle. The staff conducting the visual check when a child of a resident is transported shall document the time of the visual check inspection and sign his or her full name, indicating that no child of a resident was left on the vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:823 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:278 (February 2017), LR 43:

Marketa Garner Walters
Secretary

1707#042

DECLARATION OF EMERGENCY

Department of Economic Development Office of Entertainment Industry Development

Motion Picture Production Tax Credit Program (LAC 61:I.1605 and 1607)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:953(B). The Department of Economic Development and the Office of Entertainment Industry Development have an immediate need for rules for the Motion Picture Production Tax Credit Program (R.S. 47:6007 et seq.) to effect a reservation and allocation system under a new tax credit issuance cap provided by SB 254 of the 2017 Regular Session of the Louisiana Legislature. A delay in imposition would hinder effective program administration and delay access to the program by qualified applicants, resulting in an adverse financial impact on the state, the department, Louisiana businesses and taxpayers. This Emergency Rule shall become effective July 1, 2017, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is promulgated in accordance with law, whichever occurs first.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 16. Louisiana Entertainment Industry Tax Credit Programs

Subchapter A. Motion Picture Production Tax Credit Program

§1605. Definitions

A. - B. ...

* * *

Program Issuance Cap—for applications submitted on or after July 1, 2017, the office may issue no more than \$150,000,000 in tax credits (“total cap”) in any fiscal year, with \$7,500,000 reserved for qualified entertainment companies (“QEC cap”), \$7,500,000 reserved for Louisiana screenplay productions (“LA screenplay cap”), \$15,000,000 reserved for independent film productions (“independent

film cap”), with the remaining \$120,000,000 available for general allocation to any state certified production (“general cap”).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 43:

§1607. Certification Procedures

A. - A.1.c.v. ...

2. All applicants shall participate in a career based learning and training program approved by the office. To meet this requirement, at the time of application, applicants may choose a method of participation from the list below:

a. provide a minimum of 3 paid internship positions provided to students enrolled in an accredited high school, community college, university or qualified community based program, for a minimum of 75 hours per student and a total of 225 hours; or

b. a minimum of 8 hours of classroom workshop provided to students enrolled in an accredited high school, community college, university or qualified community based program; or

c. a minimum of 8 hours of studio employment and professional skills tour provided to students enrolled in high school, community college, university or qualified community based program; or

d. a minimum of 8 hours of continuing education for educators or faculty to observe the set operations, post production and other specialized departments;

e. financial contribution or donation to a specific local educational agency or higher education institution specializing in arts, media and entertainment career oriented program. Financial contributions calculated at 0.25 percent of the estimated tax credit reservation; or

f. other method of participation approved by the office.

B. - B.3. ...

C. Initial Certification

1. Application review process, provisional allocation and reservation of tax credits

a. Project based production tax credit -for applications submitted prior to July 1, 2017.

i. After review and upon a determination of qualification, the office and the secretary shall issue an initial certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project Based Production Tax Credit—For Applications Submitted on or after July 1, 2017.

i. Beginning July 1, 2017 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month (“monthly initial certification pool”) and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial. The initial certification letter will provisionally allocate tax credits based upon expected the cost report submission date and availability of tax credits in any given year.

iii. Tax credits provisionally allocated in the initial certification letter shall be reserved until thirty days following the identified start date of principal photography.

iv. The production company shall provide written evidence that principal photography has begun by the identified date by submitting documents such as call sheets, site visit reports from local film commission staff, or as otherwise approved by the office. Upon receipt, the office will issue an email confirmation, acknowledging the continued tax credit reservation and effectivity of the initial certification letter.

v. If the production company is unable to begin principal photography by the identified date, it shall provide written notice to the office and provide written reasons for the delay and the anticipated new start date of principal photography. The office may, in its sole discretion, grant a one-time extension to such production company. Unless otherwise approved by the secretary for good cause shown, the extension shall not exceed thirty days.

vi. If the production company fails to provide appropriate written evidence that principal photography has begun by identified date or other approved date, the office will send production company a notice of disqualification and;

(a). the amount of credits reserved shall be added back into the available amount for that fiscal year, or rolled forward into the then current year, as applicable;

(b). the initial certification letter issued shall be deemed void, and the applicant shall be disqualified from earning any tax credits on the applicable state certified production;

(c). the applicant shall forfeit all application fees;

(d). any unused CPA advance deposit fees shall be refunded within thirty days;

vii. a production company so disqualified may re-submit a new application for the same project, which will be evaluated by the office as a new state certified production, with a new application date and subject to all applicable fee and filing requirements.

2. ...

3. Cap Management—Phase 1-Initial Certification—Tentative Reservation

a. The reservation of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met; QEC, LA screenplay, independent film, general or total cap.

b. Qualifying LA screenplay or independent film projects shall be allocated credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be reserved from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual

amount of unreserved credits may be available for general allocation by the office, in addition to any residual general cap.

d. If the QEC cap is not met in any fiscal year, any residual unreserved credits shall carry forward for use by QEC's in subsequent years.

e. On the day that the total or general cap is reached, the credits remaining for allocation shall be reserved on a prorated basis amongst the monthly initial certification submission pool.

f. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

4. Duration of Effect—For Applications Submitted Prior to July 1, 2017.

a. - b. ...

5. Duration of Effect—For Applications Submitted on or after July 1, 2017.

a. Once an initial certification letter is issued, the applicant or official representative must countersign and return an original to the office, within 30 business days, acknowledging initial certification status and the reporting requirement for start date of principal photography.

b. The initial certification letter shall be effective for qualifying expenditures made within a period of twelve months prior to the date of application and twenty-four months after the date of initial certification letter, except that:

i. state certified productions for scripted episodic content ("SEC's"), with estimated expenditures of at least ten million dollars in state expenditures per calendar year, shall be issued an initial certification letter effective for qualifying expenditures made until sixty months after the date of initial certification, under terms and conditions approved by the office and the secretary, as set forth in the initial certification letter.

ii. when determining the amount and appropriate allocation and reservation of credits for SEC's, the office shall review all pertinent information, including but not limited to; whether the project is a pilot, TV series from a pilot formerly shot in Louisiana, a recurring TV series or a relocating TV series.

iii. unless otherwise approved by the office and the secretary, SEC tax credits will be allocated from the general cap, and initially reserved for two seasons. SEC applicants shall periodically provide updates to the office, and the initial certification letter may be subsequently revised to allow for additional allocations and reservations of credits for seasons three through five, if applicable.

D. Final Certification; Audit Requirements

1. - 2.b....

3. Final Allocation and Issuance of Tax Credits

a. Project Based Production Credit—For Applications Submitted Prior to July 1, 2017.

i. After review and upon a determination of qualification, the office and the secretary shall issue a final certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project based production tax credit – for applications submitted on or after July 1, 2017.

i. Beginning July 1, 2017 and thereafter, the office will accept and review requests for final certification on a monthly basis. Applicants shall have completed all required steps for certification of credits, and requests shall be evidenced by submission of a signed attestation form to the office. All requests received by the 15th of the month will be treated as received on the last business day of the month, ("monthly final certification submission pool") and processed accordingly.

ii. After review and determination of qualification, the office and the secretary shall issue a final certification letter, in accordance with the provisional allocations and amounts set forth in the initial certification letter, or a written denial.

iii. In the event that less than the reserved amount of tax credits has been verified, any unused credits will be released and may be available for issuance by the office.

iv. In the event that more than the reserved amount of tax credits has been verified, the office shall preliminarily issue tax credits in an amount not to exceed the total indicated in the initial certification letter, but may at its discretion, subsequently issue a supplemental tax credit for any excess expenditures, subject to availability of credits in any given fiscal year.

4. Cap Management—Phase 2-Final Certification—Tax Credit Issuance

a. The issuance of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met; QEC, LA screenplay, independent film, general or total cap.

b. Qualifying LA screenplay or independent film projects shall be issued credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be issued from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual amount of credits may be available for issuance by the office, in addition to any residual general cap.

d. If the total cap has not been met by May 30 of any year, the office shall review any projects with excess expenditures for which credits have neither been certified nor denied, and may issue supplemental tax credits from any remaining general cap. Such projects shall all be treated as received on June 15th and processed accordingly.

e. If the QEC cap is not met in any fiscal year, any residual credits shall carry forward for use by QEC's in subsequent years.

f. On the day that the total or general cap is reached, the credits remaining for allocation shall be issued on a prorate basis amongst the monthly final certification submission pool.

g. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

E. Appeal Process. In the event that an application for initial or final certification is denied:

1. - 2.e. ...

3. initial certification letters that were issued to an applicant, but subsequently deemed void by the office, following a notice of disqualification for failure to begin

principal photography by an agreed upon identified date or other approved date, shall not be subject to appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), LR 43:

Anne G. Villa
Undersecretary

1707#019

DECLARATION OF EMERGENCY

Department of Economic Development Office of the Secretary

Small Business Bonding Program (LAC 19:II.903)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:953(B). The Department of Economic Development and the Office of the Secretary have an immediate need for rules for the Small Business Bonding Program (LA R.S. 51:942) to broaden Direct Bonding Assistance Program eligibility requirements to allow certain applicants up to an additional three years of access to the program. A delay in imposition would delay access to the program by qualified applicants, resulting in an adverse financial impact on the state, the department, Louisiana businesses and taxpayers. This Emergency Rule shall become effective July 1, 2017, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is promulgated in accordance with law, whichever occurs first.

Title 19

CORPORATIONS AND BUSINESS

Part II. Small and Emerging Business Development Program

Chapter 19. Small Business Bonding Program

§903. Direct Bonding Assistance

A. Direct Bonding Assistance—Eligibility

1. All certified active small and emerging construction businesses, and all other certified SEBs (non-construction) may be eligible for surety bond guarantee assistance not to exceed the lesser of 25 percent of contract or \$200,000 on any single project.

2. Beginning July 1, 2017, firms with previously approved SEBD certification status expiring after July 1, 2017 but prior to July 1, 2020, may be granted continued eligibility for the Direct Bonding Assistance Program for a period of up to three years, but no later than July 1, 2020.

3. All obligations, whether contractual or financial, will require the approval of the undersecretary.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 24:430 (March 1998), amended by the Department of Economic Development, Office of Business Development, LR 29:547 (April 2003), LR 30:758 (April 2004), LR 36:52 (January 2010), LR 43:

Mandi D. Mitchell
Assistant Secretary

1707#018

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Office of Facility Planning and Control

Capital Improvement Projects
Procedure Manual (LAC 34:III.131)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., the Division of Administration, Office of Facility Planning and Control declares that an emergency exists and has exercised its emergency authority to amend LAC 34:III.131, Louisiana Building Code for state-owned buildings.

The Executive Order Number 17-14 issued by Governor John Bel Edwards on June 14, 2017 recognizes that thousands of Louisiana citizens and businesses were impacted by the great flood of August 2016. The Executive Order also recognizes that changes to the current building construction codes would hinder or delay effective response and recovery as citizens rebuild and repair their property. This situation creates a non-uniform building standard for renovations and new construction in Louisiana and results in inconsistency in building codes for state agencies, thereby making this Emergency Rule necessary.

This Emergency Rule is effective June 27, 2017, shall be in effect for the maximum period allowed under the Act.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part III. Facility Planning and Control

Chapter 1. Capital Improvement Projects

Subchapter A. Procedure Manual

§131. Louisiana Building Code

A. R.S. 40:1722 establishes the Louisiana building code and directs that the following codes be established as the standards as minimum standards for this code. These codes shall be established as constituting the code in the editions indicated:

1. ...
2. the *International Plumbing Code*, 2012 edition as published by the International Code Council and amended by R.S. 40:1730.28.1;
3. the *International Building Code*, 2012 edition as published by the International Code Council, not including chapter 1, administration, chapter 11, accessibility, and chapter 27, electrical;
4. the *International Mechanical Code*, 2012 edition as published by the International Code Council;
5. the *National Electric Code* (NFPA no. 70), 2011 edition as published by the National Fire Protection Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Facility Planning and Control, LR 8:473 (September 1982), amended by the Office of the Governor, Division of Administration, Facility Planning and Control, LR 11:849 (September 1985), amended by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 33:2649 (December 2007), LR 37:3260 (November 2011), LR 39:86 (January 2013), LR 39:2493 (September 2013), effective on January 1, 2014, LR 43:0000 (June 2017), effective on July 1, 2017, LR 43:

Mark A. Moses
Director

1707#010

DECLARATION OF EMERGENCY

Department of Health Board of Pharmacy

Pharmacy Technicians (LAC 46:LIII.905)

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:9539(B), to amend its rules governing the process of obtaining a pharmacy technician certificate by delaying the implementation of the requirement to complete a nationally-accredited pharmacy technician training program as one of the qualifications to obtain the credential.

Prior to June 2013, the rule required the pharmacy technician candidate to complete a training program that was approved by the board. In response to stakeholder input requesting flexibility in how those programs were to be established, the board permitted programs to be established at individual pharmacies in addition to universities, community and technical colleges, as well as proprietary schools. Over the course of approximately 10 years, the board tracked the state's pass rate on the national certification program and observed a steady decrease. The board determined that workplace training alone was not sufficient and, in June 2013 instituted a change to begin in January 2016 that would require the training program to be nationally accredited. The three year delay was intended to increase the number of such nationally accredited programs in the state.

During their meeting in November 2015, the board entertained a request from some chain pharmacies to further delay the implementation of the accreditation requirement until 2020, citing their concerns with some of the accreditation standards. The board took note of the increased number of accredited programs in the state, from one in 2013 to over a dozen in 2015. The board also took note of the continuing decrease in the state pass rate on the national certification examination, with a 45 percent pass rate in 2015. The board also received input the requirement should be transferred from those persons submitting applications for the technician certificate to those persons submitting applications for the technician candidate registration, to eliminate the difficulty for persons who start under the previous rule and attempt to finish under the new rule. The board agreed to a one year delay in the accreditation requirement, and since there was not sufficient time to promulgate a change in the rule before the current January 1,

2016 implementation date, the board determined that an emergency rule was necessary. During the one-year delay, the board planned to promulgate the additional change to transfer the requirement for completion of an accredited program as a qualification for the pharmacy technician certificate to require enrollment in an accredited program as a qualification for the pharmacy technician candidate registration.

The board has determined that failure to implement the Emergency Rule will cause interruptions in the licensure process for pharmacy technicians, potentially causing a decrease in the number of pharmacy technicians in the available workforce. The board has determined this Emergency Rule is necessary to prevent imminent peril to the public health, safety, and welfare. The original Declaration of Emergency was effective November 30, 2015. Although the board is working on the changes, they need more time; therefore, they have directed the revision of the implementation date from 2017 to 2018. This revised Emergency Rule is effective July 10, 2017 and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever shall first occur.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 9. Pharmacy Technicians

§905. Pharmacy Technician Certificate

A. - A.3.a. ...

b. For those applicants submitting applications on or after January 1, 2018, the applicant shall demonstrate successful completion of a nationally-accredited and board-approved pharmacy technician training program, as evidenced by a valid and legible copy of the appropriate credential from that program.

A.4 - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, repromulgated LR 19:1025 (August 1993), amended LR 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), LR 39:1777 (July 2013), LR 43:

Malcolm J. Broussard
Executive Director

1707#062

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Abortion Facilities—Licensing Standards
(LAC 48:I.4431)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.4431 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2175.1 et seq. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the

maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing repealed and replaced the provisions governing the licensing standards for abortion facilities in order to incorporate the changes imposed by legislation, and further revise and clarify those provisions (*Louisiana Register*, Volume 41, Number 4).

Act 97 of the 2016 Regular Session of the Louisiana Legislature increased the time period required for certain pre-operative services. Act 563 of the 2016 Regular Session of the Louisiana Legislature provides that at least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of certain printed information, including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality, and given printed information about resources, programs and services for infants and children born with disabilities, as well as other related matters. Act 593 of the 2016 Regular Session of the Louisiana Legislature provides for the disposal, by interment or cremation, of fetal remains and designates procedures for giving patients options for arrangements. The department promulgated an Emergency Rule which amended the provisions governing outpatient abortion clinics in order to comply with the provisions of Acts 97, 563 and 593 (*Louisiana Register*, Volume 42, Number 12).

This Emergency Rule is being promulgated in order to continue the provisions of the December 3, 2016 Emergency Rule. This action is being taken to protect the health and welfare of Louisiana citizens by assuring the health and safety of women seeking health care services at licensed abortion facilities.

Effective August 2, 2017, the Department of Health, Bureau of Health Services Financing amends the provisions governing the licensing standards for abortion facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 44. Abortion Facilities

Subchapter C. Pre-operative, Intra-operative, and Post-Operative Procedures

§4431. Screening and Pre-Operative Services

A. - E.1. ...

2. Requirements

a. Except as provided in Subparagraph b below, at least 72 hours prior to the pregnant woman having any part of an abortion performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the pregnant woman, the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the following requirements:

i. perform an obstetric ultrasound on the pregnant woman, offer to simultaneously display the screen which depicts the active ultrasound images so that the pregnant woman may view them and make audible the fetal heartbeat, if present, in a quality consistent with current medical practice. Nothing in this Section shall be construed to prevent the pregnant woman from not listening to the sounds

detected by the fetal heart monitor, or from not viewing the images displayed on the ultrasound screen;

ii. provide a simultaneous and objectively accurate oral explanation of what the ultrasound is depicting, in a manner understandable to a layperson, which shall include the presence and location of the unborn child within the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of cardiac activity if present and viewable, along with the opportunity for the pregnant woman to ask questions;

iii. offer the pregnant woman the option of requesting an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent feasible, the body of the unborn child including limbs, if present and viewable;

iv. from a form that shall be produced and made available by the department, staff will orally read the statement on the form to the pregnant woman in the ultrasound examination room prior to beginning the ultrasound examination, and obtain from the pregnant woman a copy of a completed, signed, and dated form; and

v. retain copies of the election form and certification prescribed above. The certification shall be placed in the medical file of the woman and shall be kept by the outpatient abortion facility for a period of not less than seven years. If the woman is a minor, the certification shall be placed in the medical file of the minor and kept for at least ten years from the time the minor reaches the age of majority. The woman's medical files shall be kept confidential as provided by law.

b. If the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the requirements of §4431.E.2.a at least 24 hours prior to the woman having any part of an abortion performed or induced.

c. - e. Repealed.

E.3. - G.1. ...

a. Except as provided in Subparagraph b below, at least 72 hours before the abortion the physician who is to perform the abortion or the referring physician shall provide informed consent to the pregnant woman seeking an abortion, pursuant to all laws, rules and regulations regarding informed consent. The informed consent shall be communicated both orally and in-person, and in writing, and shall be provided in a private room. Documentation of all such informed consent provided shall be maintained in the patient's medical record.

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or the referring physician shall comply with all of the requirements of §4431.G.1 at least 24 hours prior to the abortion.

1.c. - 3. ...

a. Except as provided in Subparagraph b below, at least 72 hours before a scheduled abortion the physician who is to perform the abortion, the referring physician, or a qualified person shall inform the pregnant woman seeking an abortion, orally and in-person that:

i. - iv. ...

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion the referring physician, or a qualified person shall comply with all of the requirements of §4431.G.3 at least 24 hours prior to the abortion.

4. ...

a. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of the printed materials, pursuant to any applicable state laws, rules, and regulations, by the physician who is to perform the abortion, the referring physician, or a qualified person. These printed materials shall include any printed materials necessary for a voluntary and informed consent, pursuant to R.S. 40:1061.17. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of the printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

i. - NOTE. Repealed.

b. At least 72 hours before the abortion, the pregnant woman or minor female considering an abortion shall be given a copy of the department's *Point of Rescue* pamphlet and any other materials described in R.S. 40:1061.16 by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws. However, if the pregnant woman or minor female considering an abortion certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 72 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws.

i. The physician or qualified person shall provide to the woman, or minor female seeking an abortion, such printed materials individually and in a private room for the purpose of ensuring that she has an adequate opportunity to ask questions and discuss her individual circumstances.

ii. The physician or qualified person shall obtain the signature of the woman or minor female seeking an abortion on a form certifying that the printed materials were given to the woman or minor female.

iii. In the case of a minor female considering an abortion, if a parent accompanies the minor female to the appointment, the physician or qualified person shall provide

to the parent copies of the same materials given to the female.

iv. The signed certification form shall be kept within the medical record of the woman or minor female for a period of at least seven years.

c. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of a printed informational document including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources, programs and services for infants and children born with disabilities. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

d. If the pregnant woman seeking an abortion is unable to read the materials, the materials shall be read to her. If the pregnant woman seeking an abortion asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

NOTE: The provisions of this Section requiring a physician or qualified person to provide required printed materials to a woman considering an abortion shall become effective 30 days after the department publishes a notice of the availability of such materials.

5. ...

a. Prior to the abortion, the outpatient abortion facility shall ensure the pregnant woman seeking an abortion has certified, in writing on a form provided by the department that the information and materials required were provided at least 72 hours prior to the abortion, or at least 24 hours prior to the abortion in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy. This form shall be maintained in the woman's medical record.

b. ...

c. The pregnant woman seeking an abortion is not required to pay any amount for the abortion procedures until the 72-hour period has expired, or until expiration of the 24-hour period applicable in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy.

6. - 7.b. ...

8. Disposition of Fetal Remains

a. Each physician who performs or induces an abortion which does not result in a live birth shall ensure that the remains of the fetus are disposed of by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq., and the provisions of LAC 51:XXVI.102 of the *Sanitary Code*.

b. Prior to an abortion, the physician shall orally and in writing inform the pregnant woman seeking an abortion in the licensed abortion facility that the pregnant woman has the following options:

i. the option to make arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.; or

ii. the option to have the outpatient abortion facility/physician make the arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.

c. The pregnant woman shall sign a consent form attesting that she has been informed of these options, and shall indicate on the form whether she wants to make arrangements for the disposition of fetal remains or whether she wants the facility to make arrangements for the disposition and/or disposal of fetal remains.

d. the requirements of §4431.G.8 regarding dispositions of fetal remains, shall not apply to abortions induced by the administration of medications when the evacuation of any human remains occurs at a later time and not in the presence of the inducing physician or at the facility in which the physician administered the inducing medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:700 (April 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee, MD, MPH
Secretary

1707#043

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers Community Choices Waiver—Electronic Visit Verification (LAC 50:XXI.9305)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.9305 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, through collaborative efforts, provide enhanced long-term services and supports to individuals who are elderly or have

a disability through the Community Choices Waiver program.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which amended the provisions governing the Community Choices Waiver in order to adopt requirements which mandate that providers of personal assistant services must utilize the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services (*Louisiana Register*, Volume 41, Number 3). This Rule is being promulgated to continue the provisions of the April 1, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Community Choices Waiver participants by assuring that they receive the services they need and to ensure that these services are rendered in an efficient and cost-effective manner.

Effective July 26, 2017, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the Community Choices Waiver to establish requirements for the use of an EVV system.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers

Subpart 7. Community Choices Waiver

Chapter 93. Provider Responsibilities

§9305. Electronic Visit Verification

A. Effective for dates of service on or after April 1, 2015, Community Choices Waiver providers shall use the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services.

B. Reimbursement shall only be made to providers with documented use of the EVV system. The services that require use of the EVV system will be published in the Community Choices Waiver provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 43:

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

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

Rebekah E. Gee, MD, MPH
Secretary

1707#044

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Nursing Facilities—Reimbursement Methodology (LAC 50:II.20001)

The Department of Health, Bureau of Health Services Financing amends LAC 50:II.20001 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 (B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing provides reimbursement to nursing facilities, through vendor payments, for services rendered to Medicaid eligible individuals who reside in nursing facilities.

As a result of a budgetary shortfall in state fiscal year (SFY) 2017-2018, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for nursing facilities in order to suspend the provisions of LAC 50:II.Chapter 200 and to impose provisions to ensure that the current rates in effect do not increase for the SFY 2018 rating period. This action is being taken to avoid a budget deficit in the Medical Assistance Program. It is estimated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2017-2018 since Medicaid payments for nursing facility services will remain at the same level.

Effective July 1, 2017, the Department of Health, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 5. Reimbursement

Chapter 200. Reimbursement Methodology

§20001. General Provisions

A. - B.7. ...

C. Effective for the rate period of July 1, 2017 through June 30, 2018, the department shall suspend the provisions of LAC 50:II.Chapter 200 governing the reimbursement methodology for nursing facilities and impose the following provisions governing reimbursements for nursing facility services.

1. During this time period, no inflation factor will be applied to the base resident day weighted medians and prices calculated as of July 1, 2016.

2. All costs and cost components that are required by Rule to be trended forward will only be trended forward to the midpoint of the 2017 state fiscal year (December 31, 2016).

3. The base capital per square foot value, land value per square foot, and per licensed bed equipment value utilized in the calculation of the fair rental value (FRV) component will be set equal to the value of these items as of July 1, 2016.

4. Base capital values for the Bed Buy-Back Program (LAC 50:II.20012) purposes will be set equal to the value of these items as of July 1, 2016.

5. Nursing facility providers will not have their weighted age totals for the FRV component calculation purposes increased by one year as of July 1, 2017.

6. As of the July 1, 2018 rate setting, nursing facility provider weighted age totals for the FRV component calculation purposes will be increased by two years to account for the suspended year of aging occurring as of the July 1, 2017 rate period.

7. No other provisions of LAC 50:II.Chapter 200 shall be suspended for this time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1473 (June 2002), repromulgated LR 28:1790 (August 2002), amended LR 28:2537 (December 2002), LR 32:2262 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:825 (March 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1522 (September 2016), LR 43:525 (March 2017), LR 43:

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

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

Rebekah E. Gee, MD, MPH
Secretary

1707#007

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Personal Care Services—Long-Term Standards for Participation—Electronic Visit Verification (LAC 50:XV.12909)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XV.12909 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services,

through collaborative efforts, provide enhanced long-term personal care services and supports to individuals with functional impairments.

The department promulgated an Emergency Rule which amended the provisions governing long-term personal care services (LT-PCS) in order to adopt requirements which mandate that LT-PCS providers must utilize the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for long-term personal care services (*Louisiana Register*, Volume 41, Number 3). This Emergency Rule is being promulgated to continue the provisions of the April 1, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of persons with a functional impairment by assuring that they receive the services they need, and to ensure that these services are rendered in an efficient and cost-effective manner.

Effective July 26, 2017, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing long-term personal care services to establish requirements for the use of an EVV system.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 9. Personal Care Services
Chapter 129. Long Term Care
§12909. Standards for Participation

A. - D.2. ...

E. Electronic Visit Verification. Effective for dates of service on or after April 1, 2015, providers of long-term personal care services shall use the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services.

1. Reimbursement shall only be made to providers with documented use of the EVV system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2451 (November 2009), LR 39:2508 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

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

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for

responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1707#045

DECLARATION OF EMERGENCY

Department of Health
Office of Public Health

Added Controlled Dangerous Substances
(LAC 46:LIII.2704)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the rulemaking authority granted to the Secretary of LDH by R.S. 40:962(C) and (H), hereby adopts the following Emergency Rule for the protection of public health. This Rule, effective June 27, 2017, is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and shall remain in effect for the maximum period allowed under the Act or until adoption of a final Rule, whichever occurs first.

Based on the criteria, factors, and guidance set forth in R.S. 40:962(C) and 40:963, the secretary, under this rulemaking, has determined that the below listed substances have a high potential for abuse and should be scheduled as controlled dangerous substances to avoid an imminent peril to the public health, safety, or welfare. In reaching the decision to designate the below listed substances as controlled dangerous substances under Schedule I, the secretary has considered the criteria provided under R.S. 40:963 and the specific factors listed under R.S. 40:962(C). The secretary has determined that Schedule I is the most appropriate due to her findings that the substances added herein have a high potential for abuse, the substances have no currently accepted medical use for treatment in the United States, and there is a lack of accepted safety for use of the substances under medical supervision.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists
Chapter 27. Controlled Dangerous Substances
Subchapter A. General Provisions
§2704. Added Controlled Dangerous Substances

A. The following drugs or substances are added to schedule I of the Louisiana Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.:

1. - 4. ...

5. cyclopropylfentanyl N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide;

6. deschloroketamine 2-phenyl-2-(methylamino)cyclohexanone.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:962, R.S. 40:963, and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 43:

Rebecca E. Gee, M.D.
Secretary

1707#020

DECLARATION OF EMERGENCY

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

2017 Commercial Greater Amberjack Season

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use seasonal rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters when he is informed by the regional administrator of NOAA fisheries that the seasons have been closed in adjacent federal waters, the secretary hereby declares:

The commercial fishery for greater amberjack in Louisiana waters will close at 12:01 a.m. on June 20, 2017 and shall remain closed until 12:01 a.m. on January 1, 2018, at which time the commercial fishery for greater amberjack will reopen. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell greater amberjack whether within or without Louisiana waters. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing greater amberjack taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by NOAA fisheries that the commercial season for greater amberjack in federal waters of the Gulf of Mexico will close at 12:01 a.m. on June 20, 2017 and remain closed until 12:01 a.m. January 1, 2018. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

Jack Montoucet
Secretary

1707#003

DECLARATION OF EMERGENCY

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

2017 Recreational Red Snapper Season

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use seasonal rules to set finfish seasons, R.S. 56:326.3 which

provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of recreational red snapper harvest seasons in Louisiana state waters, the commission hereby declares:

If an additional recreational season for red snapper is set in federal waters, the season for the recreational harvest of red snapper in Louisiana state waters, shall close at 11:59 p.m. on Sunday, June 18, 2017, and re-open thereafter as follows:

A season consisting of weekends and holidays only; Saturday and Sunday of each weekend, as well as: Monday July 3, Tuesday July 4, and Monday, September 4, beginning on June 24, 2017.

Effective with this action, the season shall be open on weekends only with a bag and possession limit of two fish per person per day. Size limits shall remain at the currently established minimum size limit in LAC 76:VII.335 of 16 inches total length. The season shall remain open until 11:59 p.m. on Monday, September 4, 2017.

In efforts to responsibly manage the fishery, and demonstrate our state's ability to do the same, the commission further authorizes the secretary of the Department of Wildlife and Fisheries to modify the recreational season and bag limits for the harvest of red snapper, upon prior notification to the chairman of the Louisiana Wildlife and Fisheries Commission, if monitoring data indicate that the self-imposed state allocation of red snapper is met or is projected to be met.

If monitoring data warrant recreational season closure to ensure compliance with our state's self-imposed state allocation of red snapper, any such closure shall also prohibit the possession and/or landing of red snapper in state waters, except for situations involving federally permitted charter boats or commercial Individual fishing quota holders operating under federal law.

In the event the current option being proposed by the federal government with regard to an additional federal recreational season for red snapper changes, the commission further authorizes the secretary of the Department of Wildlife and Fisheries to negotiate on its behalf in conjunction with the current Department of Commerce offer, and upon prior notice to the chairman of the commission.

Jack Montoucet
Secretary

1707#001

DECLARATION OF EMERGENCY

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

2017 Recreational Red Snapper Season

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use seasonal rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set

seasons for saltwater finfish, and the authority given to the secretary of the department in LAC 76:VII.335.G.5 and by commission action on June 12, 2017 to modify opening and closing dates of recreational red snapper harvest seasons in Louisiana state waters, the secretary hereby declares:

If an additional recreational season for red snapper is set in federal waters, the season for the recreational harvest of red snapper in Louisiana state waters, shall close at 11:59 p.m. on Sunday, June 18, 2017, and re-open on Friday, June 23, 2017 and thereafter as follows:

Weekends and holidays only; consisting of Friday, Saturday, and Sunday of each weekend, as well as Monday, July 3; Tuesday, July 4; and Monday, September 4.

Effective with this action, the season shall be open as described above with a bag and possession limit of two fish per person per day. Size limits shall remain at the currently established minimum size limit in LAC 76:VII.335 of 16 inches total length. The season shall remain open as described above until 11:59 p.m. on Monday, September 4, 2017.

If monitoring data warrant a recreational season closure to ensure compliance with our state's self-imposed state allocation of red snapper, any such closure shall also prohibit the possession and/or landing of red snapper in state waters, except for situations involving federally permitted charter boats or commercial Individual fishing quota holders operating under federal law.

Chad J. Courville
Chairman

1707#002

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Spring Inshore Shrimp Season Closure in Shrimp Management Zone 2

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a declaration of emergency adopted by the Wildlife and Fisheries Commission on May 4, 2017 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2017 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop, the secretary hereby declares:

The 2017 spring inshore shrimp season will close on June 23, 2017 at 6 p.m. in state inside waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Freshwater Bayou Canal. All remaining state inside waters as well as all state outside waters seaward of the inside/outside shrimp line, as described in R.S. 56:495 will remain open to shrimping until further notice.

The number, distribution and percentage of small juvenile white shrimp taken in biological samples within these waters have rapidly increased in recent weeks and these waters are being closed to protect these developing shrimp.

Jack Montoucet
Secretary

1707#004

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Medical Marijuana (LAC 7:XLIX.Chapters 1-31)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry (“department”), has adopted LAC 7:XLIX.Chapters 1-31 regarding the growing and production of medical marijuana. The rules are adopted pursuant to R.S. 40:1046. Chapter 1 of the rules sets forth definitions used in the medical marijuana rules. Chapter 3 sets for the department’s authority to adopt the rules and addresses administrative matters, such as rules of construction for the regulations. Chapter 5 addresses the license issued by the department to the grower and permits issued by the department to employees of the licensee. Chapter 5 includes rules regarding the form, content and information required in applications. Chapter 5 also addresses suitability standards, the ownership and transferability of the license and requires permits for employees. Chapter 7 addresses fees charged by the department to the licensee. Chapter 9 addresses compliance by the licensee and permittees and inspections by the department. Chapter 9 further sets forth a procedure for the licensee to request waivers from certain rules in emergency situations. Chapter 11 requires the licensee to establish internal controls for the production facility and sets forth the areas that must be covered by the internal controls. Chapter 13 sets forth record keeping and reporting requirements for the licensee and requires the licensee to submit an annual report to the department. The department, in turn, is required by law to submit an annual report to the legislature. Chapter 15 governs the production facility, including requiring certain areas of the facility be restricted. Chapter 15 also addresses the use of pesticides on medical marijuana plants. Chapter 17 addresses surveillance and security requirements that the licensee must follow at the production facility. Chapter 19 requires the licensee to use a tracking system for inventory. Chapter 21 addresses quality control of the medical marijuana products produced by the licensee and requires the licensee to conduct quality assurance tests. Chapter 23 sets forth the requirements for laboratory testing, including which tests must be run. Chapter 23 sets forth requirements on the licensee and its employees when transporting medical marijuana or medical marijuana infused products to laboratories, pharmacies or research facilities. Chapter 27 sets forth sanitation requirements for the production facility and provides rules for the disposal of waste. Chapter 29 addresses labeling of medical marijuana or medical marijuana infused products and also addresses advertising by the licensee. Finally, Chapter 31 sets forth the procedures for the department to take enforcement action against the licensee.

Title 7

AGRICULTURE AND ANIMALS

Part XLIX. Medical Marijuana

Chapter 1. General Provisions

§101. Definitions

A. The provisions of the Act, R.S. 40:1046 and 1047, relating to definitions, words and terms are hereby incorporated by reference and made a part hereof and will therefore apply and govern the interpretation of these rules, unless the context otherwise requires or unless specifically redefined in a particular Section. Any word or term not defined in these rules shall have the same meaning ascribed to it in the Act. Any word not defined by the Act or these regulations shall be construed in accordance with its plain and ordinary meaning.

B. The following words and terms shall have the following meanings.

Act—R.S. 40:1046 et seq.

Applicant—any person or legal entity who has submitted an application or bid to the department for a license, permit, registration, contract, certificate or other finding of suitability or approval, or renewal thereof, authorized by the Act or rule.

Applicant Records—those records which contain information and data pertaining to an applicant's criminal record, background, and financial records, furnished to or obtained by the department from any source incidental to an investigation for licensing or permitting, findings of suitability, registration, the continuing obligation to maintain suitability, or other approval.

Application—the documentation, forms and schedules prescribed by the department upon which an applicant seeks a license, permit, registration, contract, certificate or other finding of suitability or approval, or renewal thereof, authorized by the Act or rule. Application also includes questionnaires, information, disclosure statements, financial statements, affidavits, and all documents incorporated in, attached to, or submitted by an applicant or requested by the department.

Architectural Plans and Specifications or Architectural Plans or Plans or Specifications—all of the plans, drawings, and specifications for the construction, furnishing, and equipping of the facility including, but not limited to, detailed specifications and illustrative drawings or models depicting the proposed size, layout and configuration of the production facility, including electrical and plumbing systems, engineering, structure, and aesthetic interior and exterior design as are prepared by one or more licensed professional architects and engineers.

Background Investigation—all efforts, whether prior to or subsequent to the filing of an application, designed to discover information about an applicant, affiliate, licensee, permittee, registrant, or other person required to be found suitable and includes, without time limitations, any

additional or deferred efforts to fully develop the understanding of information which was provided or should have been provided or obtained during the application process.

Batch—the established segregation of a group of plants at the time of planting for the control of quantity, traceability and/or strain. A batch number will be assigned a specific unit or finite set of marijuana plants, therapeutic marijuana or therapeutic chemicals identifiable by a unique number or other unique designation, every portion or package of which is uniform, within recognized characteristics or tolerances for factors specific to the production stage. This unique identification follows each specific unit or finite set throughout growing, production, laboratory testing and product packaging and labelling.

Business Entity or Legal Entity—a natural person, a corporation, limited liability company, partnership, joint stock association, sole proprietorship, joint venture, business association, cooperative association, professional corporation, including the Louisiana State University Agricultural Center and the Southern University Agricultural Center, or any other legal entity or organization through which business is conducted.

Consent to Administrative Supervision—a confidential legal agreement signed by the department and an individual, business, or other entity through which the violator agrees to pay for correction of violations, take the required corrective actions, or refrain from an activity while under the department's supervision.

Department—the Louisiana Department of Agriculture and Forestry.

Department Agent—any employee of the department designated by the commissioner of agriculture and forestry.

Economic Interest—any interest in a license from which a person receives or is entitled to receive, by agreement or otherwise, a profit, gain, thing of value, loss, credit, security interest, ownership interest or other benefit. Economic interest includes voting shares of stock or otherwise exercising control of the day-to-day operations through a management agreement or similar contract. Economic interest does not include a debt unless upon review of the instrument, contract, or other evidence of indebtedness, the department determines a finding of suitability is required based upon the economic relationship with the licensee.

Employee Permit—the permit issued by the department authorizing a person to work for the licensee.

Financial Interest—any actual or future right to ownership, investment, or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent or child, in the licensee. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed one percent ownership in the licensee.

Financial Statements or Financial Records—both summaries of financial matters of any sort and any source documents or records from which summaries are or may be

derived. Those statements and the information contained therein which relate to balance sheets, profit and loss statements, mortgages, debt instruments, ledgers, journals, invoices, and any other document bearing on the financial status of an entity, whether historical or current.

Geographic Location—a single location in the control of a licensee, which by definition is the premises, that has contiguous boundaries and is located within a parish in Louisiana.

Internal Controls—internal procedures and administration and accounting controls designed by the licensee for the purpose of exercising control over the licensee's operations as approved by the department.

License—the authorization by the department to produce medical marijuana and medical marijuana-infused product in accordance with the Act.

Licensed Dispensary Pharmacy or Marijuana Pharmacy—a pharmacy licensed by the Louisiana Board of Pharmacy to dispense medical marijuana-infused product.

Licensee—a person or legal entity holding the specialty license issued by the department authorizing the holder, directly or through a producer, to operate a medical marijuana production facility.

Louisiana Medical Marijuana Tracking System (LMMTS)—the required seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the product is sold to a marijuana pharmacy or is destroyed.

LMMTS Tracking System User—a licensee or its representative or authorized employees who is granted LMMTS user account access for the purpose of conducting inventory tracking functions in the LMMTS, who has been successfully trained by LMMTS trained administrator(s) in the proper and lawful use of LMMTS, and who has completed any additional training required by the department.

LMMTS Trained Administrator—a licensee or authorized employee who has attended and successfully completed LMMTS training and who has completed any additional training required by the department.

Medical Marijuana—substances which are identified as including any parts of the plant *Cannabis sativa*, and all derivatives or subspecies of all strains of cannabis, whether growing or not, the seeds thereof; the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC), Cannabidiol (CBD) and all other naturally occurring cannabinol derivatives, whether produced directly or indirectly by extraction. This term shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

Medical Marijuana Concentrate—a product derived from medical marijuana that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice or dry ice; or butane, propane, CO₂, ethanol

or isopropanol. The use of any other solvent as is expressly prohibited unless and until it is approved by the department.

Medical Marijuana-Infused Product or *Product*—a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

Medical Marijuana Waste—medical marijuana or medical marijuana-infused product that is not usable or cannot be processed.

Monitoring—the continuous and uninterrupted video surveillance of cultivation activities and oversight for potential suspicious actions. The department or law enforcement agencies designated by the department shall have the ability to access the licensee's monitoring system in real-time via a secure web-based portal.

Permit—authorization issued from the department to a natural person to work for, or on behalf of, the licensee.

Permittee—a principle officer or board member of the licensee or producer, or a person employed in the operation or supervision of the licensee's operation, including any individual whose employment duties directly relate to the growing, cultivating, harvesting, processing, weighing, packing, transportation and selling of product.

Permittee Identification Card—a document approved by the department that identifies a person as a production facility permittee.

Person—any individual, partnership, association, organization, corporation or any other legal entity.

Premises—land, together with all buildings, improvements, and personal property located thereon, wherein medical marijuana or product is produced.

Produce or *Production*—the growing, compounding, conversion, processing or manufacturing of medical marijuana and medical marijuana-infused product, by extraction from substances of natural origin including any packaging or repackaging of the products or the labeling or relabeling of these products or their containers.

Producer—the licensee or a person or legal entity under contract, memorandum of understanding, or cooperative endeavor agreement with the licensee for services to grow or produce medical marijuana and medical marijuana-infused product.

Production Facility—a permanent, secured space designed and located in one geographic location, operated solely for the production of medical marijuana and product by the licensee to perform necessary activities to provide licensed pharmacies with usable product.

Production Facility Agent-In-Charge or *Agent-In-Charge*—the production facility permittee who has been designated by the licensee to have control and management over the day to day operations of the production facility. The licensee may designate more than one agent-in-charge to cover varying operational work shifts, but may only have one per work shift as approved by the department.

Records—all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used,

being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of a license or permit issued by the department.

Restricted Access Area—a building, room or other area in the production facility where medical marijuana is grown, cultivated, harvested, stored, weighed, packaged, sold or processed for sale to a licensed marijuana pharmacy.

Subcontractor—a person under contract, memorandum of understanding, cooperative endeavor agreement, or any other agreement, with the producer or licensee for any service other than services to grow or produce medical marijuana and medical marijuana-infused products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1251 (July 2017).

Chapter 3. Administrative Procedures and Authority §301. Policy

A. It is the declared policy of the department that production of medical marijuana in Louisiana be strictly regulated and controlled through administrative rules to protect the public welfare of the inhabitants of the state of Louisiana.

B. Marijuana is classified as a schedule I controlled substance by the U.S. Department of Justice, Drug Enforcement Administration.

1. As provided by the federal Controlled Substances Act, the procurement, possession, prescribing, distribution, dispensing, or administering of any schedule I controlled substance, including marijuana, is a violation of federal law.

2. Neither Louisiana law nor these rules can preempt federal law. Therefore, the provisions of this chapter notwithstanding, persons engaged in the activities described herein remain subject to the full force of federal law enforcement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1253 (July 2017).

§303. Construction of Regulations and Administrative Matters

A. Nothing contained in these regulations shall be so construed as to conflict with any provision of the Act, any other applicable statute. If any regulation is held invalid by a final order of a court of competent jurisdiction at the state or federal level, such provision shall be deemed severed and the court's finding shall not be construed to invalidate any other regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1253 (July 2017).

§305. Louisiana State University Agricultural Center and/or Southern University Agricultural Center is Licensee

A. These regulations, subject to any rights in the Act, intend for the term licensee to apply to Louisiana State University Agricultural Center, Southern University

Agricultural Center, either separately or jointly, if the universities exercise the right of first refusal granted under the Act.

1. If the universities do not exercise their rights of first refusal, the term licensee shall apply to the recipient of the license awarded pursuant to R.S. 40:1046.

B. In either case, the licensee is authorized to enter into agreements with producers or subordinate contractors; however, the licensee shall be the responsible party for compliance with all obligations under the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1253 (July 2017).

Chapter 5. License and Permits

§501. Procedure for Issuing the License

A. The department shall issue the license pursuant to the Act.

B. *Louisiana Revised Statute* 40:1046 entitles the Louisiana State University Agricultural Center and the Southern University Agricultural Center to the right of first refusal to be licensed as the production facility. This entitlement carries a presumption of suitability and accordingly, the following Sections of this Chapter pertaining to licensing shall not apply to the Louisiana State University Agricultural Center and the Southern University Agricultural Center: §§505, 507, 509, 513.A, 515.A, 517, 519.A.3, 521, 701.A. The presumption of suitability does not apply to any producer or subcontractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017).

§503. General Authority of the Department

A. The department shall have the authority to call forth any person who, in their opinion, has the ability to exercise significant influence over an applicant or licensee, and such person shall be subject to all suitability requirements. The department may require any person who furnishes goods or services, by contract or any other type of agreement, to the licensee, producer or subcontractor to undergo a suitability determination.

B. In the event a person is found unsuitable, then the applicant or licensee shall have no association or connection with such person.

C. The department may grant variances in writing from certain licensing requirements for Louisiana State University Agricultural Center and Southern University Agricultural Center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017).

§505. Applications in General

A. The license and any permit issued by the department is deemed to be a revocable privilege, and no person or legal entity holding such a license or permit is deemed to have acquired any vested rights therein.

B. An applicant for a license or permit authorized by the Act or rule is seeking the granting of a privilege, and the burden of proving qualification and suitability to receive the license or permit is at all times on the applicant.

C. The securing of the license, permit or approval required under the Act or these rules is a prerequisite for conducting, operating, or performing any activity regulated by the Act or these rules. Each applicant must file a complete application as prescribed by the department.

D. The filing of an application under the Act or these rules constitutes a request for a decision upon the applicant's general suitability, character, integrity, and ability to participate or engage in or be associated with the licensee or permittee. By filing an application, the applicant specifically consents to the making of such a decision by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017).

§507. Investigations; Scope

A. The department shall investigate all applications for the license or permit or other matters requiring department approval. The department may investigate, without limitation, the background of the applicant, the suitability of the applicant, the suitability of the applicant's finances, the applicant's business integrity, the suitability of the proposed premises for the facility, the suitability of a person with an ownership or economic interest in the applicant for a license of 5 percent or more, and the suitability of any person who in the opinion of the department has the ability to exercise significant influence over the activities of an applicant for a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017).

§509. Ownership of License and Permits

A. The license and all permits issued by the department as provided in the Act or by rule, are and shall remain the property of the department at all times.

B. The license shall be issued in the name of the licensee. One license will be issued even though multiple individuals may file or be required to file applications related thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017).

§511. Transfer of License or Permits

A. The license and all permits are not transferable or assignable. If the status of the licensee or permittee should change such that the person no longer needs or is entitled to the license or permit, then the license or permit shall be cancelled and any tangible item which evidences such a license or permit shall be surrendered to the department within five days of the change of status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017).

§513. Eligibility Suitability Standards

A. Eligibility. No person shall be eligible to apply for the license unless he meets all of the following requirements:

1. is in compliance with all requirements provided by the Act; and
2. is properly registered and in good standing with the Louisiana Secretary of State and Department of Revenue.

B. Suitability. No person shall be eligible to obtain a license, permit, or contract related to the production of medical marijuana, or to obtain any other approval pursuant to the provisions of the Act, or these rules unless the applicant has demonstrated by clear and convincing evidence to the department, where applicable, that he is suitable. Suitable means the person has filed the suitability documents required by the department and is:

1. a person of good character, honesty, and integrity;
2. a person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of the production of medical marijuana or product or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the production of medical marijuana or product or carrying on of the business and financial arrangements incidental thereto;
3. capable of and likely to conduct the activities for which the applicant, licensee, permittee, is licensed, permitted, or approved pursuant to the provisions of the Act or these rules; and
4. not disqualified pursuant to the provisions of Subsection B of this Section.

C. The department, where applicable, shall not grant a license or permit, or issue any other approval pursuant to the provisions of the Act or these rules to any person who is disqualified on the basis of the following criteria:

1. the conviction or a plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of the Act or these rules for any of the following:
 - a. any offense punishable by imprisonment of more than one year;
 - b. theft or attempted theft, illegal possession of stolen things, or any offense or attempt involving the misappropriation of property or funds;
 - c. any offense involving fraud or attempted fraud, false statements or declarations;
 - d. a crime of violence as defined in R.S.14:2(B); and
 - e. any offense involving schedule I narcotics;
2. there is a current prosecution or pending charge against the person in any jurisdiction for any offense listed in Paragraph 1 of this Subsection; and
3. the failure to provide information and documentation to reveal any fact material to a suitability determination, or the supplying of information which is untrue or misleading as to a material fact pertaining to the suitability criteria.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1255 (July 2017).

§515. Suitability Determination

A. An applicant and officers, directors, and any person having a 5 percent or more economic interest in the licensee shall be required to submit to an investigation to determine suitability.

B. All subcontractors shall meet suitability standards set forth in §513 of this Chapter and may be required to submit to an investigation to determine suitability.

C. Any person, who in the opinion of the department, has the ability to exercise significant influence over the activities of an applicant for license or licensee shall be required to submit to an investigation to determine suitability.

D. All costs associated with conducting an investigation for suitability shall be borne by the applicant, licensee, or permittee or the person who is the subject of the investigation.

E. Failure to submit to a suitability determination as required by this Section may constitute grounds for delaying consideration of the application or for denial of the application.

F. Appeals. Any finding of suitability may be appealed to the commissioner by the person who was found unsuitable by seeking an adjudicatory hearing to have said decision reconsidered in accordance with chapter 13 of title 49 of the *Louisiana Revised Statutes*, provided said appellant files with the commissioner a written notice of appeal within 30 days of the date of the decision regarding suitability to the affected party.

1. The commissioner shall appoint a hearing officer to preside over a hearing to determine whether to uphold the suitability determination. The hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act.

2. Notice of the hearing date shall be sent by the hearing officer to the department and the affected party at least 30 days prior to the hearing. Notice shall be sent by certified mail, return receipt requested.

3. The presiding hearing officer shall prepare a written determination, which shall contain, at a minimum, the record of the hearing, including all submissions and the decision regarding the appeal of the suitability determination. The hearing officer shall render his decision within 30 days after the hearing is conducted.

4. All appeals from any decision of the hearing officer shall be filed in accordance with chapter 13 of title 49 of the *Louisiana Revised Statutes*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1255 (July 2017).

§517. Form of Application

A. An application for a license, permit, or finding of suitability shall be filed by way of forms prescribed by and obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1255 (July 2017).

§519. Information Required from an Applicant for a License

A. An application for the license shall contain the following information including but not limited to:

1. information required by the Act;
2. one copy of detailed plans of design of the facility, including the projected use of each area;
3. an estimated timetable for the proposed financing arrangements through completion of construction;
4. the construction schedule proposed for completion of the production facility including therein projected dates for completion of construction and commencement of operations and indicating whether the construction contract includes a performance bond;
5. explanation and identification of the source or sources of funds for the construction of the facility;
6. description of the production facility size;
7. a detailed plan of surveillance and surveillance equipment to be installed;
8. proposed hours of operation;
9. the proposed management plan, management personnel by function and organizational chart by position; and
10. a list of positions, including job descriptions, which the applicant anticipates employing in the production facility operation.

B. An applicant for the license shall provide a copy of proposed internal controls which shall include:

1. accounting and financial controls including procedures to be utilized in counting, banking, storage and handling of cash;
2. job descriptions and the systems of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in production facility operations and identifying primary and secondary supervisor positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor;
3. procedures for the inventory control and tracking, security, storage, and recordation of inventory; and
4. procedures and security standards for total operation of the production facility.

C. In addition, the department may require an applicant to provide such other information and details as it needs to discharge its duties properly.

D. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017).

§521. Fingerprinting

A. An initial application for a license, permit, or finding of suitability is not complete unless all persons required by the department to be fingerprinted have submitted to fingerprinting at the direction of the department.

B. Failure to submit to fingerprinting may constitute grounds for delaying consideration of the application or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017).

§523. Employee Permits Required

A. A person employed in the operation or supervision of the licensee's operation including any individual whose employment duties require or authorize access to the premises on a regular basis, or a principle officer or board member of the licensee, shall be permitted by the department annually. A permit is valid for one year from the date of issuance.

B. No person employed in a capacity which requires an employee permit may begin his employment until a valid permit is issued to him by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017).

§525. Display of Identification Badge

A. Every person required to be permitted shall be issued a permittee identification badge, which shall be on his person and displayed at all times when on the production facility premises or when transporting product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017).

§527. Permit Renewal Applications

A. Applications for renewal of permits shall be made in such a manner and by way of forms prescribed by the department and shall contain all information requested by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017).

Chapter 7. Fees

§701. Fees

A. The license fee of \$100,000 shall be payable to the department upon issuance of the license and annually thereafter.

B. The fee for a permit shall be \$100 annually.

C. A fee in an amount not to exceed 7 percent of gross sales shall be paid quarterly to the department.

D. All fees collected by the department pursuant to this Section shall be collected from the licensee and shall be used to fund expenses relating to the regulation and control of the medical marijuana program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017).

Chapter 9. Compliance and Inspections

§901. Applicability and Resources

A. This Chapter is applicable to inspections relative to compliance with the Act and the rules. The department is empowered to employ such personnel as may be necessary for such inspections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017).

§903. Conduct

A. General provisions:

1. all licensees, producers, subcontractors and permittees shall comply with all applicable federal, state, and local laws and regulations. For purposes of this Chapter, applicable federal law shall not mean the growing, sale, possession, or distribution of medical marijuana; and

2. all notifications to the department required by this Section shall be in writing.

B. Unsuitable conduct:

1. a licensee, producer, subcontractor or permittee shall not engage in unsuitable conduct or practices and shall not employ or have a business association with any person, natural or juridical, that engages in unsuitable conduct or practices; and

2. for purposes of this Section, unsuitable conduct or practices shall include, but not be limited to, the following:

a. employment of, in a managerial or other significant capacity as determined by the department, business association with, or participation in any enterprise or business with a person disqualified pursuant to Section 513 of Chapter 5 of these rules or declared unsuitable by the department;

b. failure to provide information or documentation of any material fact or information to the department;

c. misrepresentation of any material fact or information to the department;

d. engaging in, furtherance of, or profit from any illegal activity or practice, or any violation of these rules or the Act;

e. obstructing or impeding the lawful activities of the department; or

f. persistent or repeated failure to pay amounts due or to be remitted to the state;

3. the licensee, producer, subcontractor or permittee shall not engage in, participate in, facilitate, or assist another person in any violation of these rules or the Act; or

4. any person required to be found suitable or approved or permitted by the department pursuant to this Part, shall have a continuing duty to notify the department of his arrest, summons, citation or charge for any criminal offense or violation that would deem him unsuitable in accordance with these rules. The notification required by this Paragraph shall be made within 15 calendar days of the arrest, summons, citation, charge, fact, event, occurrence, matter or action.

C. Responsibility for the employment and maintenance of suitable methods of operation rests with the licensee. Willful or persistent use or toleration of methods of operation deemed unsuitable is cause for administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1257 (July 2017).

§905. Compliance with Laws

A. Acceptance of a license or permit or renewal thereof constitutes an agreement on the part of the licensee or permittee to be bound by all of the applicable provisions of the Act and the regulations. It is the responsibility of the licensee or permittee to keep informed of the content of all such laws, and ignorance thereof shall not excuse violations. Violation of any applicable provision of the Act or the rules by a licensee or its agent, or permittee, employee or representative, is contrary to the public health, safety, morals, good order and general welfare of the inhabitants of the state of Louisiana and constitutes cause for administrative action.

B. In the event the licensee subcontracts services in the production of medical marijuana or product, the producer's acts or omissions shall be considered the acts or omissions of the licensee. All obligations, duties, and responsibilities imposed on the licensee by these regulations shall be the obligations, duties and responsibilities of the producer. The licensee retains ultimate liability and responsibility for the obligations imposed on the licensee under the Act and these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1257 (July 2017).

§907. Inspections and Observations

A. The department and its representatives shall have complete, immediate and unrestricted access to the production facility at any and all times without notice or demand to the licensee, permittee or any other person, to enter and:

1. inspect the entire production facility and its ancillary facilities, including all restricted areas;

2. observe production activities; or

3. observe the transportation of product.

B. A licensee shall, upon request, immediately make available for inspection by the department all papers, documents, books and records used in the licensed operations.

C. Such inspections and observations may or may not be made known to the licensee.

D. All requests for access to the production facility and production of records and documents in connection with any inspection shall be granted in accordance with the provisions of the Act and these regulations.

E. In conducting an inspection, the department is empowered to:

1. inspect and examine the entire production facility wherein production activities are conducted or proposed to be conducted, wherein inventory, equipment or supplies are maintained, and wherein all papers, books, records, documents and electronically stored media are maintained;

2. summarily seize and remove product, inventory, supplies, and equipment from such premises for the purpose of examination and inspection;

3. have access to inspect, examine, photocopy and, if necessary seize all papers, books, records, documents, information and electronically stored media of an applicant,

licensee, or permittee pertaining to the licensed operation or activity, on all premises where such information is maintained;

4. review all papers, books, records, and documents pertaining to the licensed operation; and

5. conduct audits to determine compliance with all laws, rules and operations authorized by the Act under the department's jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1257 (July 2017).

§909. Production Facility Agent-In-Charge

A. The licensee shall designate one or more permittees as production facility agent-in-charge. A production facility agent-in-charge shall be on the production facility premises at all times during hours of operation and shall have authority to immediately act in any matter or concern of the department. A description of the duties and responsibilities of the production facility agent-in-charge shall be included in the written system of internal controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1258 (July 2017).

§911. Waivers and Authorizations

A. All requests to the department for waivers, approvals, or authorizations, except matters concerning emergency situations, shall be submitted in writing no less than 30 days prior to the licensee's planned implementation date, unless a shorter time is approved by the department.

B. No waiver, approval, or authorization is valid until such time as the licensee receives written authorization from the department.

C. The department, in its sole discretion, may determine what constitutes an emergency situation. Such determinations will be made on a case-by-case basis.

D. A licensee shall adhere to all the requirements and provisions of the authorization. Violation of the terms of a written authorization may be cause for administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1258 (July 2017).

Chapter 11. Internal Controls

§1101. Internal Control for Production Facility

A. The licensee shall establish administrative and accounting procedures for the purpose of exercising effective control over the internal fiscal affairs. The procedures must be designed to reasonably ensure that:

1. assets are safeguarded;
2. financial records are accurate and reliable;
3. transactions are performed only in accordance with management's general or specific authorization;
4. transactions are recorded adequately to permit proper reporting of sales and maintain accountability for inventory and assets;
5. access to assets is permitted only in accordance with management's specific authorization; and

6. functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

B. The licensee shall describe, in such manner as the department may approve or require, its administrative and accounting procedures in detail in a written system of internal control. The licensee shall submit for approval a copy of its written system to the department. Each written system shall include:

1. an organizational chart depicting segregation of functions and responsibilities;

2. a description of the duties and responsibilities of each position shown on the organizational chart;

3. a detailed, narrative description of the administrative, accounting, and operational procedures designed to satisfy the requirements of Subsection A. This description shall address operational and management practices, including but not limited to:

- a. record keeping;
- b. security measures to deter and prevent theft of medical marijuana and product;
- c. authorized entrance into areas containing medical marijuana or product;
- d. types and quantities of medical marijuana or products that are produced at the manufacturing facility;
- e. methods of planting, harvesting, drying, batching, and storage of medical marijuana;
- f. estimated quantity of all crop inputs used in production;
- g. estimated quantity of waste material to be generated;

h. disposal methods for all waste materials;

i. inventory storage procedures;

j. employee training methods for the specific phases of production;

k. biosecurity measures used in production and manufacturing;

l. strategies for reconciling discrepancies in plant material, medical marijuana or product;

m. sampling strategy and quality testing for labeling purposes;

n. medical marijuana and product packaging and labeling procedures;

o. procedures for the mandatory and voluntary recall of medical marijuana and product;

p. plans for responding to a security breach at a production facility, or while medical marijuana or product is in transit to another approved facility;

q. business continuity plan;

r. procedures and records relating to all transport activities; and

s. other information requested by the department;

4. a written statement signed by the licensee's chief financial officer and either the licensee's chief executive officer or a licensed owner attesting that the system satisfies the requirements of this Section; and

5. such other items as the department may require.

C. The system of internal control procedures shall meet, at a minimum, the requirements set forth in the Act and administrative rules. If the department determines that the administrative or accounting procedures or its written system

does not meet the standards, the department shall so notify the licensee in writing. Within 30 days after receiving the notification, the licensee shall amend its procedures and written system accordingly, and shall submit a copy of the written system as amended and a description of any other remedial measures taken.

D. The licensee shall promptly report any amendments to the its system of internal control procedures. The report must include either a copy of the written system of internal control procedures as amended or a copy of each amended page of the written system of internal control procedures, and a written description of the amendments signed by the licensee's chief financial officer. The department may also request the licensee to submit a copy of the written system of internal control procedures at any time.

E. The licensee shall comply with ~~its~~ the written system of internal control procedures submitted pursuant to Subsection B as it relates to compliance with the requirements set forth in these regulations. Failure to comply is an unsuitable method of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1258 (July 2017).

§1103. Application Control

A. The licensee shall establish application control procedures for the purpose of exercising effective control over the management information systems to include the LMMTS, and to provide for a stable operation of the IT environment. The licensee shall comply with the system of application control as it relates to compliance with the requirements set forth in these regulations. The application procedures shall include a business continuity plan, an organizational chart depicting segregation of functions and responsibilities, and a description of the duties and responsibilities of each position shown on the organizational chart.

B. The procedures must be designed to reasonably ensure that:

1. information is safeguarded and logically secured through the use of passwords, biometrics, or other means as approved by the department;

2. electronic records are accurate and reliable;

3. controls assure the accuracy of the data input, the integrity of the processing performed, and the verification and distribution of the output generated by the system. Examples of these controls include:

a. proper authorization prior to data input, for example, passwords;

b. use of parameters or reasonableness checks; and

c. use of control totals on reports and comparison of them to amounts input;

4. transactions are performed only in accordance with control procedures; and

5. transactions are recorded adequately to permit proper reporting of data, and to maintain accountability for processing tracking, inventory, sales, and assets.

C. Data server equipment and system storage shall be housed in a secured environment equipped with a non-water based fire suppression system, redundant power supply and UPS battery backup, redundant HVAC system, and protected by surveillance and security alarm systems. Only authorized

personnel shall have physical access to the computer software and hardware.

D. Backup and recovery:

1. the licensee shall perform a backup to the system data daily. Backup and recovery procedures shall be written and distributed to all applicable personnel. These policies shall include information and procedures, which includes, at a minimum, a description of the system and system manual(s) that ensure the timely restoration of data in order to resume operations after a hardware or software failure;

2. the licensee shall maintain copies of system-generated edit reports, exception reports and transaction logs for a minimum of five years; and

3. the licensee shall maintain either printed or electronic copies of system-generated edit reports, exception reports, and transaction logs.

E. Access to software and hardware:

1. the licensee shall establish security groups based on job requirements and access level of employees. This information shall be maintained by the licensee and include the employee's name, position, identification number, and the date authorization is granted. These files shall be updated as employees or the functions they perform change;

2. the licensee shall print and review the computer security access report monthly. Discrepancies shall be investigated, documented, and maintained for five years;

3. only authorized personnel shall have physical access to the computer software and hardware;

4. all changes to the system and the name of the individual who made the change shall be documented; and

5. reports and other output generated by the system shall be available and distributed to authorized personnel only.

F. Computer records:

1. at a minimum, the licensee shall generate, review, document this review, and maintain reports on a daily basis for the respective system(s) utilized in its operation.

G. The licensee may not implement application control procedures that do not satisfy the requirements set forth in these regulations unless the department approves otherwise in writing. If the department determines that the licensee's application control procedures do not comply with the requirements of the Act or administrative rules, the department shall so notify the licensee in writing. Within 30 days after receiving the notification, the licensee shall amend its application controls, and shall submit a copy of the amended application controls and a description of any other remedial measures taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1259 (July 2017).

Chapter 13. Reporting and Record Keeping

§1301. Reporting and Record Keeping

A. The licensee shall keep and maintain all of the true, accurate, complete, legible and current books upon the licensed premises for a five-year period and made available for inspection if requested by the department. Electronic records may be maintained in other locations if access to the records is available on computers located at the production facility or other location approved by the department.

B. The licensee shall conduct a complete system data backup to an off-site location a minimum of once a month. For purposes of this Section, the licensee shall submit the name, location, and security controls of the off-site storage facility to the department.

C. The licensee shall have a written contingency plan in the event of a system failure or other event resulting in the loss of system data. The plan shall address backup and recovery procedures and shall be sufficiently detailed to ensure the timely restoration of data in order to resume operations after a hardware or software failure or other event that results in the loss of data.

D. The licensee is responsible for keeping and maintaining all of the production facility's records that clearly reflect all financial transactions and the financial condition of the business. The following records shall be kept and maintained on the licensed premises for a five-year period and shall be made available for inspection if requested by the department:

1. purchase invoices, bills of lading, manifests, sales records, copies of bills of sale and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;

2. bank statements and cancelled checks for all accounts relating to the production facility;

3. accounting and tax records related to the production facility and each producer backer;

4. records of all financial transactions related to the production facility, including contracts and/or agreements for services performed or received that relate to the production facility;

5. all permittee records, including training, education, discipline, etc.;

6. soil amendment, fertilizers, pesticides, or other crop production aids applied to the growing medium or plants or used in the process of growing medical marijuana;

7. production records, including:
 - a. planting, harvest and curing, weighing, destruction of medical marijuana, creating batches of products, and packaging and labeling; and

- b. disposal of medical marijuana, products and waste materials associated with production;

8. records of each batch of medical marijuana concentrate or products made, including, at a minimum, the usable medical marijuana or trim, leaves, and other plant matter used (including the total weight of the base product used), any solvents or other compounds utilized, and the product type and the total weight of the end product produced;

9. transportation records;

10. inventory records;

11. records of all samples sent to an independent testing lab and/or the department's lab and the quality assurance test results;

12. all samples provided to anyone or any entity for any purpose; and

13. records of any theft, loss or other unaccountability of any medical marijuana seedlings, clones, plants, trim or other plant material, extracts, products, or other items containing medical marijuana.

E. The records required by this section shall include the following:

1. the amount of plants being grown at the production facility on a daily basis;

2. the quantity and form of medical marijuana and product maintained at the production facility on a daily basis;

3. the date of each sale, transporting or disposing of any product;

4. the name, address and registration number of the marijuana pharmacy to which the product was sold;

5. the item number, product name (description), and quantity of products registered by the department and sold or otherwise distributed to the marijuana pharmacy;

6. the name of the marijuana pharmacy and the marijuana pharmacy employee who took custody of the product;

7. the price charged and the amount received for the products from the marijuana pharmacy;

8. name of production facility employee(s) transporting the product; and

9. if the distribution was for a purpose other than sale, the reason for the distribution.

F. A record of all approved products that have been distributed shall be filed electronically with the department, utilizing a transmission format acceptable to the department, not later than 24 hours after the product was transported to a marijuana pharmacy or disposed of by the production facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1259 (July 2017).

§1303. Annual Report

A. The licensee shall prepare an annual report detailing all of the following:

1. the amount of gross medical marijuana and product produced by the licensee during each calendar year;

2. the details of all production costs including but not limited to seed, fertilizer, labor, advisory services, construction, and irrigation;

3. the details of any items or services for which the licensee subcontracted and the costs of each subcontractor directly or indirectly working for the contractor;

4. the amount of products produced resulting from the medical marijuana grown;

5. the amounts paid each year to the licensee related to the licensee's production of medical marijuana and product; and

6. the amount of medical marijuana and product distributed to each pharmacy licensed to dispense medical marijuana in this state during each calendar year.

B. The report shall cover the previous calendar year and be received by the department no later than January 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1260 (July 2017).

Chapter 15. Production Facility

§1501. Production Facility and Areas

A. The production facility shall be compartmentalized based on function, and access shall be restricted between areas or compartments. The licensee shall develop, establish, maintain and comply with its written system of internal controls approved by the department regarding best practices for the secure and proper production of medical marijuana or products. These practices shall include, but not be limited to, policies and procedures that:

1. restrict movement between production areas or compartments;
2. ensure that only those personnel necessary for a production function have access to that area or compartment of the production facility;
3. require pocket-less clothing for all production facility employees working in an area containing medical marijuana or products;
4. document the chain of custody of all medical marijuana or products;
5. require the storage of all medical marijuana or products in the process of production, manufacture, distribution, transfer, or analysis in such a manner as to prevent diversion, theft or loss;
6. make all medical marijuana or products accessible only to the minimum number of specifically authorized employees essential for efficient operation;
7. require the return of all medical marijuana or products to their designated, secure locations immediately after completion of the process or at the end of the scheduled business day. If a production process cannot be completed at the end of a working day, the licensee shall securely lock the medical marijuana or products, or tanks, vessels, bins, or bulk containers containing any such materials inside a processing area or compartment that affords adequate security;
8. address mandatory and voluntary recalls of medical marijuana or products in a manner that adequately deals with recalls due to any action initiated at the request of the department and any voluntary action by the licensee to remove defective or potentially defective products from the market, or any action undertaken to promote public health and safety by replacing existing medical marijuana or products with improved products or packaging; and
9. prepare for, protect against, and handle any crises that affect the security or operation of the production facility in the event of fire, flood, or other natural disaster, or other situations of local, state, or national emergency.

B. Each production area or compartment within a production facility shall:

1. develop, establish, maintain and comply with policies and procedures contained in the written system of internal controls for each production area, as approved by the department;
2. be maintained free of debris and kept clean and orderly;
3. be kept free from infestation by insects, rodents, birds or vermin of any kind, including the use of adequate screening or other protection against the entry of pests;
4. implement and maintain biosecurity measures at all times;

5. allow access on all sides of each medical marijuana plant group to allow for unobstructed movement of personnel and materials, for plant observation and for inventory of each plant group;

6. maintain production and storage areas, including areas where equipment or utensils are cleaned, with adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment and security conditions for the production of medical marijuana or products;

7. prevent the growth of undesirable microorganisms that can occur on medical marijuana plants by holding the plants in a manner that prevents such growth;

8. move medical marijuana or products that are outdated, damaged, deteriorated, misbranded or adulterated, or whose containers or packaging have been opened or breached, into a separate storage room, in a quarantined area, until the medical marijuana or products are destroyed pursuant to Chapter 27;

9. ensure that the oldest stock of medical marijuana or products is distributed first. The procedure may permit deviation from this requirement, if such deviation is temporary and appropriate;

10. not produce any products other than medical marijuana or products;

11. maintain a record of all crop inputs for at least five years at the production facility. The record shall include the following (see Section 1507 for additional requirements for the use of pesticides):

- a. the date of crop input application;
- b. the name and title of the individual making the application;
- c. the product that was applied;
- d. the section, including the square footage, that received the application (by group designation or number);
- e. the amount of product that was applied; and
- f. a copy of the label of the product applied;

12. hold and store toxic cleaning compounds, sanitizing agents, solvents used in the production of any products, and pesticide chemicals in a manner that protects against contamination of medical marijuana or products, and in a manner that is in accordance with any applicable local, State or federal law, rule, regulation or ordinance;

13. ensure that the water supply to the production areas or compartments is sufficient for the operations intended and is derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable and adequate supply of water to meet the production facility's needs (see Chapter 27); and

14. ensure that plumbing complies with all applicable plumbing codes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1261 (July 2017).

§1503. Age Restrictions

A. No persons under the age of 21 shall:

1. enter any restricted area of the facility; or
2. be licensed or permitted by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1261 (July 2017).

§1505. Restricted Areas

A. Only permittees as provided in these rules, or in the internal controls may enter restricted areas except as otherwise provided herein. The licensee shall implement procedures to ensure compliance with this Section.

B. All non-permitted employees and visitors shall be accompanied by an authorized permittee.

C. All access to the production area of the facility, any area where product is located, and the vault shall be documented on a log maintained by the licensee. The logs shall contain entries with the following information:

1. the identity of each person entering the restricted area;
2. for non-permitted employees and visitors authorized by the department, the reason each person entered the restricted area;
3. the date and time each person enters and exits the restricted area;
4. a description of any unusual events occurring in the restricted area; and
5. such other information required in the internal controls.

D. The logs shall be made available to the department upon request.

E. Only transparent trash bags shall be utilized in restricted areas.

F. All authorized persons working in any restricted area when product is present shall wear clothing without any pockets or other compartments, unless otherwise authorized by the department.

G. Employees shall not bring purses, handbags, briefcases, bags or any other similar item into the restricted area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017).

§1507. Pesticide Usage on Medical Marijuana Plants

A. Only pesticides approved by the department may be applied by the licensee to the medical marijuana plant. The department's approved pesticide list shall be published in the Potpourri section of the *Louisiana Register* and on the department's website. Updates to the approved list shall be posted in the same manner.

B. All pesticide products shall be registered with the department, including those products classified by the United States Environmental Protection Agency as 25(b) "minimum risk" products.

C. No application of pesticides shall be made after the budding/flowering of the cannabis plant.

D. All permittees applying pesticides shall adhere fully to product label requirements and shall employ all personal protective equipment prescribed by the label.

E. A record of all pesticide applications shall be maintained at the production facility for at least five years and shall be made available to the department. The application record shall include the following information:

1. owner/operator name, address, and license number;

2. certified applicator, name, address and certification number;
3. product/brand name;
4. LDAF product registration number (if applicable);
5. application date;
6. crop/type of application;
7. location of application;
8. size of area treated acres, square feet, or minutes of spraying;
9. rate of application;
10. total amount of pesticide product (concentrate) applied; and
11. applicator name (working under the supervision of a certified applicator).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017).

Chapter 17. Surveillance and Security

§1701. Required Surveillance Equipment

A. The licensee shall install a surveillance system on the entire premises of the production facility which meets or exceeds specifications established by the department and provide access to the department at all times.

B. Cameras, as approved by the department, shall monitor in detail, from various vantage points, the following:

1. the entire premises to include all areas within and outside the production facility excluding restrooms and private offices where product is not located;
2. the movement of medical marijuana and product on the premises;
3. the entrance and exits to the production facility;
4. inside of the vault area and restricted areas; and
5. such other areas as designated by the department.

C. All cameras shall be equipped with lenses of sufficient magnification to allow the operator to clearly distinguish product identifiers and ID tags.

D. All date and time generators shall be based on a synchronized, central or master clock, recorded and visible on any monitor when recorded.

E. The surveillance system and power wiring shall be tamper resistant.

F. The system shall be supplemented with a back-up gas or diesel generator power source which is automatically engaged in case of a power outage and capable of returning to full power within 7 to 10 seconds.

G. The system shall have an additional uninterrupted power supply system so that time and date generators remain active and accurate.

H. Video switchers shall be capable of both manual and automatic sequential switching for the appropriate cameras.

I. Recorders, as approved by the department, shall be capable of producing high quality first generation pictures and recording with high speed scanning and flicker-less playback capabilities in real time, or other medium approved by the department. Such recorders must possess time and date insertion capabilities for recording what is being viewed by any camera in the system.

J. The system shall have audio capability in certain areas as required by the department.

K. The production facility shall have adequate lighting in all areas where camera coverage is required. The lighting shall be of sufficient intensity to produce clear recording and still picture production, and correct color correction where color camera recording is required. The video must demonstrate a clear picture, in existing light under normal operating conditions.

L. Adequate back-up replacement equipment shall be maintained on the premises to ensure prompt replacement in the event of failure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017).

§1703. Surveillance System Plans

A. The licensee shall submit to the department for approval a surveillance system plan prior to the commencement of operations. The surveillance system plan shall include a floor plan indicating the placement of all surveillance equipment and a detailed description of the surveillance system and its equipment. The plan shall also include a detailed description of the configuration of the monitoring equipment. The plan may include other information that evidences compliance with this Subsection by the licensee including, but not limited to, a configuration detailing the location of all production equipment.

B. Any changes to the surveillance system shall require prior approval by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017).

§1705. Surveillance Personnel Employment Provisions

A. The licensee shall designate at a minimum one permittee responsible in the use, monitoring, and administration of the surveillance system. This employee is prohibited from having duties in the production process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017).

§1707. Storage and Retrieval

A. All video recordings shall be retained for at least 30 days, unless otherwise provided for in these rules or required by the department.

B. Any video recording of illegal or suspected illegal activity shall, upon completion of the recording, be duplicated and the copy shall be preserved until the department notifies the licensee otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017).

§1709. Security Plan Requirements

A. The licensee shall submit to the department a security plan prior to commencement of operations to include, at a minimum, the following:

1. a detailed description of all security solutions for the production facility and transportation of product to and from the facility to be implemented by the licensee;

2. security training requirements and procedures; and
3. other information required by the department that evidences compliance with the Act and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017).

§1711. Security Alarm System

A. The licensee shall install and maintain in good working order a professionally installed and monitored security alarm system as approved by the department. This system shall provide intrusion and fire detection for all buildings and areas within the premises. The alarm system shall be able to operate in the event of a power outage.

B. The security system shall be able to summon law enforcement personnel during, or as a result of, an alarm condition. The security system must be equipped with the following components or features:

1. motion detectors;
2. a duress alarm
3. a panic alarm;
4. a holdup alarm;
5. an automatic voice dialer; and
6. a failure alert system that provides an audio, text, or visual notification of any failure in the alarm system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017).

§1713. Security of Premises and Production Facility

A. The licensee shall:

1. erect fencing or other barriers as approved by the department of adequate type and height to prevent unauthorized persons from entering the premises. Ingress and egress to the premises shall be controlled by use of a gate or other approved device;

2. install locks or locking mechanisms of adequate type to securely lock and protect the premises and production facility from unauthorized entry at all times. The licensee shall safeguard all keys, combinations, passwords, and other security sensitive measures in a manner that prevents accessibility from unauthorized persons;

3. install exterior lighting sufficient to illuminate all areas of the premises to facilitate surveillance and deter unauthorized activity;

4. load the medical marijuana or product for transportation to dispensaries in a locked, secured area within the perimeter protected by fence or other approved barrier. This area shall be considered a restricted area obscured from public view; and

5. post a sign at all entryways into the premises and production facility which shall be a minimum of 12 inches in height and 12 inches in width which shall state: "DO NOT ENTER—RESTRICTED ACCESS AREA—ACCESS LIMITED TO AUTHORIZED PERSONNEL ONLY", or other wording approved by the department. The lettering shall be no smaller than one-half inch in height.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017).

§1715. Security Log/Notification/Reports

A. The licensee shall maintain a security log of all visitors to the production facility and unusual incidents. Each incident without regard to materiality shall be entered in the log containing, at a minimum, the following information:

1. the assignment number;
2. the date;
3. the time;
4. the description of the incident;
5. the person involved in the incident; and
6. the permittee assigned.

B. The security logs required by this Section shall be retained and stored by month and year.

C. The licensee or its employees shall provide immediate notification to the department of knowledge of any theft of medical marijuana or product, or violation of the Act, or these rules.

D. The licensee shall compile a written report to be promptly filed with the department on any incident in which the licensee has knowledge of, or reasonable suspicion that a violation of the Act, these rules, or its system of internal controls has occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017).

Chapter 19. Inventory

§1901. Medical Marijuana Inventory; Inventory Tracking System Required

A. The licensee shall provide a reliable and ongoing supply of medical marijuana as required by R.S. 40:1046(C)(2)(D).

B. The licensee shall establish inventory controls and procedures for conducting inventory reviews and comprehensive inventories of plant material, medical marijuana, and product to prevent and detect any diversion, theft, or loss in a timely manner.

C. The licensee shall maintain a record of its inventory of all medical marijuana waste, product waste, and plant material waste for disposal.

D. The licensee shall be required to use the LMMTS as the primary inventory tracking system of record. The system and all use thereof shall conform to the requirements set forth in Section 1903 and Chapter 19.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017).

§1903. General Inventory Tracking System Use

A. All inventory tracking activities by the licensee shall be tracked through use of the LMMTS. The licensee shall reconcile all on-premises and in-transit medical marijuana and product inventories each day in the LMMTS at the close of business.

B. Common weights and measures:

1. the licensee shall utilize a standard of measurement that is supported by the LMMTS to track all medical marijuana and product;

2. a scale used to weigh such product prior to entry into the LMMTS shall be tested and approved in accordance with R.S. 3:4601 et seq.

C. LMMTS administrator and user accounts, security and record:

1. the licensee is accountable for all actions permittees take while logged into the LMMTS or otherwise conducting medical marijuana or product inventory tracking activities; and

2. Each individual user is also accountable for all of his or her actions while logged into the LMMTS or otherwise conducting medical marijuana or product inventory tracking activities, and must maintain compliance with all relevant laws and rules.

D. Secondary software systems allowed:

1. nothing in this rule prohibits the licensee from using separate software applications to collect information to be used by the business including secondary inventory tracking or point of sale systems; and

2. a licensee shall ensure that all relevant LMMTS data is accurately transferred to and from the LMMTS for the purpose of reconciliations with any secondary systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017).

§1905. Inventory Tracking System Access

A. The licensee shall have at least one individual permittee who is a LMMTS administrator. The licensee may also designate additional permittees to obtain LMMTS administrator accounts in accordance with internal controls.

B. In order to obtain a LMMTS administrator account, a person must attend and successfully complete all required LMMTS training. The department may also require additional ongoing, continuing education for an individual to retain his or her LMMTS administrator account.

C. The licensee may designate permittees who hold a valid employee permit as a LMMTS User. The licensee shall ensure that all permittees who are granted LMMTS user account access for the purposes of conducting inventory tracking functions in the system are trained by LMMTS administrators in the proper and lawful use of LMMTS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017).

§1907. ID Tags Required

A. The licensee shall be responsible to ensure its inventories are properly tagged where the LMMTS requires ID tag use. The licensee must ensure it has an adequate supply of ID tags to properly identify medical marijuana and product as required by the LMMTS.

B. The licensee is responsible for the cost of all ID tags and any associated fees as approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017).

§1909. Conduct While Using Inventory Tracking System

A. The licensee and its designated LMMTS administrators and LMMTS users shall enter data into the LMMTS that fully and transparently accounts for all inventory tracking activities. Both the licensee and the permittees using the LMMTS are responsible for the accuracy of all information entered into the LMMTS. Any misstatements or omissions may be considered a violation of these rules.

B. Individuals entering data into the LMMTS shall only use that individual's LMMTS account.

C. If at any time the licensee loses access to the LMMTS for any reason, the licensee shall keep and maintain comprehensive records detailing all medical marijuana and medical marijuana-infused product tracking inventory activities that were conducted during the loss of access. See Section 1301, Reporting and Record Keeping. Once access is restored, all medical marijuana and product inventory tracking activities that occurred during the loss of access shall be entered into the LMMTS. The licensee must document when access to the system was lost and when it was restored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1265 (July 2017).

§1911. System Notifications

A. The licensee shall monitor all compliance notifications from the LMMTS. The licensee shall resolve the issues detailed in the compliance notification in a timely fashion. Compliance notifications shall not be dismissed in the LMMTS until the licensee resolves the compliance issues detailed in the notification.

B. The licensee shall take appropriate action in response to informational notifications received through the LMMTS, including but not limited to notifications related to ID billing, enforcement alerts, and other pertinent information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1265 (July 2017).

Chapter 21. Quality Control/Assurance Program

§2101. Quality Control

A. The licensee shall develop and implement a written quality assurance program for determining necessary storage conditions and shelf life for both medical marijuana concentrates and products subject to the following:

1. the quality assurance program shall include procedures to be followed if the mandated testing described in Chapter 23 indicates contamination or non-homogenous products;

2. any area within the production facility where medical marijuana will be produced into an edible form shall comply with the Louisiana State Food, Drug & Cosmetic Law.

3. no products requiring refrigeration or hot-holding shall be manufactured at a production facility for sale or distribution to a marijuana pharmacy due to the potential for food-borne illness.

B. The licensee shall develop and follow written procedures determining storage conditions and establishing shelf life for each product type such that:

1. samples are collected in a manner that provides analytically sound and representative samples;

2. sample size and test intervals are based on statistical criteria for each attribute examined to ensure valid stability estimates;

3. samples are labeled with the unique batch identifier;

4. samples are tested at a minimum for both potency and microbiological contamination against the limits set forth in Chapter 23;

5. storage conditions do not involve refrigeration, heating, or specialized ventilation systems;

6. the same container-closure system in which the product is dispensed at point of sale is used during the shelf life testing; and

7. the documentation supporting required storage conditions and shelf life determinations are retained for at least five years.

C. The licensee shall develop and follow written procedures for responding to mandated testing results indicating contamination of any kind including:

1. documenting the destruction of the contaminated medical marijuana or product as described in Chapter 27;

2. determining the source of the contamination;

3. documentation of the elimination of the source of contamination; and

4. retention of all documents involved in the incident for at least five years.

D. The licensee shall bear any and all costs incurred in determining the shelf life, the storage conditions and the activities necessary to respond to findings of contamination or non-homogeneity.

E. If shelf life studies have not been completed, the licensee may assign a tentative expiration date based on any available stability information. The licensee shall concurrently conduct shelf life studies to determine the actual product expiration date.

F. After the licensee verifies the tentative expiration date, or determines the appropriate expiration date, the licensee shall include that expiration date on each batch of product.

G. Shelf life testing shall be repeated if the production facility's process or the product's chemical composition is changed.

H. The licensee shall retain a reserve sample that represents each batch of medical marijuana and store it under conditions consistent with product labeling. The reserve sample shall be stored in the same immediate container-closure system in which the product is dispensed, or in one that has similar characteristics. The reserve sample must consist of at least twice the quantity necessary to perform all the required tests.

I. The licensee shall retain the reserve for at least one year following the batch's expiration date. At the end of this time or later, the reserve shall be destroyed following the procedures set forth in Chapter 27.

J. If the department deems that public health may be at risk, the department may require the licensee to release any

reserve sample to be tested at any time for any analysis it deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1265 (July 2017).

Chapter 23. Laboratory Approval and Testing

§2301. Laboratory Approval

A. No laboratory shall handle, test or analyze medical marijuana or product unless approved by the department in accordance with this Section. A list of approved laboratories will be made available by the department on its website.

B. No laboratory shall be approved to handle, test or analyze medical marijuana or product unless the laboratory:

1. is accredited to International Organization for Standards (ISO) 17025 standards by a private laboratory accrediting organization for the analyses being conducted. Additionally, the laboratory must provide the department with a copy of the most recent inspection report granting accreditation and every inspection report thereafter. Failure to maintain accreditation to the ISO 17025 will result in the revocation of the department's approval for medical marijuana or product testing;

2. is independent from all other persons involved in the medical marijuana industry in Louisiana, which shall mean that no person with a direct or indirect interest in the laboratory shall have a direct or indirect financial, management or other interest in a licensed marijuana pharmacy, licensee, production facility, certifying physician or any other entity that may benefit from the production, manufacture, dispensing, sale, purchase or use of medical marijuana or product;

3. employs, at a minimum, a laboratory director with sufficient education and experience in a regulated laboratory environment in order to obtain and maintain certification;

4. maintains a written and documented system to evaluate and document the laboratory's and each employee's competency in performing authorized required tests. Prior to independently analyzing samples, testing personnel must demonstrate acceptable performance on precision, accuracy, specificity, reportable ranges, blanks, and unknown challenge samples (proficiency samples or internally generated quality controls);

5. submits to an on-site facility review by the department or its designated agent prior to the granting of departmental approval. The production facility will continue to be subject to inspection at any time subsequent to approval; and

6. accepts the requirement that laboratories utilize the department's approved computerized inventory tracking system (LMMTS) to post results of sample analyses for review by the department and licensee. The laboratory is responsible for any costs associated with their access to the computerized inventory tracking system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1266 (July 2017).

§2303. Laboratory Testing

A. Each batch of medical marijuana concentrate and product shall be made available by the licensee for an employee of an approved laboratory or otherwise independent sample collector to select a random and representative sample of sufficient volume to conduct required analyses, which shall be tested by an approved laboratory.

1. Medical marijuana concentrate shall not be used to produce any form of product until it has passed all analysis limits for:

a. active ingredient analysis for characterization of potency;

b. pesticide active ingredients, including but not limited to, the most recent list of targeted pesticides published by the department;

c. residual solvents;

d. heavy metals; and

e. mycotoxins.

2. product shall not be released for delivery to a marijuana pharmacy for sale or consumption until it has passed all analysis limits for:

a. microbiological contaminants;

b. active ingredient analysis for accuracy of potency; and

c. homogeneity.

B. The department may select a random sample at any point in the process for the purpose of analysis for anything the department deems necessary.

C. Samples shall be secured in a manner approved by the department at all times when not in immediate use for the analyses being conducted.

D. Testing Specifications and Limits

1. Every sample shall undergo a microbiological test. For purposes of the microbiological test, a sample shall be deemed to have passed if it satisfies the recommended microbial and fungal limits for cannabis products in colony forming units per gram (CFU/g) as follows:

a. total yeast and mold: <10,000 CFU/g; and

b. *E. coli* (pathogenic strains) and *Salmonella* spp. <1 CFU/g.

2. Every sample shall undergo a mycotoxin test. For purposes of the mycotoxin test, a sample shall be deemed to have passed if it meets the following standards:

a. aflatoxin B1: <20 ppb;

b. aflatoxin B2: <20 ppb;

c. aflatoxin G1: <20 ppb;

d. aflatoxin G2: <20 ppb; and

e. ochratoxin: <20 ppb.

3. Every sample shall undergo a pesticide chemical residue test. For purposes of the pesticide chemical residue test, a sample shall be deemed to have passed if it satisfies the most stringent acceptable standard for a pesticide chemical residue in any food item as set forth in subpart C of USEPA's regulations for tolerances and exemptions for pesticide chemical residues in food [40 CFR 180 (2014)];

4. Every sample shall undergo a residue solvent test. For purposes of the residue solvent test, a sample shall be deemed to have passed if the following solvents are below the limits listed below:

- a. butanes: <800 ppm;
- b. heptanes: <500 ppm;
- c. benzene: <1 ppm;
- d. toluene: <1 ppm;
- e. hexanes: <10 ppm;
- f. total xylenes: <1 ppm; and
- g. ethanol: <5,000 ppm.

5. Every sample shall undergo a heavy metal test. For the purpose of the heavy metal test, a sample shall be deemed to have passed if it meets the following standards:

- a. arsenic: <10ppm;
- b. cadmium: <4.1ppm;
- c. lead: <10ppm; and
- d. mercury:<2.0ppm.

6. Every sample shall undergo an active ingredient analysis or potency analysis. For medical marijuana concentrate samples, the potency test is to establish the presence of active ingredients and their concentrations for accurate calculations of amounts needed for the production of products. For product samples, the potency test is to establish the active ingredient composition for verification of labeling to ensure accurate dosing:

- a. requires analysis of the following actives:
 - i. THC (tetrahydrocannabinol);
 - ii. THCA tetrahydrocannabinol acid;
 - iii. CBD cannabidiol; and
 - iv. CBDA cannadidiolic acid.

b. for product analysis, a variance of no more than plus or minus fifteen percent is allowed from the labeled amount of active ingredient. Thus a product labeled as containing 10 milligrams THC must contain no less than 8.50 milligrams THC and no more than 11.50 milligrams THC.

7. Every sample shall undergo a homogeneity test. A product will be considered not homogenous if ten percent of the product contains more than twenty percent of the total active ingredient.

E. If a medical marijuana concentrate sample fails testing for pesticides, heavy metals or mycotoxin, the entire batch from which the sample was taken shall be disposed of in accordance with Chapter 27.

F. If a medical marijuana concentrate sample fails residual solvents testing, then, with prior approval of the department, the product may be subjected to an appropriate remedy (ex. vacuum drying) , reformulated and tested again. The reformulation must pass all required tests for a medical marijuana concentrate in duplicate before it can be released for use in products. If either duplicate fails any test, the entire batch shall be disposed of in accordance with Chapter 27. A batch of medical marijuana concentrate can only be reformulated once and only to remedy excessive residual solvents.

G. If a product fails the microbiological testing the entire batch from which the sample was taken shall be disposed of in accordance with Chapter 27.

H. If a product fails the potency or homogeneity testing then, with prior approval of the department, the product can be re-sized and tested again. The re-formulated product shall be tested again in duplicate and pass all required tests before it can be released for sale or consumption. If either duplicate fails any test, the entire batch shall be disposed of in accordance with Chapter 27.

I. The laboratory shall enter the results of any tests performed pursuant to this Section into LMMTS within 24 hours of completion of each test. The laboratory shall file with the department and licensee an electronic copy of each laboratory test result for any sample that does not pass a test. In addition, the laboratory shall maintain the laboratory test results including all relevant chromatograms and quality control documentation for at least five years and make them available at the department's request.

J. The laboratory shall dispose of any remaining medical marijuana or product samples no sooner than 60 days following the completion of any testing. Disposal will be performed in accordance with Chapter 27.

K. The licensee shall provide to the marijuana pharmacy the laboratory test results for each batch of product purchased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1266 (July 2017).

Chapter 25. Transportation

§2501. Transportation

A. The licensee or its authorized permittee shall only be allowed to transport medical marijuana or product to the following locations:

- 1. from its production facility to dispensaries;
- 2. from its production facility to a laboratory for testing or research; and
- 3. when a specific non-routine transport request from the licensee is approved in writing by the department.

B. The licensee or its authorized permittee shall:

- 1. have a valid Louisiana driver's license and be insured above the legal requirements in Louisiana; and
- 2. be capable of securing (locking) medical marijuana and product items during transportation.

C. Prior to transporting medical marijuana or product, a licensee shall generate a transport manifest, utilizing LMMTS, that accompanies every transport of medical marijuana or product. Such manifests shall contain the following information:

- 1. the name, contact information of a licensee authorized representative, licensed premises address, and the authorized permittee transporting the medical marijuana or product;
- 2. the name, contact information, and premises address of the marijuana pharmacy or laboratory receiving the delivery;
- 3. medical marijuana or product name and quantities (by weight or unit) of each item contained in each transport, along with the requisite unique identification number for every item;
- 4. the date of transport and time of departure;
- 5. arrival date and estimated time of arrival;
- 6. delivery vehicle make and model and license plate number; and
- 7. name and signature of the authorized permittee accompanying the transport.

D. Only the licensee or its authorized permittee may transport medical marijuana or product from the production facility to multiple dispensaries in a single trip in the event that each transport manifest correctly reflects specific inventory in transit.

E. Transport manifests shall be available for viewing through LMMTS, to the marijuana pharmacy, laboratory for testing, and the department before the close of business the day prior to transport.

F. The licensee or its authorized employees shall provide a copy of the transport manifest to law enforcement if requested to do so while in transit.

G. An authorized employee of the marijuana pharmacy or approved laboratory for testing shall verify that the medical marijuana or product are received as listed in the transport manifest by:

1. verifying and documenting the type and quantity of the transported medical marijuana or product against the transport manifest; and

2. returning a copy of the signed transport manifest to the production facility.

H. A receiving marijuana pharmacy or approved laboratory for testing shall separately document any differences between the quantity specified in the transport manifest and the quantities received. Such documentation shall be made in LMMTS and in any relevant business records.

I. The licensee shall ensure that all medical marijuana, plant material, or product transported on public roadways is:

1. only transported in a locked, safe and secure storage compartment that is part of the motor vehicle transporting the medical marijuana or product, or in a locked storage container that has a separate key or combination pad;

2. transported so it is not visible or recognizable from outside the vehicle; and

3. transported in a vehicle that does not bear any markings to indicate that the vehicle contains medical marijuana or bears the name or logo of the licensee.

J. Authorized permittees who are transporting medical marijuana or product on public roadways shall:

1. travel directly to the marijuana pharmacy or laboratory testing facility; and

2. document refueling and all other stops in transit, including:

- a. the reason for the stop;
- b. the duration of the stop;
- c. the location of the stop; and
- d. all activities of employees exiting the vehicle.

K. Every authorized permittee shall have access to a secure form of communication with the licensee and the ability to contact law enforcement through the 911 emergency systems at all times that the motor vehicle contains medical marijuana or product. If an emergency requires stopping the vehicle, the employee shall report the emergency immediately to law enforcement through the 911 emergency systems and the licensee, which shall immediately notify the department. The employee shall also complete an incident report form provided by the department.

L. The licensee shall ensure that all delivery times and routes are randomized.

M. Under no circumstance shall any person other than a designated permittee have actual physical control of the motor vehicle that is transporting the medical marijuana or product.

N. The licensee shall staff all transport motor vehicles with a minimum of two employees. At least one employee

must remain with the motor vehicle at all times that the motor vehicle contains medical marijuana or product.

O. A permittee shall carry his permittee identification card at all times when transporting or delivering medical marijuana or product and, upon request, produce the identification card to the department or to a law enforcement officer acting in the course of official duties.

P. The licensee shall ensure that a vehicle containing medical marijuana or product in transit is not left unattended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1267 (July 2017).

Chapter 27. Sanitation and Disposal

§2701. Production Facility Sanitation

A. The production facility shall be designed, constructed and operated in such a manner that:

1. all buildings, fixtures and other facilities are maintained in a sanitary condition;

2. floors, walls and ceilings are adequately cleaned;

3. litter and waste are properly removed and all waste disposal operating systems are maintained in such a manner that they do not constitute a source of contamination;

4. rubbish is disposed of so as to minimize the development of odor and minimize the potential for waste becoming an attractant, harborage or breeding place for pests;

5. all activities and operations involved in the receiving, inspecting, transporting, segregating, preparing, production, packaging and storing of medical marijuana or products shall be conducted in accordance with adequate sanitation principles;

6. all contact surfaces, including utensils and equipment used for the preparation of medical marijuana or products, shall be cleaned and sanitized as frequently as necessary to protect against contamination. Equipment and utensils shall be designed and shall be of such material and workmanship as to be adequately cleanable, and shall be properly maintained;

7. only sanitizing agents registered with the department pursuant to the Act shall be used in the production facility, and they shall be used in accordance with labeled instructions;

8. the licensee shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and in good repair; and

9. hand-washing facilities shall be adequate and conveniently located in the production facility, and furnished with running water at a suitable temperature. They must provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

B. Permittees and authorized visitors to the production facility shall follow hygienic practices while present at the facility, including but not limited to the following:

1. maintaining adequate personal cleanliness;

2. washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when hands may have become soiled or contaminated; and

3. permittees and authorized visitors who, by medical examination or supervisory observation, are shown to have,

or appear to have, an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with medical marijuana or products, shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected.

C. Prior to commencing operation, the production facility in its entirety will be inspected by State Fire Marshall, Department of Health, and any other entity required by law.

D. The authorized health inspectors may at any time enter any building, room, enclosure, or premises occupied or used, or suspected of being occupied or used, in production facility activities for the purpose of inspecting the premises and all utensils, fixtures, furniture, and machinery used in the production facility

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1268 (July 2017).

§2703. Potable Water Supply

A. Potable water supply lines shall not be connected to process water lines, chemical lines or equipment, unless proper backflow protection is installed.

B. Water service lines that connect a production facility to a public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Part XIV (Plumbing) of the *Sanitary Code*, state of Louisiana.

C. Water service lines that connect a production facility to a potable water supply other than a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Part XIV (Plumbing) of the *Sanitary Code*, state of Louisiana

D. Installation, maintenance and inspection of backflow prevention devices shall be carried out in accordance with the requirements of Part XIV (Plumbing) of the *Sanitary Code*, state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017).

§2705. Disposal of Waste

A. Disposal of waste rendered unusable shall follow the methods set forth in this section. For the purpose of this Section “waste” shall include:

1. plant material waste;
2. medical marijuana waste; and
3. product waste.

B. The licensee shall dispose of any waste as provided for in this section, and maintain a written record of disposal that includes:

1. the date returned;
2. the quantity returned; and
3. the type and batch number returned.

C. Waste must be stored, secured, locked and managed in accordance with these rules and as submitted and approved in the licensee's written system of internal controls.

D. The licensee shall provide the department, through the LMMTS, a minimum of seven days notice prior to rendering the product unusable and disposing of the product.

E. The allowable method to render waste unusable is by grinding and incorporating the waste with other ground materials so the resulting mixture is at least 50 percent non-medical marijuana waste by volume. Other methods to render waste unusable must be approved by the department before implementation. Material used to grind with the waste may include:

1. food waste;
2. yard waste;
3. vegetable-based grease or oils;
4. paper waste;
5. cardboard waste;
6. plastic waste;
7. soil; or

8. other wastes approved by the department (e.g., non-recyclable plastic, broken glass, leather, agricultural material, biodegradable products, paper, clean wood, fruits, vegetables, and plant matter).

F. Waste shall be rendered unusable prior to leaving a production facility. Waste rendered unusable following the methods described in this Section shall be disposed of by delivery to an approved solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

1. compost, anaerobic digester;
2. landfill, incinerator, or other facility with approval of the jurisdictional health department; or
3. a waste-to-energy facility

G. Inventory Tracking Requirements

1. In addition to all other tracking requirements set forth in these rules, the licensee shall utilize the LMMTS to ensure its post-harvest waste materials are identified, weighed and tracked while on the licensed premises until disposed of.

2. All waste shall be weighed, recorded and entered into LMMTS prior to mixing and disposal. Verification of this event shall be performed by a supervisor and conducted in an area with video surveillance.

3. All waste shall be weighed before leaving the production facility. A scale used to weigh waste prior to entry into the LMMTS shall be tested and approved in accordance with R.S. 3:4601 et seq.

4. The licensee is required to maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017).

Chapter 29. Labeling

§2901. Labeling Requirements

A. Each product shall be labeled by the licensee prior to sale to a marijuana pharmacy. Each label shall be securely affixed to the package and shall include:

1. the batch number(s) assigned by the licensee to the marijuana plant(s) from which the medical marijuana used in the product was harvested;

2. a complete list of solvents, chemicals and pesticides used in the creation of any medical marijuana concentrate;

3. a complete list of all ingredients used to manufacture the product, which may include a list of any potential allergens contained within, or used in the manufacture of a product;

4. the potency of the THC and CBD in the product, expressed in milligrams for each cannabinoid;

5. the net weight, using a standard of measure compatible with the LMMTS, of the product prior to its placement in the shipping container;

6. a product expiration date, upon which the product will no longer be fit for consumption, or a use-by date, upon which the product will no longer be optimally fresh. Once a label with a use-by or expiration date has been affixed to a product, the licensee shall not alter that date or affix a new label with a later use-by or expiration date; and

7. a statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing.

B. Labeling text on any product may not make any false or misleading statements regarding health or physical benefits to the consumer. Each label must include the following statements:

1. "Contains Medical Marijuana. For Medical Use Only. KEEP OUT OF THE REACH OF CHILDREN.";

2. "There may be additional health risks associated with the consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant.";

3. a statement that it is illegal for any person to possess or consume the contents of the package other than the qualifying patient.

C. Labeling text required by this section to be placed on any product may be no smaller than 1/16 of an inch, must be printed in English and must be unobstructed and conspicuous.

D. The following information is permissible on a label:

1. the product's compatibility with dietary restrictions; and

2. a nutritional fact panel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017).

§2903. Packaging Requirements

A. The licensee shall ensure that every product being sent to a marijuana pharmacy for sale to a qualified patient is placed within a child resistant, light resistant, tamper proof container prior to sale or transport to the marijuana pharmacy.

B. If it is not intended for the entire product to be used at a single time, the packaging must be resealable in a manner that maintains its child resistant effectiveness for multiple openings.

C. A product may not be placed in packaging that specifically targets individuals under the age of 21. Any packaging must not:

1. bear any resemblance to a trademarked, characteristic or product-specialized packaging of any commercially available candy, snack, baked good or beverage;

2. use the word "candy" or "candies";

3. use a cartoon, color scheme, image, graphic or feature that might make the package attractive to children; or

4. use a seal, flag, crest, coat of arms or other insignia that could reasonably lead any person to believe that the product has been endorsed, manufactured, or used by any state, parish, municipality or any agent thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017).

§2905. Product Dosage Identification

A. Each product shall be marked, stamped or imprinted with the dosage, as approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017).

§2907. Advertising

A. The licensee shall not advertise through any public medium, including but not limited to newspapers, television, radio, internet, or any other means designated to market its products to the general public. The licensee may market its products directly to the licensed dispensaries and to physicians through direct mail, brochures or other means directed solely to the licensed dispensaries and/or physicians and not available to the general public.

B. Any advertisement permitted by Subsection A shall not:

1. make any deceptive, false, or misleading assertions or statements regarding any product; or

2. assert that its products are safe because they are regulated by the department. The licensee may state in advertisements that its products have been tested by an approved laboratory, but shall not assert that its products are safe because they are tested by an approved laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017).

Chapter 31. Enforcement

§3101. Enforcement

A. Whenever the department has any reason to believe that a violation of the Act or this Part or of any rule or regulation adopted pursuant to this Part has occurred, the department may present the alleged violations to a hearing officer for a determination.

B. The department may impose civil penalties and/or suspend, revoke or place on probation any permittee or licensee for the commission of a violation of the Act or of these rules. Civil penalties may be assessed, probation may be imposed, and permits and licenses may be suspended or revoked only upon a ruling of the hearing officer based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

1. The department shall appoint a hearing officer to preside over all hearings.

2. The department shall notify the alleged violator of the hearing, by personal service or certified mail, at least 30 days prior to the date the hearing is held.

3. The notice shall contain the following information:
 - a. a statement of the alleged violation;
 - b. the specific section of the Act or these rules and regulations alleged to have been violated;
 - c. the date, time, and place where the hearing will be held;
 - d. a statement of the rights which will be afforded to the licensee or permittee at the hearing; and
 - e. a statement as to the possible penalties which may be imposed upon a finding by the hearing officer at the hearing that the alleged violator committed the alleged violation.

4. The alleged violator shall have the right to representation by legal counsel and the right to examine and cross-examine witnesses as in civil cases. The alleged violator shall have the right to compel the attendance of witnesses and the production of evidence upon depositing with the department the fees required for issuing subpoenas and subpoenas duces tecum in civil cases.

C. Any person who violates any provision of the Act or this Part or any rule or regulation adopted pursuant thereto or any provision of a stop order, shall be subject to a civil penalty of not more than \$50,000 for each act of violation and for each day of violation. Each day on which a violation occurs shall be a separate offense.

D. The department may summarily suspend the licensee or a permit without a hearing, simultaneously with the institution of proceedings for a hearing, if the department finds that the public safety or welfare immediately requires this action. In the event that the department summarily suspends a licensee or a permit, a hearing shall be held within 30 days after the suspension has occurred. The suspended party may seek a continuance of the hearing, during which the suspension shall remain in effect. The proceeding shall be concluded without reasonable delay. If the department does not hold a hearing within 30 days after the date of the suspension, and the licensee or permittee has not requested a continuance, the license or permit shall be automatically reinstated.

E. The department may require an individual permittee or the licensee against whom disciplinary action has been taken by the department to pay the reasonable costs incurred by the department for the hearing or proceedings, including its legal fees, court reporter, investigators, witness fees, and any such costs and fees incurred by the department. These costs and fees shall be paid no later than 30 days after the decision of the hearing officer becomes final. No license or permit shall be renewed or reinstated until such costs have been paid.

F. The department may institute civil proceedings in the Nineteenth District Court to enforce the rulings of the hearing officer. The department may institute civil proceedings seeking injunctive relief to restrain and prevent violations of the provisions of this Part or of the rules and regulations adopted under the provisions of this Part in the Nineteenth District Court.

G. As to every matter on which a hearing is held, the presiding hearing officer shall prepare a written findings of fact and conclusions of law, which shall contain, at a

minimum, the record of the hearing, including all submissions, his finding of the facts that are pertinent to the decision, his conclusions of applicable law related to the decision, and his decision. The submission shall be in writing, shall be provided to all involved applicants, and shall be a public record, except for any submitted materials which are confidential pursuant to law.

H. The hearing officer shall render his decision within 30 days after the hearing is conducted.

I. All appeals from any decision of the hearing officer shall be filed in accordance with chapter 13 of title 49 of the *Louisiana Revised Statutes*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017).

Mike Strain, DVM
Commissioner

1707#059

RULE

Department of Agriculture and Forestry Office of Animal Health and Food Safety and Board of Animal Health

Equine (LAC 7:XXI.Chapters 5 and 9)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry (department), through the Office Animal Health and Food Safety and the Board of Animal Health have amended the following regulations regarding equine: LAC 7:XXI.521-525 and Chapter 9. This revision of the equine rules is primarily a reorganization of the rules and an attempt to take out Sections which are duplicative or no longer necessary. The rules allow for electronic submission of EIA tests by a laboratory. Section 913 reorganizes and combines the previous §§913, 917 and 919. The Rule changes the requirement for EIA testing from every 6 months to every 12 months. Previously, the rules were inconsistent on how often EIA testing was required. Section 913 exempts a nursing foal under seven months of age accompanying its dam from EIA testing. Section 915 is the same in substance as the previous §931. Section 917 is the previous §915. The Rule removed redundancies from the previous Rule and was updated to allow electronic VS forms. The Rule requires all laboratories that perform official EIA testing to be in compliance with 9 CFR 75.4(C). In addition, §917 requires EIA testing laboratories to submit a monthly report to the Office of the State Veterinarian of all positive and negative testing numbers. Section 919 adds Subsection B regarding falsification of EIA documents. Section 921 changes the phrase “cause end of life” to “cause euthanization” or “euthanize” in two places; otherwise, it remains the same. The revision of the equine regulations also repeals §§925, 927, 929, 931, 933, and 935.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 5. Entry Requirements to admit Animals into this State and into Events

Subchapter C. Specific Entry Requirements for Horses and other Equine

§521. General Requirements Governing the Admission of Equine (Formerly §501)

A. All equine imported into the state shall meet the general requirements of §501 and the following specific requirements.

1. All equine moving into Louisiana for any purpose other than consignment to an approved Louisiana livestock auction market or an approved slaughter establishment for immediate slaughter shall be accompanied by a record of a negative official test for equine infectious anemia (EIA) conducted within the past 12 months. The official test shall be conducted by an approved laboratory. The name of the laboratory, the case number and the date of the official test shall appear on the health certificate as required in §523.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2053.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 11:242 (March 1985), amended LR 11:615 (June 1985), LR 14:222 (April 1988), LR 20:405 (April 1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:945 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 43:1272 (July 2017).

§523. Admission of Equine to Fairs, Livestock Shows, Breeders Association Sales, Rodeos and Racetracks (Formerly §503)

A. All equine moving into and within the state of Louisiana to fairs, livestock shows, breeder's association sales, rodeos, racetracks or any other concentration point, must meet general requirements of §503 and shall be accompanied by a record of a negative official test for equine infectious anemia (EIA), conducted within the past 12 months. The official test shall be conducted at an approved laboratory and the name of the laboratory, the case number, and the date of the official test shall appear on the record.

B. Representatives of the Board of Animal Health may inspect equine at the shows periodically, and any equine showing evidence of a contagious or infectious disease shall be isolated and/or removed from the show.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, Livestock Sanitary Board, LR 11:242 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 14:222 (April 1988), LR 20:405 (April 1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:946 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 43:1272 (July 2017).

§525. Movement of Equine in Louisiana by Livestock Dealers (Formerly §505)

A. All equine which are sold or offered for sale by livestock dealers, must meet the general requirements of §305 and the following specific requirements.

1. All equine sold or offered for sale by permitted Louisiana livestock dealers must be accompanied by an official record of a negative official test for equine infectious anemia, conducted at an approved laboratory, within the past 12 months. The record shall include the name of the laboratory, the case number and the date of the official test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:502.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, Board of Animal Health, LR 11:243 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 14:223 (April 1988), LR 20:406 (April 1994), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:946 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1272 (July 2017).

Chapter 9. Horses and other Equines (Formerly Chapter 5)

Subchapter A. General Provisions (Formerly §511)

§903. Definitions

A. Wherever in these EIA rules and regulations the masculine is used, it includes the feminine and vice versa; wherever the singular is used, it includes the plural and vice versa.

* * *

EIA Positive Equine—an equine that has completed an EIA test with a positive ELISA test result, confirmed with a positive AGID test result at Louisiana Animal Disease Diagnostic Laboratory or National Veterinary Services Laboratory.

* * *

In the Presence of—coming within 200 yards of the animal or object referred to.

Livestock Dealer—any person engaged in the buying and selling of livestock permitted by the board. Any person, who buys and sells the same livestock within 30 days and has engaged in five or more purchases and/or sales of the same livestock within any 12-month period, is said to be engaged in the business of buying and selling livestock.

Owner—any person who, in any form, possesses, has custody of, or has an ownership interest in an equine. A person is an owner during the period of time of the described relationship. A parent or tutor of an owner who is a minor is also an owner during the period of time that the owner-parent or tutor's minor resides with the parent or tutor. A curator of an owner who has been interdicted is an owner during the period of time that the interdict is an owner.

* * *

Written Proof of EIA Test—the VS Form 10-11 or electronic equivalent, approved by the board, completed by an approved EIA testing laboratory which, when completed, provides the name of the laboratory, the case number, the date of completion of the EIA test, the equine owner's name,

address, telephone number and permanent individual identification of the equine and the test results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 23:943 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:960 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1272 (July 2017).

Subchapter B. Equine Infectious Anemia (EIA)

§913. Equine Infectious Anemia (Formerly §§507, 917 and 919)

A. Identification. Beginning February 1, 1994, all equine prior to an official test for equine infectious anemia (EIA) shall be individually and permanently identified by one of the following means:

1. implanted electronic identification transponder with individual number;
2. individual lip tattoo;
3. individual hot brand or freeze brand.

B. Equine Required to be Tested

1. All equine residing in Louisiana shall be tested for EIA at least every 12 months. It shall be the responsibility of the owner to ensure any and all testing of equine in their possession.

2. All equine moving into the state of Louisiana for any purpose other than immediate slaughter, shall be accompanied by a record of a negative official test for EIA, conducted within the past 12 months. The official test shall be conducted by an approved laboratory. The name of the laboratory, the case number, and the date of the official test shall appear on the health certificate, as required in §523 except nursing foals under 7 months of age accompanying its dam.

3. All equine within the state or moving within the state to fairs, livestock shows, breeder's association sales, rodeos, racetracks, or to any other concentration point, shall be accompanied by a record of a negative official test for EIA, conducted within the past 12 months. The official test shall be conducted by an approved laboratory and the name of the laboratory, the case number, and the date of the test shall appear on the official record of the test.

4. All equine, except nursing foals under 7 months of age accompanying its dam, sold or purchased in Louisiana shall have been officially tested negative for EIA within 12 months of the date of the sale or shall be officially tested negative for EIA at the time of sale or purchase. The official test shall be conducted at an approved laboratory. The official test record shall accompany the horse at the time of the sale or purchase and the name of the laboratory, the case number, and the date of the test shall appear on the official record of the test, except as provided in this Subsection.

a. An equine offered for sale at a Louisiana public livestock auction market shall be tested for EIA at the auction market prior to sale if the equine has not been tested or is not accompanied by a current negative official EIA test record. The blood sample for the EIA test shall be drawn by an accredited veterinarian and submitted for an official EIA test in accordance with these regulations. The veterinarian's

fee for this service shall be collected from the seller by the auction market and paid directly to the veterinarian. An equine without a current negative official EIA test record that is sold at an auction market may be moved to the buyer's premises under a Board of Animal Health quarantine after the blood sample is taken and the veterinarian and identification fees are paid. The equine shall remain under quarantine until the official test results show that the animal is an EIA negative equine.

C. Equine Positive to the Official EIA Test

1. With the exception of the equine stabled at a racetrack regulated by the state Racing Commission, all equine testing positive to the official test for EIA shall be quarantined to the owner's premises and shall be destroyed or sold for immediate slaughter within 20 days of the date of the official test for EIA. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian. If sold for slaughter, the equine shall be accompanied by a VS Form 1-27 permit issued by Board of Animal Health personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility. The owner or trainer of all equine stabled at a racetrack regulated by the state Racing Commission testing positive to an official EIA test shall be notified immediately by the testing veterinarian, or by racetrack officials, or by Board of Animal Health personnel and the equine testing positive shall be removed from the racetrack premises immediately. Exceptions are:

a. upon request by the owner, any female equine testing positive to the official test for EIA that is at least 270 days pregnant or has a nursing foal no more than 120 days of age at her side may be quarantined to the owner's premises and kept at least 200 yards away from any other equine. The female equine shall be identified with a "72A" brand at least 3 inches in height on the left shoulder. The female equine may remain in quarantine until her foal dies or reaches an age of 120 days at which time the female equine shall be destroyed or sold for immediate slaughter within 20 days. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian. If sold for slaughter, the female equine shall be accompanied by a VS Form 1-27 permit issued by Board of Animal Health personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility;

b. any foal kept in quarantine with its EIA positive dam shall be officially tested for EIA no later than 150 days after it is weaned.

2. All equine stabled at a racetrack regulated by the state Racing Commission, testing positive to the official EIA test and immediately removed from the racetrack shall be quarantined to the premises to which they are moved and shall be destroyed or sold for immediate slaughter within 20 days of the date of the official test for EIA. If destroyed, verification of said destruction by written and signed statement must be furnished to the office of the state veterinarian. If sold for slaughter, the equine shall be accompanied by a VS Form 1-27 permit issued by Board of Animal Health personnel from the owner's premises to an approved Louisiana livestock auction market or to an approved slaughter facility.

3. With the exception of the equine stabled at a racetrack regulated by the state Racing Commission, the following shall be quarantined and officially tested for EIA no sooner than 30 days after the positive equine has been removed:

a. all equine on the same premises as an equine testing positive to the official EIA test;

b. all equine on all premises within 200 yards of the premises of the equine testing positive to the official EIA test; and

c. all equine which have been on these aforementioned premises within the past 30 days at the time the equine which is positive to the official EIA test was tested.

4. All equine stabled at a racetrack regulated by the state Racing Commission which are stabled in the same barn or in a directly adjacent barn of an equine which tests positive to the official EIA test shall be quarantined until the positive equine is removed and all other horses in the aforementioned barns are tested negative to the official EIA test.

5. Equine which are required to be officially tested for EIA as a result of being quarantined due to the circumstances described in Paragraphs 3 and 4 of this Subsection may be tested by an accredited veterinarian chosen by the owner or by a state employed veterinarian if requested by the owner of the quarantined equine. In the event that the official testing for EIA is done by a state employed veterinarian, the official record (VS Form 10-11) will not be made available to the owner.

6. Equine positive to the official test for EIA shall be identified with a "72A" brand on the left shoulder at least 3 inches in height, by Board of Animal Health personnel. Equine positive to the official test for EIA will be retested prior to identification by branding upon request by the owner, by Board of Animal Health personnel and the blood sample submitted to the Louisiana Veterinary Medical Diagnostic Laboratory for confirmation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:967 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1273 (July 2017).

§915. Equine Quarantine Holding Area (Formerly §931)

A. Any person desiring to operate an equine quarantined holding area must file a written application for approval of the facility to the board and shall have:

1. the equine quarantined holding facility and area inspected and approved by the board; and

2. agreed, in writing, to comply with these EIA rules and regulations.

B. No other equine except equine consigned for slaughter shall be kept in an equine quarantined holding area and all equine held therein shall be "S" branded.

C. No equine shall be kept in the equine quarantined holding area longer than 60 days by which time the life of any such equine shall be ended.

D. No equine shall be released from an equine quarantined holding area except to be delivered direct to slaughter.

E. The equine quarantined holding area shall be an area where EIA positive equine, "S" branded equine or both are kept at least 440 yards from all other equine at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:967 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1274 (July 2017).

§917. Approved Equine Infectious Anemia Testing Laboratories (Formerly §915)

A. No person shall operate an approved EIA testing laboratory without first obtaining approval from the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, and from the Board of Animal Health.

B. The conditions for approving an EIA testing laboratory are as follows.

1. Any person applying for an EIA testing laboratory approval must submit a written application for approval by the board to the office of the state veterinarian.

2. An inspection of the facility must be made by a representative of the Office of the State Veterinarian or the USDA/APHIS/VS who shall submit a report to the board indicating whether or not the person applying for an EIA testing laboratory approval has the facilities and equipment which are called for by the United States Department of Agriculture, Veterinary Services. Any person or laboratory that performs an official EIA test must meet and be in compliance with the requirements found in title 9, CFR 75.4(c) and with protocols in the latest USDA VS EIA laboratory guidance.

3. If the application is given preliminary approval by the board, the person applying will proceed with successful completion of training, examination, and inspection by the United States Department of Agriculture.

C. Conditions for Maintaining Equine Infectious Anemia Testing Laboratory Approval

1. Approved EIA testing laboratories must maintain a work log clearly identifying each individual blood sample, EIA test result and VS Form 10-11 or electronic equivalent approved by the board, all of which must be preserved and available for inspection, for a period of time of not less than 24 months from the date of the EIA test.

2. Approved EIA testing laboratories must maintain on file and make available for inspection a copy of all VS 10-11 forms or electronic equivalent approved by the board, for a period of 24 months.

3. Approved EIA testing laboratories shall immediately report by telephone and facsimile or email all positive EIA test results to the state veterinarian's office within 24 hours of detection.

4. The state veterinarian shall renew the approval of approved EIA testing laboratories in January of each year, provided the approved EIA testing laboratories maintain the

standards required by this regulation and by the United States Department of Agriculture requirements found in 9 CFR 75.4(c) and with protocols in the latest USDA VS EIA laboratory guidance.

5. Approved EIA testing laboratories must submit a report of all positive and negative testing numbers to the Office of the State Veterinarian each month in a reporting format as prescribed by the board.

6. Approved EIA testing laboratories must submit the white original of each VS Form 10-11 or electronic equivalent approved by the board each month to the Office of the State Veterinarian.

7. Approved EIA testing laboratories may charge a fee to the testing veterinarian for conducting an EIA test.

D. All records of EIA tests conducted by an approved EIA testing laboratory shall contain the name of the approved EIA testing laboratory.

E. An approved EIA testing laboratory may have its approval canceled if the board finds that the approved laboratory has failed to meet the requirements of the EIA rules and regulations, has falsified its records or reports, or has failed to maintain the standards required by this regulation and by the United States Department of Agriculture requirements found in title 9, CFR 75.4(c) and with protocols in the latest USDA VS EIA laboratory guidance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:966 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1274 (July 2017).

§919. Penalties

(Formerly §923)

A. The penalty for a violation of these EIA rules and regulations shall be a fine of up to \$1,000 for each violation. With regard to continuing violations, whether acts or omissions, each day a violation occurs or continues shall be a separate violation.

B. Any person, whom knowingly falsifies information on an official EIA document, alters an official EIA document or uses falsified/altered EIA documents for the purpose of fraud shall be in violation of these regulations and subject to a fine of up to \$1,000 for each violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:966 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1275 (July 2017).

§921. Enforcement

(Formerly §925)

A. In addition to those relevant provisions of law, the board may do the following, as is necessary, to carry out the board's powers and duties and to accomplish the purpose of the EIA eradication program.

1. The board may brand and permanently, individually identify equine.

2. The board may quarantine equine, EIA-positive equine and equine in their presence, cause euthanization of EIA-positive equine, euthanize the EIA-positive equine or cause the sale of EIA-positive equine for slaughter.

3. An authorized agent of the board may enter any premises or place where equine are present during reasonable hours with or without prior notice for the purpose of determining whether these EIA rules and regulations have been violated and to inspect the equine for the presence of EIA and exposure related to EIA. A testing veterinarian employed by the board may draw blood samples from the equine present for the EIA test.

4.a. Any authorized agent of the board shall have access to, and may enter at all reasonable hours, all places of business dealing in or with equine and all places of business where books, papers, accounts, records, or other documents related to equine are maintained.

b. The board may subpoena, and any authorized agent of the board may inspect, copy, audit or investigate any of the books, papers, accounts, records, or other documents pertaining to equine, all for the purpose of determining whether there is compliance with the provisions of R.S. 3:2091-2100, and with these EIA rules and regulations.

c. The authority granted in Subparagraph b of this Paragraph shall also extend to books, papers, accounts, records, or other documents of persons doing business with the above referenced places of business.

5. The board may apply to a court of competent jurisdiction for a warrant to conduct any reasonable searches and seizures as is necessary to carry out the board's powers and duties not already provided for in these EIA rules and regulations.

6. The board may issue written orders in preventing, controlling or eradicating EIA, and a violation of any such order shall constitute a violation of these EIA rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:966 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1275 (July 2017).

§923. Severability

(Formerly §935)

A. If any part of these EIA rules and regulations is declared to be invalid for any reason by any court of competent jurisdiction, said declaration shall not affect the validity of any other part not so declared.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Board of Animal Health, LR 23:949 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:968 (May 2014), amended by the Department of Agriculture and Forestry,

Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1275 (July 2017).

**§925. Enforcement
(Formerly §525)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:966 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1276 (July 2017).

**§927. Fees
(Formerly §527)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:966 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1276 (July 2017).

**§929. Approved Equine Infectious Anemia Testing Laboratories
(Formerly §529)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:966 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1276 (July 2017).

**§931. Equine Quarantined Holding Area
(Formerly §531)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:947 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:967 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1276 (July 2017).

**§933. General Provisions—Equines
(Formerly §533)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:948 (August 1997),

repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:967 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1276 (July 2017).

**§935. Severability
(Formerly §535)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2091-2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, Livestock Sanitary Board, LR 23:949 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:968 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and Board of Animal Health, LR 43:1276 (July 2017).

Mike Strain, DVM
Commissioner

1707#060

RULE

**Department of Agriculture and Forestry
Office of Animal Health and Food Safety
and
Board of Animal Health**

Poultry (LAC 7:XXI.101, 531, 533, 1103 and 1105)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry (“department”), through the Office Animal Health and Food Safety and the Board of Animal Health has amended LAC 7:XXI.101, 531, 533, 1103 and 1105 relative to poultry. The Rule changes all references to the Livestock Sanitary Board to the Board of Animal Health. The Rule also updates requirements for poultry to be admitted to fairs, livestock and poultry shows, trade days and swap meets. Finally, the Rule updates requirements for the sanitary disposal of dead poultry.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 1. General Provisions; Administrative Matters

Subchapter A. General Provisions

§101. Definitions

* * *

Certificate of Approval—a document issued to a commercial poultry producer by the Board of Animal Health approving a specific method of disposing of dead poultry to be used by the commercial poultry producer.

Certificate of Veterinary Inspection (CVI)—a record of an animal's health recorded on an official form. These certificates are valid for 30 days only unless an extension is allowed by the Board of Animal Health.

* * *

Destroyed—condemned under state or federal authority and put to death by consignment to slaughter or by humane euthanasia.

Direct to Slaughter—the shipment of cattle or poultry from the premises of origin directly to a slaughter establishment without diversion to assembly points, such as auctions, public stockyards and feedlots.

* * *

Livestock—cattle, sheep, swine, goats, horses, mules, burros, asses or other farm animals of all ages including poultry.

* * *

National Poultry Improvement Plan (NPPI)—cooperative industry, state, and federal program that offers poultry management, sanitation, testing, and monitoring procedures to improve poultry and poultry products in the U.S.

* * *

No Gross Lesion (NGL) Animal—an animal in which a lesion(s) of tuberculosis is not found during slaughter inspection. (An animal with skin lesions only will be considered in the same category as an NGL.)

Official Brucellosis Vaccinates—calfhood or adult vaccinates as outlined in §723.E and F.

Official Identification for Scrapie—an electronic identification, state or federally approved tamper-resistant ear tag, or a flank or ear tattoo, which has been recorded in a book of record of a sheep or goat registry or association. When an animal is identified by an ear or flank tattoo either a registration certificate or a certificate of veterinary inspection shall accompany the animal. In the case of goats registered with the American Dairy Goat Association, the tattoo may be applied at the tail web.

* * *

Official State Agency—the state authority recognized by the USDA to cooperate in the administration of the NPPI.

* * *

Poultry—chickens, ducks, turkeys, pigeons, guinea fowl, geese, peafowl and pheasants and other domestic feathered life, including hatched eggs or fertilized eggs.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:230 (March 1985), amended LR 11:615 (June 1985), LR 12:289 (May 1986), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:498 (August 1986), LR 14:217 (April 1988), LR 15:811 (October 1989), LR 16:391 (May 1990), LR 17:29 (January 1991), LR 18:840 (August 1992), LR 23:949 (August 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1677 (September 1998), LR 28:1170 (June 2002), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2336 (November 2008), LR 35:1465 (August 2009), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 39:3246 (December 2013), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:935 (May 2014), amended LR 43:1276 (July 2017).

Chapter 5. Entry Requirements to admit Animals into this State and into Events

Subchapter D. Specific Entry Requirements for Poultry and Other Birds

§531. Health Requirement Governing Admission of Poultry (Formerly §701)

A. All poultry entering the state must meet the general requirements of §501 and the following specific requirements.

1. All out of state poultry or poultry eggs for hatching, shall not be imported into Louisiana unless they originate from pullorum/typhoid negative tested flocks under the supervision of the national poultry improvement plan (NPPI) or in flocks that have passed a negative blood test for pullorum/typhoid disease, under the supervision of the proper official state agency, within 30 days prior to entry.

2. All out of state poultry consigned to a recognized slaughter establishment may enter the state on a waybill, which must include the name and address of the consignor (seller), the number of birds, and the name and address of the slaughter establishment. If, in the opinion of an authorized agent of the Board of Animal Health, poultry consigned to a recognized slaughter establishment is of questionable health, the entire shipment will be quarantined immediately, and consigned to a poultry establishment maintaining federal inspection for wholesomeness, or be returned to the state of origin.

3. The state veterinarian may prohibit the entry of birds, eggs, or poultry by-products into Louisiana from any state which has an area under quarantine due to a contagious and/or infectious disease which, in his/her opinion, may seriously threaten the health of Louisiana poultry.

4. All pet stores or vendors selling psittacines must report any increased mortalities to the office of the state veterinarian to determine if birds/samples should be examined for evidence of chlamydiosis.

5. Birds determined to be infected with, or exposed to, exotic new-castle disease, shall be destroyed without compensation to the owner.

6. All poultry brought into Louisiana shall be accompanied by a VS Form 9-2 or 9-3, indicating the flock of origin is under the national poultry improvement plan and is free of *Salmonella pullorum* (pullorum) and *Salmonella gallinarum* (typhoid) or a certificate of veterinary inspection (CVI) that reports those negative results. If the flock of origin is not under the national poultry improvement plan, the birds must be accompanied by a test report (9-2) from an approved laboratory or official state agent, or CVI indicating the birds were tested negative for *Salmonella pullorum/typhoid* within 30 days prior to entry into Louisiana. See §533 for show, fair, trade days, and swap meet requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:244 (March 1985), amended LR 11:615 (June 1985), LR 14:224 (April 1988),

repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:946 (May 2014), amended LR 43:1277 (July 2017).

§533. Admittance of Poultry to Fairs, Livestock and Poultry Shows, Trade Days and Swap Meets (Formerly §703)

A. All poultry of Louisiana origin going to Louisiana fairs, livestock and poultry shows, trade meets, and swap meets shall be accompanied by a Form VS 9-2 or CVI, indicating the flock of origin is a participant under the NPIP and has tested free of *Salmonella pullorum* (pullorum) and *Salmonella gallinarum* (typhoid). If the flock of origin is not a participant under the NPIP, the birds of breeding age must be accompanied by a Form VS 9-2 or CVI indicating the birds were tested negative for pullorum/typhoid (P/T) within 60 days prior to admittance to in-state fairs, livestock and poultry shows, trade days, or swap meets. These birds must have leg or wing band identification or a group/lot identification number recorded on a CVI.

B. All poultry from states other than Louisiana, going to Louisiana fairs, livestock and poultry shows, trade meets, and swap meets shall be accompanied by a Form VS 9-2, 9-3, or CVI indicating the flock of origin is a participant under the NPIP and has tested free of *Salmonella pullorum* (pullorum) and *Salmonella gallinarum* (typhoid). If the flock of origin is not a participant under the NPIP, the birds of breeding age must be accompanied by a Form VS 9-2, 9-3, or CVI indicating the birds were tested negative for pullorum/typhoid (P/T) within 30 days prior to admittance to Louisiana fairs, livestock and poultry shows, trade days, or swap meets. These birds must have leg or wing band identification or a group/lot identification number recorded on a CVI.

C. All sanctioned American Poultry Association and American Bantam Association shows held in Louisiana may provide a licensed, accredited private veterinarian to inspect birds at coop-in at these shows, at the expense of the sponsoring club, in lieu of a CVI. They must show proof of test negative status for P/T as stated in Subsection A of this Section. Any bird showing signs of illness will be quarantined or barred from entry if suspected to have a contagious disease (at the sole discretion of the veterinarian). No bird without proof of negative P/T status will be allowed to show. The event sponsor should call the state veterinarian office at (225) 925-3980 to ensure there are no travel restrictions for entry into Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 12:503 (August 1986), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:947 (May 2014), amended LR 43:1278 (July 2017).

Chapter 11. Poultry and Other Birds (Formerly Chapter 7)

§1103. Slaughter and Testing of Poultry of Questionable Health (Formerly §705)

A. Poultry of questionable health in the opinion of an authorized agent of the Board of Animal Health that are consigned to a recognized slaughter establishment within Louisiana will be quarantined and the entire shipment

reconsigned to a slaughter establishment maintaining federal inspection for wholesomeness, or returned to the place of origin.

B. All hatcheries and hatchery supply flocks within the state must be qualified as U.S. pullorum/typhoid clean or have met equivalent requirements for pullorum/typhoid control under official state supervision. If other domesticated fowl, with the exception of waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum/typhoid infection shall be demonstrated by an official blood test of each of these fowl.

C. All flocks which test positive for *Salmonella pullorum* or *Salmonella galinarum* shall be followed by an investigation by the official state agency to determine the origin of the infection.

D. All flocks found to test positive for pullorum or typhoid shall be quarantined until marketed or destroyed under the supervision of the official state agency or until subsequently blood tested at intervals of at least 21 days and until two consecutive negatives tests are obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:244 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:812 (October 1989), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:968 (May 2014), amended LR 43:1278 (July 2017).

§1105. Sanitary Disposal of Dead Poultry (Formerly §707)

A. All commercial poultry producers are required to obtain a certificate of approval for their disposal method from the Louisiana Department of Agriculture and Forestry (LDAF). Failure to obtain a certificate shall be considered a violation of this regulation. Certificates of approval are continuous, but subject to review and cancellation should the poultry producer fail to dispose of dead poultry in accordance with this regulation.

B. Dead poultry must be removed from the presence of live poultry within 24 hours after death. The carcasses, parts of carcasses and offal must be held in covered containers until disposal is made by one of the approved methods. In no instance, however, will the storage of dead poultry be allowed to create sanitary problems. Commercial poultry producers shall be required to dispose of dead poultry by one of the following methods.

1. Incinerators. Incinerators shall be constructed in a manner and design capable of providing a method of disposal of dead poultry to prevent the spread of diseases. The design and construction must be approved by an authorized representative of the Board of Animal Health.

2. Rendering Plant. Dead poultry, parts of carcasses and poultry offal may be transported in covered containers to approved rendering plants. Poultry carcasses may be held on the premises of commercial poultry producers for up to 24 hours as long as the storage does not create a sanitary problem. All such methods of storage and transportation of dead poultry to approved rendering plants must be approved by an authorized representative of the Board of Animal Health.

3. Composting. The design, construction, and use of compost units such as sheds or drums must be approved by an authorized representative of the Board of Animal Health.

C. Burial. In the event of the death of more than 1 percent of broilers or 0.5 percent of pullets or breeders over four weeks of age on the same premises within a 24-hour period of time, the dead poultry may be disposed of by on-site burial. The state veterinarian's office must be notified immediately by telephone or facsimile in the event of excessive mortality requiring on-site burial. An exemption waiver will be submitted to the grower, LDAF and commercial poultry management once a burial site has been inspected and approved by the LDAF representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:244 (March 1985), amended LR 11:615 (June 1985), LR 17:874 (September 1991), LR 18:1355 (December 1992), LR 20:863 (August 1994), LR 23:949 (August 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:968 (May 2014), amended LR 43:1278 (July 2017).

Mike Strain, DVM
Commissioner

1707#058

RULE

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs (LAC 28:CLXV.103, 305, 309, 311, 320, 707, 901, 902, 903, 1101, 1103, 1105, 1107, 1109 and 1111)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 139—Louisiana Child Care and Development Fund Programs*: §103, Definitions; §305, General Certification; Requirements for All Child Care Providers; §309, Specific Certification and Registration Requirements for Family Child Care Providers; §311, Specific Certification Requirements for In-Home Child Care Providers; §320, Suspension of Payments to Providers; §707, Credit for Early Learning Center Directors and Staff; §901, Authority; §902, Definitions; §903, Participation in LA Pathways; §1101, Authority; §1103, Definitions; §1105, Unified Quality Rating System for Type III Early Learning Centers; §1107, Participation; §1109, Unified Quality Rating System Tiered Bonus Payments; and 1111, Termination.

The Louisiana School Readiness Tax Credits (SRTC) help the child care sector improve quality and access for at-risk children. Pursuant to Act 394 of the 2007 Regular Legislative Session, the package of five tax credits serve as an important incentive for: families to choose quality rated centers; providers to serve vulnerable, at-risk children whose parents could not otherwise afford quality care; directors and staff to pursue additional education and/or credentials; businesses to donate to child care centers to help improve quality; and businesses or individuals to donate to resource and referral centers in order to help improve child care quality within a region.

Since the passage of Act 3 of the 2012 Louisiana Regular Legislative Session, Louisiana has made great progress toward unifying the system that prepares all children for success. The revisions align the tax credits with the early childhood unified rating system and child care teacher preparation system. The revisions also align policy with federal mandates within the Louisiana Child Care and Development Fund State Plan.

Title 28

EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 1. Child Care Assistance Program

§103. Definitions

Automated Child Care Time and Attendance—an electronic system that provides accurate and timely capturing, tracking, and reporting of time and attendance data. This system may utilize an adult's finger image or IVR interactive voice response (IVR) as a mechanism for capturing this data.

Family Child Care Provider—one or more individuals who provides child care services for fewer than 24 hours per day per child, unless care in excess of 24 hours is due to the nature of the parent's work, for six or fewer children, in a private residence other than the child's residence.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017).

Chapter 3. CCAP Provider Certification

§305. General Certification Requirements for All Child Care Providers

A. To be certified as a CCAP provider, a child care provider must meet the following requirements:

1. ...
2. email address. Provide a current email address and notify the department immediately upon a change in such email address by submitting written notice to the LDE by fax or email;
3. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with 42 USC 9858 et seq., 45 CFR Parts 98 and 99, R.S. 17:407.28 and R.S. 17:407.61 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), LR 43:1279 (July 2017).

§309. Specific Certification and Registration Requirements for Family Child Care Providers

A. To be certified as a CCAP provider, in addition to the requirements in §305 of this Part, a family child care provider must meet the following requirements, which include but are not limited to the requirements for registration as a family child care provider pursuant to R.S. 17:407.61 et seq.

1. - 2. ...
3. Telephone. Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the residence in which

care is being provided. When a landline is used to operate the time and attendance equipment, a secondary phone number must be provided to the LDE. The provider shall notify the LDE immediately upon a change in such phone numbers by submitting written notice to the LDE by fax or email.

4. - 7.a. ...

b. A satisfactory CBC is one that shows no arrests for any crime listed in R.S. 15:587.1(C), or if such an arrest is shown, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or *nolo contendere* shall be deemed to be a conviction.

8. - 10.b.v. ...

c. medication administration training completed with a qualified health and safety professional, a child care health consultant, approved by LDH to provide training, consultation, and technical assistance to child care providers on health and safety topics every two years.

11. - 18. ...

19. Inspections. Allow inspection of the residence where care is provided by department staff and other authorized inspection personnel and parents of children in care, during normal working hours or when children are in care.

B. Family child care providers receiving CCAP payments or certified to receive CCAP payments shall be inspected no less than annually by department staff or other authorized inspection personnel.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017).

§311. Specific Certification Requirements for In-Home Child Care Providers

A. To be certified as a CCAP provider, in addition to the requirements in §305, an in-home care provider must meet the following requirements which include, but are not limited to, the requirements for registration as an in-home provider pursuant to R.S. 17:407.61 et seq.

1. ...

2. Telephone. Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the home in which care is being provided. When a landline is used to operate the time and attendance equipment, a secondary phone number must be provided to the LDE. Notify the LDE immediately upon a change in such phone numbers by submitting written notice to the LDE by fax or email.

3. - 6.a. ...

b. A satisfactory CBC is one that shows no arrests for any crime listed in R.S. 15:587.1(C), or if such an arrest is shown, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or *nolo contendere* shall be deemed to be a conviction.

7. - 9.b.v. ...

c. medication administration training completed with a qualified health and safety professional, a child care health consultant, approved by LDH to provide training,

consultation, and technical assistance to child care providers on health and safety topics every two years.

10. - 17. ...

18. Inspections. Allow inspection of the home where care is provided by LDE staff and other authorized inspection personnel during normal working hours or when children are in care.

B. In-home child care providers receiving CCAP payments or certified to receive CCAP payments shall be inspected no less than annually by LDE staff or other authorized inspection personnel.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017).

§320. Suspension of Payments to Providers

A. When the LDE determines a provider is not in compliance with an administrative requirement, the LDE may send written notice by mail or email informing the provider of the administrative noncompliance and requiring that the provider come into compliance.

B. If the provider does come into compliance within 14 calendar days of such notice, the LDE may suspend payments to the provider until the provider is in compliance.

C. The LDE shall notify the provider by email or fax that it has suspended the provider's payments within two calendar days of suspending the payments and shall include language informing the provider that it has an additional 14 calendar days in which to come into compliance or its certification may be terminated in accordance with §321.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1280 (July 2017).

Chapter 7. Administration of School Readiness Tax Credits

§707. Credit for Early Learning Center Directors and Staff

A. - B. ...

C. Each early learning center director and staff member will also have to verify that he/she has worked at the same early learning center for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

D. ...

E. The maximum number of directors at an early learning center site who may receive the director credit in any given year is based on licensed capacity of the early learning center as indicated below.

Licensed Capacity	Maximum Number of Directors
15 or fewer children	1
16-50 children	2
51-100 children	3
101-200 children	4
201 or more children	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of

Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education, LR 43:1280 (July 2017).

Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)

§901. Authority

A. The Louisiana pathways early learning center career development system (LA pathways) is the state practitioner registry maintained by the LDE or its contractor. LA pathways offers early learning center staff, including directors, teachers, assistant teachers and other classroom staff, a formal mechanism to track their training, educational attainment and experience in the field of early childhood care and education.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 43:1281 (July 2017).

§902. Definitions

Administrator Certificate—certificate awarded to a director who has 75 clock hours in approved administrative training categories or two college courses in administration.

Administrator Track for LA Pathways—professional career ladder registry designed for administrators in early learning centers that recognizes individuals based on the educational attainment and professional participation.

Approved Administrative Training Categories—training categories that promote and support administrative skills for directors, as approved by LA pathways.

Approved Core Knowledge (CDA) Subject Areas—subject areas approved by the Council for Professional Recognition to count towards the CDA credential.

Approved Early Childhood Diploma—early childhood career diploma approved by LA pathways.

CDA Credential—see *child development associate credential*.

Child Development Associate (CDA) Credential—nationally recognized credential in early childhood education administered by the Council for Professional Recognition.

Classroom Track for LA Pathways—professional career ladder registry designed for classroom staff within early learning centers that recognizes individuals based on the educational attainment and commitment to the field.

Early Childhood Ancillary Certificate—certificate issued by the LDE that allows a qualified person to act as a lead teacher within a type III early learning center.

Early Childhood Professional Organization—organization that provides professional training or advocacy opportunities for individuals in the early childhood field.

LA Pathways—see *Louisiana pathways early learning center career development system*.

Louisiana Pathways Early Learning Center Career Development System (LA Pathways)—state practitioner registry maintained by the LDE or its contractor that registers early learning center directors and staff based on training, education, experience and professional activities.

National Administrator Credential—administrator credential issued by a national organization recognized by LA pathways

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017).

§903. Participation in LA Pathways

A.1. Any individual working or planning to work in the early learning center industry as a director of an early learning center is eligible to enroll in LA pathways by completing and submitting an application and the required documents to LA pathways.

2. Any individual working or planning to work in the early learning center industry as a staff member of an early learning center is eligible to enroll in LA pathways by either completing and submitting an application and the required documents to LA pathways or by submitting an application for an early childhood ancillary certificate to the LDE.

3. LA pathways will register early learning center directors and staff according to requirements based on training and education, experience and professional activities, as approved by the LDE. Participation is voluntary.

4. The state superintendent of education, pursuant to authority delegated by BESE, in specific instances, may waive compliance with a requirement in this Chapter if it is determined that the economic or adverse impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children are not imperiled. If it is determined that the individual is meeting or exceeding the intent of a requirement, the requirement may be deemed to be met. The decision to grant or deny a waiver rests with the sole discretion of the state superintendent.

B. Requirements for the Administrator Track for LA Pathways through December 31, 2017

1. - 6.a.iv. ...

v. related bachelor's degree with three college courses in early childhood or child development.

6.b. - 7.c.ii. ...

iii. bachelor's degree in early childhood or child development of which three college courses focus on infants and toddlers; and administrator certificate; or

iv. related bachelor's degree with six college courses in early childhood or child development of which three courses focus on infants and toddlers and administrator certificate.

7.d. - 8.e.i. ...

C. Requirements for the Administrator Track for LA Pathways beginning January 1, 2018

1. Director I

a. Training and education requirements:

i. CDA credential or approved early childhood diploma; and

ii. 30 clock hours in approved administrative training categories; or

iii. related associate degree or 30 hours toward associate degree with four college courses in early childhood or child development.

b. Professional activity requirements:

i. membership in an early childhood professional organization.

2. Director II

a. Training and education requirements:

i. CDA credential or approved early childhood diploma; and

- ii. 45 clock hours in approved administrative training categories or national administrative credential; or
- iii. associate degree in early childhood or child development; or
- iv. related associate degree with four college courses in early childhood or child development; or
- v. related bachelor's degree with three college courses in early childhood or child development; or
- vi. has met the director qualifications set forth in §1709 of Bulletin 137 and been the director for at least one year of an early learning center with a 3-star quality rating on July 1 of the calendar year in which credit may be claimed.

b. Professional activity requirements:

- i. membership in an early childhood professional organization and service to the profession such as: serving on a board or committee, presenting at a conference, participating as a CDA advisor or mentor, or attendance at a conference or professional event.

3. Director III

a. Training and education requirements:

- i. CDA credential and administrator credential; or
- ii. approved early childhood diploma and administrator certificate; or
- iii. associate degree in child development or early childhood, and administrator certificate; or
- iv. bachelor's degree in early childhood or child development, and administrator certificate; or
- v. related bachelor's degree with six college courses in early childhood or child development, and administrator certificate; or
- vi. has met the director qualifications set forth in §1709 of Bulletin 137 and been the director for at least one year of an early learning center with a 4-star quality rating on July 1 of the calendar year in which the credit may be claimed.

b. Professional activity requirements:

- i. membership in an early childhood professional organization and service to the profession such as: serving on a board or committee, presenting at a conference, participating as a CDA mentor or advisor, attendance at a conference or professional event.

4. Director IV

a. Training and education requirements:

- i. master's degree in early childhood, child development or early childhood administration, and administrator certificate; or
- ii. related master's degree with eight college courses in early childhood or child development, and administrator certificate; or
- iii. has met the director qualifications set forth in §1709 of Bulletin 137 and been the director for at least one year of the early learning center with a 5-star quality rating on July 1 of the calendar year in which the credit may be claimed.

b. Professional activity requirements:

- i. membership in an early childhood professional organization and service to the profession such as: serving on a board or committee, presenting at a conference, participating as a CDA mentor or advisor, or attendance at a conference or professional event.

D. Requirements for the Classroom Track for LA Pathways until December 31, 2017

1. Early Learning Center Staff I

a. Training and education requirements:

- i. as required by Louisiana early learning center licensing regulations.

b. Experience requirements:

- i. none.

c. Professional activity requirements:

- i. encouraged to participate in an early childhood professional organization.

2. Early Learning Center Staff II

a. Training and education requirements:

- i. 12 clock hours of instruction in approved core knowledge (CDA) subject areas.

b. Experience requirements:

- i. minimum six months.

c. Professional activity requirements:

- i. encouraged to participate in an early childhood professional organization.

3. Early Learning Center Staff III

a. Training and education requirements:

- i. 30 clock hours of instruction in approved core knowledge (CDA) subject areas.

b. Experience requirements:

- i. minimum one year.

c. Professional activity requirements:

- i. encouraged to participate in an early childhood professional organization.

4. Early Learning Center Staff IV

a. Training and education requirements:

- i. 60 clock hours of instruction in approved core knowledge (CDA) subject areas.

b. Experience requirements:

- i. minimum one year.

c. Professional activity requirements:

- i. encouraged to participate in an early childhood professional organization

5. Early Learning Center Assistant Teacher I

a. Training and education requirements:

- i. 90 clock hours of instruction in approved core knowledge (CDA) subject areas.

b. Experience requirements:

- i. minimum one year.

c. Professional activity requirements:

- i. encouraged to participate in an early childhood professional organization.

6. Early Learning Center Assistant Teacher II

a. Training and education requirements:

- i. 120 clock hours of instruction in approved core knowledge (CDA) subject areas.

b. Experience requirements:

- i. minimum one year.

c. Professional activity requirements:

- i. encouraged to participate in an early childhood professional organization.

7. Early Learning Center Teacher I

a. Training and education requirements:

- i. CDA credential or approved early childhood diploma.

- b. Experience requirements:
 - i. minimum one year.
 - c. Professional activity requirements:
 - i. encouraged to participate in an early childhood professional organization.
8. Early Learning Center Teacher II
- a. Training and education requirements:
 - i. CDA credential or approved early childhood diploma; and
 - ii. 9 CEU's or two early childhood college courses; or
 - iii. 30 hours toward associate degree with four college courses in early childhood or child development; or
 - iv. related associate degree.
 - b. Experience requirements:
 - i. minimum two years.
 - c. Professional activity requirements:
 - i. membership in an early childhood professional organization and service to the profession such as: committee or board membership, service as a CDA advisor or mentor, attendance at a professional conference or event, conference presentation, advocacy and leadership activities.
9. Early Learning Center Teacher III
- a. Training and education requirements:
 - i. associate degree in early childhood or child development; or
 - ii. related associate degree with 4 college courses in early childhood or child development; or
 - iii. bachelor's degree in early childhood or child development; or
 - iv. related bachelor's degree with three college courses in early childhood or child development.
 - b. Experience requirements:
 - i. minimum two years.
 - c. Professional activity requirements:
 - i. membership in an early childhood professional organization and service to the profession such as: committee or board membership, service as a CDA advisor or mentor, attendance at a professional conference or event, conference presentation, advocacy and leadership activities.
10. Early Learning Center Teacher IV
- a. Training and education requirements:
 - i. bachelor's degree in early childhood or child development of which three college courses focus on infants and toddlers; or
 - ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers.
 - b. Experience requirements:
 - i. minimum two years.
 - c. Professional activity requirements:
 - i. membership in an early childhood professional organization and service to the profession such as: committee or board membership, service as a CDA advisor or mentor, attendance at a professional conference or event, conference presentation, advocacy and leadership activities.
11. Early Learning Center Master Teacher
- a. Training and education requirements:
 - i. graduate degree in early childhood or child development; or
 - ii. unrelated graduate degree with four early childhood or child development college courses.

- b. Experience requirements:
 - i. minimum two years.
 - c. Professional activity requirements:
 - i. membership in an early childhood professional organization and service to the profession such as: committee or board membership, service as a CDA advisor or mentor, attendance at a professional conference or event, conference presentation, advocacy and leadership activities.
- E. Requirements for the Classroom Track for LA Pathways beginning January 1, 2018
1. Early Learning Center Assistant Teacher
- a. Training and education requirements:
 - i. 80 clock hours of instruction in approved core knowledge (CDA) subject areas.
2. Early Learning Center Teacher I
- a. Training and education requirements:
 - i. CDA credential or approved early childhood diploma.
3. Early Learning Center Teacher II
- a. Training and education requirements:
 - i. CDA credential or approved early childhood diploma and nine continuing education units or two early childhood college courses; or
 - ii. 30 hours toward associate degree with four college courses in early childhood or child development; or
 - iii. related associate degree; or
 - iv. early childhood ancillary certificate.
4. Early Learning Center Teacher III
- a. Training and education requirements:
 - i. associate degree in early childhood or child development; or
 - ii. related associate degree with four college courses in early childhood or child development; or
 - iii. bachelor's degree in early childhood or child development; or
 - iv. related bachelor's degree with three college courses in early childhood or child development.
5. Early Learning Center Teacher IV
- a. Training and education requirements:
 - i. bachelor's degree in early childhood or child development of which three college courses focus on infants and toddlers; or
 - ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers.
6. Early Learning Center Master Teacher
- a. Training and education requirements:
 - i. graduate degree in early childhood or child development; or
 - ii. unrelated graduate degree with four early childhood or child development college courses.
- F. Requirements for the Classroom Track for LA Pathways beginning January 1, 2019
1. Early Learning Center Assistant Teacher
- a. Training and education requirements:
 - i. 80 clock hours of instruction in approved core knowledge (CDA) subject areas.
2. Early Learning Center Teacher I
- a. Training and education requirements:
 - i. CDA credential or approved early childhood diploma; or

3. Early Learning Center Teacher II
 - a. Training and education requirements:
 - i. CDA credential or approved early childhood diploma and nine continuing education units or two early childhood college courses; or
 - ii. 30 hours toward associate degree with four college courses in early childhood or child development; or
 - iii. related associate degree; or
 - iv. Early Childhood Ancillary Certificate.
 4. Early Learning Center Teacher III
 - a. Training and education requirements:
 - i. associate degree in early childhood or child development; or
 - ii. related associate degree with four college courses in early childhood or child development; or
 - iii. bachelor's degree in early childhood or child development; or
 - iv. related bachelor's degree with three college courses in early childhood or child development; or
 - v. early childhood ancillary certificate and demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2018.
 5. Early Learning Center Teacher IV
 - a. Training and education requirements:
 - i. bachelor's degree in early childhood or child development of which three college courses focus on infants and toddlers; or
 - ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers.
 6. Early Learning Center Master Teacher
 - a. Training and education requirements:
 - i. graduate degree in early childhood or child development; or
 - ii. unrelated graduate degree with four early childhood or child development college courses.
- G. Requirements for the Classroom Track for LA Pathways beginning January 1, 2020
1. Early Learning Center Assistant Teacher
 - a. Training and education requirements:
 - i. 80 clock hours of instruction in approved core knowledge (CDA) subject areas.
 2. Early Learning Center Teacher I
 - a. Training and education requirements:
 - i. CDA credential or approved early childhood diploma; or
 3. Early Learning Center Teacher II
 - a. Training and education requirements:
 - i. CDA credential or approved early childhood diploma and nine continuing education units or two early childhood college courses; or
 - ii. 30 hours toward associate degree with four college courses in early childhood or child development; or
 - iii. related associate degree; or
 - iv. early childhood ancillary certificate.
 4. Early Learning Center Teacher III
 - a. Training and education requirements:
 - i. associate degree in early childhood or child development; or

- ii. related associate degree with four college courses in early childhood or child development; or
 - iii. bachelor's degree in early childhood or child development; or
 - iv. related bachelor's degree with three college courses in early childhood or child development; or
 - v. early childhood ancillary certificate and demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2018.
5. Early Learning Center Teacher IV
 - a. Training and education requirements:
 - i. bachelor's degree in early childhood or child development of which three college courses focus on infants and toddlers; or
 - ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers;
 - iii. early childhood ancillary certificate and demonstrated evidence of eligibility for the staff school readiness tax credit for at least two prior years beginning with 2018.
 6. Early Learning Center Master Teacher
 - a. Training and education requirements:
 - i. graduate degree in early childhood or child development; or
 - ii. unrelated graduate degree with four early childhood or child development college courses.
- H. Qualification for the School Readiness Tax Credit for Early Learning Center Directors and Staff
1. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the credit.
 2. Early Learning Center Director Levels
 - a. Directors who are classified as director I by LA pathways are classified as meeting level I qualifications for purposes of this credit.
 - b. Directors who are classified as director II by LA pathways are classified as meeting level II qualifications for purposes of this credit.
 - c. Directors who are classified as director III by LA pathways are classified as meeting level III qualifications for purposes of this credit.
 - d. Directors who are classified as director IV by LA pathways are classified as meeting level IV qualifications for purposes of this credit.
 3. Early Learning Center Staff Levels
 - a. Staff members who are classified as early learning center teacher I by LA pathways are classified as meeting level I requirements for purposes of this credit.
 - b. Staff members who are classified as early learning center teacher II by LA pathways are classified as meeting level II requirements for purposes of this credit.
 - c. Staff members who are classified as early learning center teacher III by LA pathways are classified as meeting level III requirements for purposes of this credit.
 - d. Staff members who are classified as early learning center teacher IV or early learning center master teacher by LA pathways are classified as meeting level IV requirements for purposes of this credit.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017).

Chapter 11. Unified Quality Rating System for Type III Early Learning Centers

§1101. Authority

A. The unified quality rating system for type III early learning centers is established and administered by the LDE under the authority of state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017).

§1103. Definitions

Child or Children—individuals who are five years of age or less.

Child Care Provider—a taxpayer who owns an eligible early learning center or centers.

Early Childhood Care and Education Network—the network established through R.S. 17:407.23 and Bulletin 140 as the comprehensive and integrated network through which BESE manages and oversees publicly-funded early childhood care and education programs, which include type III early learning centers in Louisiana in order to improve kindergarten readiness.

Eligible Early Learning Center—a type III early learning center that has current academic approval and a valid type III early learning center license issued by the LDE and is participating in the unified quality rating system.

Quality Rating—the number of “stars” awarded to an eligible type III early learning center by the unified quality rating system on July 1 of each year.

Quality Rating System—see *unified quality rated system*.

Service Period—the months within the calendar quarter for which a child received care.

Type III Early Learning Center—an early learning center that directly or indirectly receives state or federal funds from any source other than the federal food and nutrition programs.

Unified Quality Rating System—system that sets forth the criteria for evaluating and rating the quality of an eligible type III early learning center in terms of “stars” with five “stars” being the highest.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017).

§1105. Unified Quality Rating System for Type III Early Learning Centers

A. The unified quality rating system consist of five star ratings that may be awarded to type III early learning centers based on the level of quality of early child care and education provided by type III early learning centers serving children from birth through age five. The unified quality rating system is designed to recognize the quality of early care and education provided, communicate the level of quality, and support improvements of type III early learning centers.

1. To be eligible for participation in the unified quality rating system, a type III early learning center must:

a. have current academic approval issued by the department in compliance with §313 of *Bulletin 140—Louisiana Early Childhood Care and Education Network*; and

b. have a valid type III early learning center license issued by the LDE in compliance with *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*.

2. A type III early learning center is participating in the unified quality rating system if it is eligible for participation and has notified the LDE of the desire to participate and willingness to sign the required documents verifying eligibility for tax credits.

B. A star rating shall be awarded to an eligible, participating type III early learning center based on the performance rating the center receives on its annual performance profile issued by the LDE as part of the early childhood care and education accountability system (ECCE accountability system). The ECCE accountability system was created pursuant to R.S. 17:407.23(B)(3) and Bulletin 140, and is used to evaluate the performance of publicly-funded early childhood care and education sites, which include type III early learning centers, and community networks in preparing children for kindergarten and to assign a performance profile to each site, which include type III early learning centers and community network.

1. All publicly funded early childhood care and education sites, which include type III early learning centers, are required to participate in the ECCE accountability system pursuant to §501 of Bulletin 140, and each publicly-funded site, which includes all type III early learning centers, must receive a performance profile based its performance each school year.

2. Performance profiles for publicly-funded sites, which include type III early learning centers, must include a performance rating as provided in §509 of Bulletin 140.

3. Performance rating calculations for publicly-funded sites, which include type III early learning centers, are made in accordance with §503 and §509 of Bulletin 140.

C. Star Ratings for Type III Early Learning Centers

1. An eligible, participating type III early learning center that earns a performance rating score of 3.00 through 3.74 on its performance profile issued by the LDE shall be awarded a one star quality rating.

2. An eligible, participating type III early learning center that earns a performance rating score of 3.75 through 4.49 on its performance profile issued by the LDE shall be awarded a two star quality rating.

3. An eligible, participating type III early learning center that earns a performance rating score of 4.50 through 5.24 on its performance profile issued by the LDE shall be awarded a three star quality rating.

4. An eligible, participating type III early learning center that earns a performance rating score of 5.25 through 5.99 on its performance profile issued by the LDE shall be awarded a four star quality rating.

5. An eligible, participating type III early learning center that earns a performance rating score of 6.00 through 7.00 on its performance profile issued by the LDE shall be awarded a five star quality rating.

D. The state superintendent of education (state superintendent), in specific instances, may waive compliance with a requirement if it is determined that the

economic or adverse impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or children are not imperiled. If it is determined that the facility or individual is meeting or exceeding the intent of a requirement, the requirement may be deemed to be met. The decision to grant or deny a waiver rests with the sole discretion of the state superintendent.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2122 (October 2015), amended LR 43:1285 (July 2017).

§1107. Participation

A. Early learning centers that have achieved a star rating may have their rating reviewed and modified, if at any time it becomes known to the LDE or the LDE receives information from the early learning center that the type III early learning center no longer meets standards for the early learning center's current star rating award.

B. Early learning centers that have achieved a star rating will have their rating revoked if the early learning center license is revoked or not renewed.

C. Early learning centers that have achieved a star rating may have their rating revoked, or centers applying may be denied, if it is determined by the LDE that false or misleading statements or documents have been submitted or misrepresented or relevant facts have been concealed or withheld in order to qualify or maintain a star(s) in the unified quality rating system or to obtain the school readiness tax credit (SRTC).

D. The provider must reimburse the LDE for all ineligible benefits received.

E. There are no administrative appeal rights for providers whose participation is denied or terminated.

F. Early learning centers that have a star award revoked by quality start may be prohibited from participating in quality start for 12 months from the date of revocation of star award.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017).

§1109. Unified Quality Rating System Tiered Bonus Payments

A. Bonus payments will be issued after the end of each calendar quarter to type III early learning centers that care for children receiving assistance from the Child Care Assistance Program and for children in the state Foster Care Program in accordance with the early learning center's star rating. The payment is equal to a percentage, as defined below, of all child care subsidy payments received by the early learning center from the LDE for services provided during the service period(s) in that quarter and the early learning center's star rating(s).

1. Bonus payments for the period from January 1, 2018 through December 31, 2018 shall be based on the early learning center's 2016-2017 performance profile rating and the following percentages:

- a. one star—0 percent;
- b. two star—6 percent;
- c. three star—11 percent;
- d. four star—16.5 percent;
- e. five star—23 percent.

2. Bonus payments for the period from January 1, 2019 through December 31, 2019 shall be based on the early learning center's 2017-2018 performance profile rating and the following percentages:

- a. one star—0 percent;
- b. two star—4 percent;
- c. three star—11 percent;
- d. four star—16.5 percent; and
- e. five star—23 percent.

3. Bonus payments for the period from January 1, 2020 through December 31, 2020 shall be based on the early learning center's 2018-2019 performance profile rating and the following percentages:

- a. one star—0 percent;
- b. two star—2 percent;
- c. three star—11 percent;
- d. four star—16.5 percent; and
- e. five star—23 percent.

4. Bonus payments for the period from January 1, 2021 through December 31, 2021, and subsequent years, shall be based on the early learning center's 2019-2020 performance profile rating, and the performance profiles for subsequent years, and the following percentages:

- a. one star—0 percent;
- b. two star—0 percent;
- c. three star—11 percent;
- d. four star—16.5 percent; and
- e. five star—23 percent.

B. The state superintendent of education may, in specific instances, grant a waiver allowing the LDE to continue to use an early learning center's star rating as of June 30 in calculating bonus payments for up to two quarters beginning on July 1 of the same calendar year, in a year in which the early learning center's star rating decreases, if the superintendent determines that the economic or adverse impact of the decreased star rating is sufficiently great to reduce access for families participating in the Child Care Assistance Program.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017).

§1111. Termination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), repealed LR 43:1286 (July 2017).

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RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV. Chapter 23)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §2318, The TOPS University Diploma; §2319, The Career Diploma; §2341, English; and §2361, Science. House Resolution 154 of the 2016 Regular Legislative Session requested that the Louisiana Department of Education (LDE), in consultation with the Board of Regents (BoR) and the Louisiana Student Financial Assistance Commission, study and make recommendations regarding the feasibility of allowing a course in human anatomy and physiology to serve as a science course for purposes of satisfying high school graduation requirements and for determining student eligibility to receive a Louisiana Taylor Opportunity Program for Students (TOPS) award. In December 2016, human anatomy and physiology was approved for TOPS scholarship eligibility. The revisions update the science requirements to include human anatomy and physiology for students completing TOPS university diploma, and ensure full alignment of the TOPS University diploma and the TOPS scholarship. The revisions also update technical writing requirements for the career diploma pathway.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction Subchapter A. Standards and Curricula

§2318. The TOPS University Diploma

A. - C.2.j. ...

3. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements shall be the following:

a. - b.iv.(n). ...

c. science—four units:

i. biology I;

ii. chemistry I;

iii. two units chosen from the following:

(a). Earth science;

(b). environmental science;

(c). physical science;

(d). agriscience II—the elective course

agriscience I is a pre-requisite;

(e). one of:

(i). chemistry II;

(ii). AP chemistry;

(iii). IB chemistry I;

(iv). IB chemistry II;

(f). one of:

(i). AP environmental science;

(ii). IB environmental systems;

(g). one of:

(i). physics I;

(ii). IB physics I;

(h). one of:
(i). AP physics C: electricity and magnetism;

(ii). AP physics C: mechanics;

(iii). IB physics II;

(i). AP physics I and AP physics II;

(j). one of:

(i). biology II;

(ii). AP biology;

(iii). IB biology I;

(iv). IB biology II;

(v). human anatomy and physiology;

C.3.d. - D.3. ...

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

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

§2319. The Career Diploma

A. - B.7.a. ...

C. Minimum Course Requirements

1. The minimum course requirements for a career diploma for incoming freshmen prior to 2014-2015 shall be the following:

a. English—4 units:

i. English I;

ii. English II;

iii. the remaining units shall come from the following:

(a). technical writing;

(b). business English;

(c). business communications;

(d). using research in careers (1/2 credit);

(e). American literature (1/2 credit);

(f). film in America (1/2 credit);

(g). English III;

(h). English IV;

(i). senior applications in English; or

(j). a course developed by the LEA and approved by BESE;

b. - h. ...

2. The minimum course requirements for a career diploma for incoming freshmen in 2014-2015 and beyond shall be the following:

a. English—4 units:

i. English I;

ii. English II;

iii. the remaining units shall come from the following:

(a). technical writing;

- (b). business English;
- (c). English III;
- (d). English IV;
- (e). any AP or IB English course; or
- (f). comparable Louisiana technical college

courses offered by Jump Start regional teams as approved by BESE;

2.b. - 4...

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

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

Subchapter B. Academic Programs of Study

§2341. English

A. ...

B. The English course offerings for the career diploma shall be as follows.

Course Title(s)	Units
English I, II, III, and IV	1 each
Senior Applications in English	1
Technical Writing	1
Business English	1
Business Communications	1
Using Research in Careers	1/2 unit
American Literature	1/2 unit
Film in America	1/2 unit
AP English Language Arts and Composition	1
AP English Literature and Composition	1
IB Literature	1
IB Language and Literature	1
IB Literature and Performance	1
Reading I (elective credit)	1
Reading II (elective credit)	1
English as a Second Language (ESL) I, II, III, and IV (elective credit)	1 each
Course(s) developed by the LEA and approved by BESE	1

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005), amended LR 33:2605 (December 2007), LR 36:1492 (July 2010), LR 40:998 (May 2014), LR 40:2527 (December 2014), LR 43:1288 (July 2017).

§2361. Science

A. The science course offerings for the college diploma shall be as follows.

Course Title(s)	Units
Aerospace Science	1
Agriscience II	1

Course Title(s)	Units
Anatomy and Physiology	1
Biology I, II	1 each
Chemistry I, II	1 each
Earth Science	1
Environmental Science	1
Integrated Science	1
Physical Science	1
Physics I, II	1 each
Physics of Technology I, II	1 each
Approved IBC-related courses for those students who meet the requirement	1 each
AP Chemistry	1
IB Chemistry I	1
IB Chemistry II	1
AP Environmental Science	1
IB Environmental Systems	1
IB Physics I	1
AP Physics C: Electricity and Magnetism	1
AP Physics C: Mechanics	1
IB Physics II	1
AP Physics I and II	1/2 each
AP Biology	1
IB Biology I	1
IB Biology II	1
Human Anatomy and Physiology	1

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:2605 (December 2007), LR 36:1494 (July 2010), LR 40:1000 (May 2014), LR 40:2528 (December 2014), LR 43:1288 (July 2017).

Shan N. Davis
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RULE

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.2109 and 2329)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for Nonpublic School Administrators*: §2109, High School Graduation Requirements; and §2329, Science. House Resolution 154 of the 2016 Regular Legislative Session requested that the Louisiana Department of Education (LDE), in consultation with the Board of Regents (BoR) and the Louisiana Student Financial Assistance Commission, study and make recommendations regarding the feasibility of allowing a course in human anatomy and physiology to serve as a science course for purposes of satisfying high school graduation requirements and for determining student eligibility to receive a Louisiana Taylor Opportunity Program for Students (TOPS) award. In December 2016, human anatomy and physiology was approved for TOPS scholarship eligibility. The revisions update the science requirements to include human anatomy and physiology for students completing TOPS university diploma, and ensure

full alignment of the TOPS University diploma and the TOPS scholarship.

**Title 28
EDUCATION**

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana
Handbook for Nonpublic School Administrators**

Chapter 21. Curriculum and Instruction

Subchapter C. Secondary Schools

§2109. High School Graduation Requirements

A. - C.7. ...

D. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. - 2.d.xiv. ...
3. science—four units:
 - a. biology I;
 - b. chemistry I;
 - c. two units from the following:
 - i. earth science;
 - ii. environmental science;
 - iii. physical science;
 - iv. agriscience II—the elective course agriscience I is a pre-requisite;
 - v. one of:
 - (a). chemistry II;
 - (b). AP chemistry;
 - (c). IB chemistry I;
 - (d). IB chemistry II;
 - vi. one of:
 - (a). AP environmental science;
 - (b). IB environmental systems;
 - vii. one of:
 - (a). physics I;
 - (b). IB physics I;
 - viii. one of:
 - (a). AP physics C: electricity and magnetism;
 - (b). AP physics C: mechanics;
 - (c). IB physics II;
 - ix. AP physics I and AP physics II;
 - x. one of:
 - (a). biology II;
 - (b). AP biology;
 - (c). IB biology I;
 - (d). IB biology II;
 - (e). human anatomy and physiology;

D.4. - F.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017).

**Chapter 23. High School Program of Studies
§2329. Science**

A. The science course offerings shall be as follows.

Course Title	Unit(s)
Aerospace Science	1
Agriscience II	1
Anatomy and Physiology	1
Biology I, II	1 each
Chemistry I, II	1 each
Earth Science	1
Environmental Science	1
Integrated Science	1
Physical Science	1
Physics I, II	1 each
AP Chemistry	1
IB Chemistry I	1
IB Chemistry II	1
AP Environmental Science	1
IB Environmental Systems	1
IB Physics I	1
AP Physics C: Electricity and Magnetism	1
AP Physics C: Mechanics	1
IB Physics II	1
AP Physics I and II	1/2 each
AP Biology	1
IB Biology I	1
IB Biology II	1
Human Anatomy and Physiology	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2355 (November 2003), amended LR 31:3087 (December 2005), LR 34:2101 (October 2008), LR 39:1450 (June 2013), LR 40:1686 (September 2014), LR 40:2539 (December 2014), LR 43:1289 (July 2017).

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Executive Director

1707#014

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for
State Certification of School Personnel
(LAC 28:CXXXI.Chapters 1-4, 6-8, 10, 11, and 14)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*: §101, Purpose; §201, Overview; §203, Introduction; §204, Minimum Requirements for Approved Regular Education Programs for Birth-to-Kindergarten; §205, Minimum Requirements for Approved Regular Education Programs for Grades PK3: Adopted May 24, 2001; Effective July 1, 2002; §207, Minimum Requirements for Approved Regular Education Programs for Grades 1-5: Adopted May 24, 2001; Effective July 1, 2002; §209,

Minimum Requirements for Approved Regular Education Programs for Grades 4-8: Adopted May 24, 2001; Effective July 1, 2002; §211, Minimum Requirements for Approved Regular Education Programs for Grades 6-12: Adopted May 24, 2001; Effective July 1, 2002; §213, College of Arts/Humanities/Sciences Degree Pathway to Secondary Education Certification (Grades 6-12): Adopted November 18, 2003; Effective January 1, 2004; §215, Minimum Requirements for Approved Regular Education All-Level Programs for Grades K-12: Adopted November 2003; Effective August 1, 2005; §217, Minimal Requirements for Approved Teacher Education Programs for Teachers of Mild/Moderate Impairments 1-12; Effective September 1, 1998; §219, Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 1-5²: Adopted October 2004; Effective July 1, 2010; §221, Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 4-8²: Adopted October 2004; Effective July 1, 2010; §223, Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 6-12²: Adopted October 2004; Effective July 1, 2010; §225, Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program: Adopted November 18, 2004; Effective July 1, 2007; §227, Minimal Guidelines for Approved Teacher Education Program for Speech, Language, and Hearing Specialists; §231, Introduction; §233, The Practitioner Teacher Program Alternative Path to Certification (Minimum Requirements); §235, The Master's Degree Program Alternative Path to Certification (Minimum Requirements); §237, Certification-Only Program Alternative Path to Certification; §239, The State as a Private Provider; §240, Educational Leader Practitioner (Residency) Program; §243, PRAXIS Exams and Scores; §205, Introduction; §207, General Competencies; §209, Introduction; §211, Learning Environments; §213, Curriculum; §215, Assessment; §217, Instructional Planning; §219, Introduction; §221, Content Knowledge Competencies; §223, English Language Arts Content Pedagogy Competencies; §225, Disciplinary Literacy Competencies; §227, Introduction; §229, Content Knowledge Competencies; §231, Content Pedagogy Competencies; §233, Introduction; §235, Early Childhood Pedagogy Competencies; §237, Introduction; §239, Other Special Education Areas; §241, Middle Grades 4-8 Education; §243, Secondary Grades 6-12 Education; §245, All Levels K-12 Education; §305, Professional Level Certificates; §307, Type C Certificates; §309, Out-of-State (OS) Certificate; §311, World Language Certificate (WLC) PK-12; §313, Practitioner Licenses; §315, Standard Certificates for Teachers in Nonpublic Schools; §321, Introduction; §325, Out-of-Field Authorization to Teach (OFAT); §326, Temporary Employment Permit (TEP); §328, Resident Teacher Certificate (R); §417, Educational Leader in Special Education Ancillary Certificate; §611, Requirements to add a Secondary (grades 6-12) Specialty Core Content Area as defined in the No Child Left Behind

(NCLB) Act of 2001 (English, Math, Foreign Language, Science, and Social Studies); §613, Requirements to Add a Non-NCLB Secondary (grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education); §705, Educational Leader Certificate Level 1 (EDL 1); §801, Overview; §803, Appeal Process; §1001, Terms; §1003, Acronyms; §1101, General Provisions; §1101, General Provisions; §1103, Highly Qualified Policy for Teachers; §1105, Highly Qualified Policy for Paraprofessionals; §1107, Continuing Learning Units (CLUs); §1109, Federal Legislation Related to Qualifications of Teachers and Paraprofessionals; and §1401, Definitions. These changes provide relative to teacher preparation and certification requirements.

Title 28

EDUCATION

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

Chapter 1. Introduction

§101. Purpose

A. Certification is a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in K-12 schools under the jurisdiction of the Board of Elementary and Secondary Education (BESE). The certification process provides a systematic and nondiscriminatory procedure for the credentialing of teachers and other school personnel.

B. Certification policies and statutes are designed to identify and support high quality teachers in all Louisiana classrooms; promote higher standards in the teaching profession; and provide for growth and development of the teaching profession. The Louisiana Department of Education (LDE) implements and maintains teacher certification procedures as mandated by legislation and BESE policy.

C. Certification policies are adopted and implemented in a manner, and with a timeline, that allows for smooth transition from old to new requirements. Any certification change made by the BESE shall include implementation dates to be specified at the time of recommendation to the BESE for action. In particular, changes in Praxis exam scores will allow for a 12-month period from the date of adoption by the BESE to the effective date.

D. When revised certification policy requirements necessitate a program change at the college level, a notice shall be given to those institutions of higher education that have teacher preparation programs so that catalogs can be revised and incoming freshman can be notified of the changes.

E. This bulletin will serve as a reference for current state policy relative to initial certification and to certification endorsement options for those who wish to become teachers, those who are practicing teachers, personnel from both school districts and institutions of higher education, and anyone else who may seek certification assistance.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017).

Chapter 2. Initial Teacher Certification
Subchapter A. Teacher Certification Areas and Required Competencies

§201. Overview

A. *Louisiana Revised Statute 17:7* provides for the duties, functions, and responsibilities of the Board of Elementary and Secondary Education (BESE). Specifically, 17:7(6)(a)(i) states that BESE shall prescribe qualifications and provide for certification of teachers in accordance with applicable law, and that such qualifications and requirements shall ensure that certification shall be a reliable indicator of minimum current ability and proficiency of the teacher to educate at the grade level and in the subject(s) to which the teacher is assigned.

B. The Louisiana competencies for initial teacher certification define what a teacher candidate must know and be able to do in order to be eligible for certification upon completion of a BESE-approved teacher preparation program. They represent the knowledge and skills needed for teacher candidates to successfully transition to teaching, as determined by content experts, elementary and secondary educators, and postsecondary education leaders. The competencies set forth what teacher candidates should be taught; preparation providers and their school system partners should determine how the competencies should be developed through quality practice experiences that include, at minimum, a year-long residency as defined in Bulletin 996.

C. When a candidate has successfully completed a state-approved program that develops and assesses mastery of these competencies and met state testing and grade point average certification requirements, the program provider recommends the candidate for certification.

NOTE: The LDE will accept no final grade below a "C" in coursework within the approved undergraduate program, with the exception of the general education requirements. All coursework used for certification purposes must be for regular credit and not of a remedial or developmental nature.

D. Certification Areas and Required Competencies

Certification Areas	Required Competencies
Birth to Kindergarten	Subchapter C. General Teacher Competencies Subchapter E. English Language Arts Competencies Subchapter F. Mathematics Teacher Competencies Subchapter G. Early Childhood Teacher Competencies
Early Childhood PK-3	Subchapter C. General Teacher Competencies Subchapter E. English Language Arts Competencies Subchapter F. Mathematics Teacher Competencies Subchapter G. Early Childhood Teacher Competencies
Grades 1-5	Subchapter C. General Competencies Subchapter E. English Language Arts Teacher Competencies Subchapter F. Mathematics Teacher Competencies
Grades 4-8 Certification Areas	Required Competencies
English/Language Arts	Subchapter C. General Teacher Competencies Subchapter E. English Language Arts Competencies

Mathematics	Subchapter C. General Competencies Subchapter E, Section 225. Disciplinary Literacy Competencies Subchapter F. Mathematics Teacher Competencies
Science	Subchapter C. General Teacher Competencies Subchapter E, Section 225. Disciplinary Literacy Competencies Subchapter H, Section 241. Science Education
Social Studies	Subchapter C. General Teacher Competencies Subchapter E, Section 225. Disciplinary Literacy Competencies Subchapter H, Section 241. Social Studies Education
Grades 6-12 Certification Areas	Required Competencies
Agriculture	Subchapter C. General Teacher Competencies Subchapter E, Section 225. Disciplinary Literacy Competencies Subchapter H, Section 241 Agriculture Education
Biology	Subchapter C. General Teacher Competencies Subchapter E, Section 225. Disciplinary Literacy Competencies Subchapter H, Section 241 Science Education
Business	Subchapter C. General Teacher Competencies Subchapter E, Section 225. Disciplinary Literacy Competencies Subchapter H, Section 241 Business Education
Chemistry	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Science Education
Chinese	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Foreign Languages Education
English/Language Arts	Subchapter C. General Teacher Competencies Subchapter E. English Language Arts Teacher Competencies
Family and Consumer Sciences	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Family and Consumer Sciences Education
French	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Foreign Languages Education
General Science	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243
German	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Foreign Languages Education

Mathematics	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter F. Mathematics Teacher Competencies
Physics	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243
Social Studies	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241
Spanish	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Foreign Languages Education
Speech	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies
Technology Education	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Technology Education
Computer Science	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Computer Science Education
Earth Science	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Science Education
Environmental Science	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Education
Journalism	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Journalism Education
Latin	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Foreign Languages Education
Marketing	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 241 Business and Marketing Education
All-Level K-12 Certification Areas	
Grades K-12 Art	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Art Education

Grades K-12 Dance	Subchapter C. General Teacher Competencies Subchapter E, Section 225. Disciplinary Literacy Competencies Subchapter H, Section 243 Dance Education
Grades K-12 Foreign Languages	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Foreign Languages Education
Grades K-12 Music	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Music Education
Grades K-12 Health and Physical Education	Subchapter C. General Teacher Competencies Subchapter E, Section 225 Disciplinary Literacy Competencies Subchapter H, Section 243 Health and Physical Education
Special Education Certification Areas	
Early Interventionist Birth to Five Years	Subchapter H, Section 239.A
Hearing Impaired K-12	Subchapter D. Special Education Teacher Competencies Subchapter H, Section 239.B
Mild to Moderate Disabilities 1-5, 4-8, 6-12	Subchapter D. Special Education Teacher Competencies
Significant Disabilities 1-12	Subchapter D. Special Education Teacher Competencies Subchapter H, Section 239.E
Visual Impairments/Blind K-12	Subchapter D. Special Education Teacher Competencies Subchapter H, Section 239.C

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1783 (October 2006), amended LR 43:1291 (July 2017).

Subchapter B. Testing Required for Certification Areas §203. PRAXIS Exams and Scores

A. A teacher applicant for certification must successfully complete the appropriate written or computer delivered tests identified in this Section prior to Louisiana teacher certification.

1. Core Academic Skills for Educators². Teacher applicants in all content areas must pass all three Praxis core academic skills for educators tests.

Pre-Professional Skills Test "Paper or Computer Administrations"	Test #	Score	Effective Date
PPST:R—Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W—Pre-Professional Skills Test: Writing	0720/5720	175	
PST:M—Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14
Writing	5722	162	
Mathematics	5732	150	

¹To differentiate the computer delivered tests, Educational Testing Service has placed the number “5” or “6” preceding the current test code. The Department will accept computer delivered passing test scores for licensure.

²NOTE: An ACT composite score of 22 or a SAT combined verbal and math score of 1030 may be used in lieu of Praxis I PPST Exams or Core Academic Skills for Educators in reading, writing and math by prospective teachers in Louisiana

2. Principles of Learning and Teaching (PLT) Exams

Principles of Learning and Teaching: Early Childhood	0621 or 5621	157	Effective 1/1/12
Principles of Learning and Teaching: K-6	0622 or 5622	160	
Principles of Learning and Teaching: 5-9	0623 or 5623	160	
Principles of Learning and Teaching: 7-12	0624 or 5624	157	

B. Content and Pedagogy Requirements

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
Birth to Kindergarten	Early Childhood Content Knowledge (5022/5025 after September 2015)	160 (for 5022)	PLT: Early Childhood 0621 or 5621 (Score 157)		
	Early Childhood Education (5025)	156 (for 5025)			
	OR				
	Education of Young Children (5024)	160			
	OR				
	PreK Education (5531)	155			
Early Childhood PK-3	Elementary Content Knowledge (0014 or 5014) prior to 9/1/15	150	PLT: Early Childhood 0621 or 5621 (Score 157)		
Early Childhood PK-3	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)	163	PLT: Early Childhood 0621 or 5621 (Score 157)		
	OR				
	Elementary Education: Multiple Subjects (5001)				
	• Reading/Language Arts(5002)	157			
	• Mathematics (5003)	157			
• Social Studies (5004)	155				
• Science (5005)	159				
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)				
	• Reading/Language Arts(5002)	157			
	• Mathematics (5003)	157			
	• Social Studies (5004)	155			
	• Science (5005)	159			
Grades 1-5	Elementary Content Knowledge (0014 or 5014) prior to 9/1/15	150	160	---	---
Grades 1-5	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)	163	160		
	OR				
	Elementary Education: Multiple Subjects (5001)				
	• Reading/Language Arts(5002)	157			
	• Mathematics (5003)	157			
• Social Studies (5004)	155				
• Science (5005)	159				
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)				
	• Reading/Language Arts(5002)	157			
	• Mathematics (5003)	157			
	• Social Studies (5004)	155			
	• Science (5005)	159			
Grades 4-8 Mathematics	Middle School Mathematics (0069) Prior to 1/1/14	148	---	160	---
	Middle School Mathematics (5169) Effective 1/1/14	165			
Grades 4-8 Science	Middle School Science (0439) Prior to 6/8/14	150	---	160	---
	Middle School Science (5440) Effective 6/8/14	150			
Grades 4-8 Social Studies	Middle School Social Studies (0089 or 5089)	149	---	160	---

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
Grades 4-8 English/ Language Arts	Middle School English/Language Arts (0049 or 5049) Prior to 1/1/14	160	---	160	---
	Middle School English (5047) Effective 1/1/14	164			

C. Certification Areas
1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
		Score			PLT 7-12
Agriculture	Agriculture (0700) Prior to 6/8/14	510	---	---	157
	Agriculture (5701) Effective 6/8/14	147			
Biology	Biology: Content Knowledge (0235 or 5235)	150	---	---	157
Business	Business Education: Content Knowledge (0101 or 5101)	154	---	---	157
Chemistry	Chemistry: Content Knowledge (0245 or 5245)	151			157
Chinese	Chinese (Mandarin): World Language (5665)	164	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
English	English Language, Literature, and Composition: Content Knowledge (0041 or 5041) Pedagogy (0043) Prior to 1/1/14	160 130	---	---	157
	English Language Arts: Content and Analysis (5039) Effective 1/1/14	168			
Family and Consumer Sciences	Family and Consumer Sciences (0121 or 5121) Prior to 6/8/14	141	---	---	157
	Family and Consumer Sciences (5122) Effective 6/8/14	153			
French	French: World Language (5174)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
General Science	General Science: Content Knowledge (0435 or 5435)	156	---	---	157
German	German: World Language (5183)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
Mathematics	Mathematics: Content Knowledge (0061 or 5061) Effective 6/1/10-12/31/13	135	---	---	157
	Mathematics: Content Knowledge (5161) Effective 1/1/14	160			
Physics	Physics: Content Knowledge (0265 or 5265)	141			157
Social Studies	Social Studies: Content and Interpretation (0086 or 5086)	160	---	---	157
Spanish	Spanish: World Language (5195)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World languages Pedagogy 0841 (Score 158)		
Speech	Speech Communications (0221 or 5221)	146	---	---	157
Technology Education	Technology Education (0051 or 5051)	159	---	---	157
Computer Science Earth Science Environmental Science Journalism Latin Marketing	At this time, a content area exam is not required for certification in Louisiana.	---	---	---	157

2. All-Level K-12 Certification

All-Level K-12 Certification Areas						
		Score	PLT K-6		PLT 5-9	PLT 7-12
Grades K-12 Art	Art: Content Knowledge (0134 or 5134)	159	160	or	160	157
Grades K-12 Dance	None Available**	---	160		160	157
Grades K-12 Foreign Languages	Chinese (Mandarin): World Language (5665)	164	PLT K-6 (Score 160) or PLT 5-9 (Score 160) or PL7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)			
	French: World Language (5174)	157				
	German: World Language (5183)	157				
	Spanish: World Language (5195)	157				
Grades K-12 Music	Music: Content Knowledge (0113 or 5113)	151	160	or	160	157
Grades K-12 Health and	Phys. Education: Content Knowledge (0091 or 5091)	146	160		160	157

All-Level K-12 Certification Areas						
		Score	PLT K-6		PLT 5-9	PLT 7-12
Physical Education	Prior to 6/8/14					
	Health and Physical Education (5857) Effective 6/8/14	160				

**At this time, a content area exam is not required for certification in Louisiana.

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Special Education: Core Knowledge and Applications (0354 or 5354) and	145
	Effective 9/1/15 to 8/31/17	163	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	157
	Elementary Education: Content Knowledge (5018)		Special Education: Early Childhood (0691) and	159
	OR		Principles of Learning and Teaching: Early Childhood (0621 or 5621)	157
	Elementary Education: Multiple Subjects (5001)		Effective 1/1/14	
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			
Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)				
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			
Hearing Impaired	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Special Education: Core Knowledge and Applications (0354 or 5354) and Education of Deaf and Hard of Hearing Students (0271)	145
	Effective 9/1/15 to 8/31/17	163	Effective 11/1/11	160
	Elementary Education: Content Knowledge (5018)		Special Education: Core Knowledge and Applications (0354 or 5354) and Special Education: Education of Deaf and Hard of Hearing Students (0272 or 5272)	145
	OR		Effective 1/1/14	160
	Elementary Education: Multiple Subjects (5001)			
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			
Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)				
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			
Mild to Moderate Disabilities	ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 (e.g., Elementary, or core subject-specific exams for middle or secondary grades)		Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543) and PLT specific to grade level (K-6, or 5-9 or 7-12).	153
Significant Disabilities	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545)	153
	Effective 9/1/15 to 8/31/17			
	Elementary Education: Content Knowledge (5018)	163		
	OR			
	Elementary Education: Multiple Subjects (5001)			
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			
Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)				
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			

Area	Content Exam	Score	Pedagogy Requirement	Score
Visual Impairments/ Blind	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Special Education: Core Content Knowledge and Applications (0354 or 5354) Effective 11/1/11	145
	Effective 9/1/15 to 8/31/17			145
	Elementary Education: Content Knowledge (5018)	163	Special Education: Core Content Knowledge and Applications (0354 or 5354) and Special Education: Teaching Students with Visual Impairments (0282) Effective 1/1/14	163
	OR			
	Elementary Education: Multiple Subjects (5001)			
	• Reading/Language Arts(5002)	157		
	• Mathematics (5003)	157		
	• Social Studies (5004)	155		
	• Science (5005)	159		
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)			
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			

E. Administrative and Instructional Support Areas

Certification Area	Name of Praxis Test	Area Test Score
Educational Leader—Level 1	School Leaders Licensure Assessment (101 or 6011)	166
Educational Leader—Level 3	School Superintendent Assessment (6021)	160
Guidance Counselor K-12	Professional School Counselor (0421 or 5421)	156
School Librarian	Library Media Specialist (0311 or 5311)	136

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017).

Subchapter C. General Teacher Competencies

§205. Introduction

A. The following teacher preparation competencies apply to all content areas and grade levels for which a teacher candidate may be certified to teach.

B. The competencies identify essential knowledge and skills that align with current expectations for practicing teachers, including but not limited to what a teacher candidate must know and be able to do in order to:

1. communicate and collaborate with students, colleagues, families, and community members to support students' learning and development; and

2. design and deliver effective instruction to all students, including students with exceptionalities and students in need of academic and non-academic intervention in a regular education setting.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017).

§207. General Competencies

A. The teacher candidate demonstrates, at an effective level, the Louisiana components of effective teaching as defined in Bulletin 130 and the compass teacher rubric.

B. The teacher candidate demonstrates mastery of the content knowledge and skills and content pedagogy needed to teach the current academic standards as defined in BESE policy.

C. The teacher candidate uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on students and adapts practice to meet the needs of each student.

1. The teacher candidate observes and reflects on students' responses to instruction to identify areas of need and make adjustments to practice.

2. The teacher candidate gathers, synthesizes, and analyzes a variety of data from a variety of sources to adapt instructional practices and other professional behaviors to better meet students' needs.

3. The teacher candidate uses structured input and feedback from a variety of sources (e.g., colleagues, mentor teachers, school leaders, preparation faculty) to make changes to instructional practice and professional behaviors to better meet students' needs.

D. The teacher candidate elicits and uses information about students and their experiences from families and communities to support student development and learning and adjust instruction and the learning environment.

E. The teacher candidate applies knowledge of state and federal laws related to students' rights and teacher responsibilities for appropriate education for students with and without exceptionalities, parents, teachers, and other professionals in making instructional decisions and communicating with colleagues and families (e.g., laws and policies governing student privacy, special education, and limited English proficient education, including but not limited to Bulletin 1508, Bulletin 1530, Bulletin 1706, and Bulletin 1903).

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in

cognitive, socio-emotional, language, and physical development.

G. The teacher candidate develops and applies instructional supports and plans for an individualized education plan (IEP) or individualized accommodation plan (IAP) to allow a student with exceptionalities developmentally appropriate access to age- or grade-level instruction, individually and in collaboration with colleagues.

H. The teacher candidate applies knowledge of various types of assessments and their purposes, strengths, and limitations to select, adapt, and modify assessments to accommodate the abilities and needs of students with exceptionalities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017).

Subchapter D. Special Education Teacher Competencies

§209. Introduction

A. The competencies identify the fundamental knowledge and skills that should be developed and assessed in teacher candidates who are pursuing certification that includes eligibility to teach special education in Louisiana.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017).

§211. Learning Environments

A. The teacher candidate uses positive motivational and instructional interventions to teach students with exceptionalities how to adapt to different environments.

B. The teacher candidate sets expectations for personal and social behavior of students with exceptionalities in various settings (e.g., classroom, library, cafeteria, gymnasium, job site) and incorporates these expectations into effective instructional routines, lesson plans, IEP goals and objectives.

1. The teacher candidate provides positive visual, physical, and/or motivational support to individual students for integration into various settings (e.g., classroom, library, cafeteria, gymnasium, job site).

C. The teacher candidate designs and adapts learning environments for diverse student populations that facilitate active participation in individual and group activities.

D. The teacher candidate modifies the learning environment (e.g., physical arrangement, student grouping, instructional intensity, pacing, embedded assistive technology supports) to proactively manage student behaviors and unique learning needs.

1. The teacher candidate uses a variety of non-aversive techniques to control targeted behavior and maintain attention of students with exceptionalities.

2. The teacher candidate uses assessment data to select appropriate environmental accommodations and modifications to address deficits in student behaviors and learning needs.

E. The teacher candidate intervenes safely and appropriately when students with exceptionalities are in crisis.

F. The teacher candidate designs and implements positive interventions to develop and strengthen on task/desirable behaviors.

G. The teacher candidate plans and implements individualized reinforcement systems and environmental modifications at levels equal to the intensity of student behavior and function.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017).

§213. Curriculum

A. The teacher candidate makes the general curricula accessible to students with exceptionalities by implementing instruction that is inclusive of appropriate accommodations and modifications to the general curricula as outlined in an IEP.

B. The teacher candidate develops and implements comprehensive, longitudinal individualized programs (i.e., IEPs) in collaboration with team members, the individual, and family.

1. The teacher candidate addresses the needs of students with exceptionalities that extend beyond the general education curriculum within IEPs and through instruction across various educational settings and contexts.

C. The teacher candidate uses augmentative and alternative communication systems and a variety of assistive technologies to support instructional assessment, planning, and delivery for students with exceptionalities.

1. The teacher candidate selects, designs, and uses high- and low-technology materials and resources required to educate individuals whose exceptionalities interfere with communication.

D. The teacher candidate integrates affective, social, and life skills with academic curricula, creating the opportunity for students to practice these skills in the context of authentic daily routines.

1. The teacher candidate designs, implements, and evaluates instructional programs that enhance social participation across environments.

E. The teacher candidate applies knowledge of career, vocational, and transition programs for students with exceptionalities to design and implement instructional programs that address independent living and career education for individuals.

1. The teacher candidate uses a variety of community- and school-based resources and strategies to successfully transition students with exceptionalities into and out of school and post-school environments.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017).

§215. Assessment

A. The teacher candidate monitors progress of students with exceptionalities towards attainment of IEP goals and objectives.

1. The teacher candidate uses knowledge of measurement principles and practices to interpret assessment

results and guide educational decisions for students with exceptionalities.

2. The teacher candidate uses multiple types of assessment information in making instructional, eligibility, program, and placement decisions for students with exceptionalities, including those from culturally and linguistically diverse backgrounds.

3. The teacher candidate uses appropriate technology to conduct assessments in keeping with assessment protocols and in alignment with student needs.

B. The teacher candidate identifies and uses assessment data to identify the need for interventions and services for individuals who are in need of additional academic and/or non-academic support, including early identification of young individuals who may be at risk for exceptionalities.

1. The teacher candidate uses data derived from functional assessments to develop intervention plans aligned to the specific needs of individual students.

C. The teacher candidate selects, adapts, and modifies assessments or assessment strategies to accommodate abilities and needs of students with exceptionalities.

1. The teacher candidate implements procedures for assessing and reporting both appropriate and problematic social behaviors of students with exceptionalities.

2. The teacher candidate identifies reliable methods of response from students who lack typical communication and performance abilities, using supports as needed to accommodate individual student needs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017).

§217. Instructional Planning

A. The teacher candidate plans and implements age- and ability-appropriate instruction for students with exceptionalities that supports progress in the general curricula.

1. The teacher candidate incorporates goals and strategies from multiple IEPs in lesson plans.

2. The teacher candidate uses and adapts instructional strategies according to characteristics and needs of students with exceptionalities.

3. The teacher candidate selects and adapts instructional materials according to characteristics and needs of students with exceptionalities.

B. The teacher candidate selects and uses a variety of assistive technologies within instructional routines to promote access to the general curriculum for students with exceptionalities.

C. The teacher candidate modifies the pace of instruction and provides organizational cues to meet the instructional needs of students with exceptionalities.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017).

Subchapter E. English Language Arts and Literacy Teacher Competencies

§219. Introduction

A. The English language arts and literacy teacher preparation competencies identify essential knowledge and

skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, English language arts grades 4-8, English language arts grades 4-8 integrated to merged, English language arts 6-12, and English language arts grades 6-12 integrated to merged.

B. Content knowledge competencies identify foundational knowledge of the English language and language development, reading, composition, and oral language skills.

C. Content pedagogy competencies identify teaching knowledge and skills that are specific to English Language arts instruction that develop students' ability to:

1. understand and use vocabulary and language, including early literacy (e.g., print awareness, phonological skill, word recognition, incidental reading foundational skills) to make sense of what texts say;

2. understand topics, themes, and ideas to determine text meaning;

3. build understanding about texts using evidence through discussion; and

4. demonstrate understanding of the language, craft, topics, themes, and ideas of complex grade-level texts through writing using evidence and appropriate grade-level conventions, spelling, and structure.

D. Disciplinary literacy competencies identify what a teacher candidate must know and be able to do to teach reading and literacy effectively in the context of certification areas other than English language arts (e.g., middle grades and secondary science or social studies).

1. These competencies are applicable to teacher candidates who are pursuing certification for grades 4-8 or 6-12 in any content area other than English language arts.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017).

§221. Content Knowledge Competencies

A. The teacher candidate is able to read and understand the language, craft, topics, themes, and ideas of complex texts and explain how they are able to read and understand those texts.

1. The teacher candidate reads a wide variety of complex texts appropriate for instruction of age or grade-level reading, writing, speaking and listening, and language standards. The variety of texts includes print and non-print or digital texts; media texts, including but not limited to, songs, videos, podcasts, film; and classic texts and contemporary texts, including children's literature, that represent a range of world literatures, historical traditions, genres, forms, and the experiences of different genders, ethnicities, and social classes.

2. The teacher candidate determines the meaning, purpose, and main ideas of complex texts and explains their development orally and in writing based on the interaction of an author's craft (e.g., word choice, syntax, use of details and illustrations, figurative language), elements and structure (e.g., setting, characterization, development and organization, plot, pacing, evidence), literary effects (e.g., symbolism and irony), and rhetorical devices.

3. The teacher candidate explains how vocabulary, diction, syntax, and sentence patterns contribute to the

meaning, complexity, clarity, coherency, fluency, and quality of a text.

4. The teacher candidate selects words in complex texts which most contribute to the meaning, are common among complex texts, are part of word families, or have multiple meanings.

5. The teacher candidate makes connections among texts, including determining and explaining how each text challenges, validates, or refines the language, topics, themes, and/or ideas of other texts and how modern texts or texts in different mediums adapt, enhance, or misrepresent a source text.

6. The teacher candidate assesses the credibility and usability of texts by analyzing texts with differing viewpoints to determine areas of conflict or possible bias, evaluating whether the reasoning is sound and the evidence is relevant and sufficient, and determining the advantages and disadvantages of different texts and mediums for presenting a particular topic or idea.

7. The teacher candidate recognizes the influence of English language and literary history on English language arts content.

B. The teacher candidate demonstrates proficiency with written and spoken language when writing about the topics, themes, and/or ideas of complex texts.

1. The teacher candidate creates a range of formal and informal, process and on-demand oral, written, and visual compositions (e.g., analytic, argumentative, explanatory, narrative) about the language, craft, topics, themes, and/or ideas of complex texts, taking into consideration the interrelationships among form, audience, context, and purpose.

2. The teacher candidate uses complex texts to locate models of writing (e.g., word choice, syntax, sentence variety and fluency, text structure, style) and use the models to imitate the language, structure, and style in their own writing.

3. The teacher candidate knows and appropriately uses the conventions of English language (i.e., grammar, usage, and mechanics) as they relate to various rhetorical situations and to various style guides for composition.

4. The teacher candidate recognizes and explains the historical context of modern English language, including recognizing root words, determining word etymologies, and analyzing changes in syntax.

5. The teacher candidate explains the concept of dialect, recognize its effect and impact on the meaning and development of written and spoken language, and know and apply its use in context when it is appropriate.

6. The teacher candidate explains the importance of language structure (e.g., syntactic awareness, discourse awareness) in developing reading and writing fluency.

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and relationships among the major components of early literacy development, including the typical and atypical development of skills in the areas of language (i.e., phonological skill, morphology, orthography, semantics, syntax, and discourse); reading (i.e., print awareness, decoding, fluency, and comprehension); spelling and writing

development (i.e., pre-literate, early emergent, emergent, transitional, and conventional).

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not limited to phonemes, graphemes, diagraphs, blends, r-control vowels, hard and soft consonants, and explains how these relate to the progression of reading and writing development.

3. The teacher candidate explains the principles of teaching word identification and spelling and gives examples illustrating each principle.

4. The teacher candidate explains the role of fluency in typical reading development (e.g., word recognition, oral reading, silent reading, and comprehension) and as a characteristic of some reading disorders.

5. The teacher candidate identifies, defines, and explains the relationship between environmental, cultural, and social factors that contribute to literacy development and the difference between delays and characteristics of some reading disorders, as determined by academic standards.

6. The teacher candidate explains and demonstrates through oral reading the print concepts young students must develop (e.g., text orientation, directionality, connection of print to meaning, return sweep, page sequencing, punctuation).

7. The teacher candidate explains the stages of the development of phonological awareness skills and gives examples illustrating each stage (e.g., rhyme, syllable, onset-rime, phoneme segmentation, blending, and substitution).

8. The teacher candidate demonstrates appropriate enunciation in oral demonstrations, especially speech sounds when conducting phonemic awareness lessons.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017).

§223. English Language Arts Content Pedagogy Competencies

A. The teacher candidate applies knowledge of the relationships among speaking and listening, language, reading, and writing to use writing and speaking and listening experiences in conjunction with language and reading instruction to enhance students' reading and writing development.

1. The teacher candidate (applicable only for B-K, PK-3, 1-5) uses knowledge of the progression of phonological awareness skills to select or design and implement sequenced lessons and units that scaffold students' development of phonological awareness and enhance reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts.

2. The teacher candidate (applicable only for grades 1-5, 4-8, 6-12) uses knowledge of the progression of language, reading, and writing skills to select or design and implement lesson sequences that scaffold and enhance early adolescent and adolescent students' reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts for small-group instruction or intervention

in addition to whole-class instruction with grade-level standards.

3. The teacher candidate uses knowledge of the relationship between phonemes and graphemes to plan writing experiences in conjunction with phonological instruction to enhance students' reading and writing development.

4. The teacher candidate selects and uses various strategies to develop students' reading fluency, including guiding student awareness of syntax and discourse.

5. The teacher candidate selects or designs and implements lessons and unit sequences which provide opportunities for all students to read a wide range and volume of texts for various purposes (e.g., understanding, pleasure, and research) and make connections among texts based on their language, craft, topics, themes, and/or ideas.

6. When appropriate based on age- or grade-level standards, the teacher candidate supports students in selecting texts and assessing the credibility and usability of texts for different purposes.

7. The teacher candidate schedules and coordinates instructional time to make content connections with science, social studies, and the arts to ensure students build a wide vocabulary and knowledge of the world.

B. The teacher candidate selects or designs and implements instruction that provides opportunities for students at various stages of language, reading, and writing development to accurately and fluently read, understand, and express understanding of a range of complex grade-level texts, as determined by age- or grade-level standards.

1. The teacher candidate selects a volume of appropriately complex texts about similar topics, themes, and/or ideas that present opportunities for instruction and assessment of age- or grade-level standards.

2. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, or ideas to identify sections for rereading (e.g., through interactive read aloud, read along, pair or group reading, independent reading) and create and sequence questions and tasks.

3. The teacher candidate anticipates students' misconceptions or challenges and identifies a variety of grade-level appropriate instructional strategies to scaffold instruction and provide all students with opportunities to read, understand, and express understanding through conversations and writing using grade-level appropriate language, conventions, spelling, and structure.

C. The teacher candidate selects or designs and implements instructional materials that develops students' ability to meet the age- or grade-level standards for reading, writing, speaking and listening, and language by composing a range of oral, written, and visual texts (e.g., formal and informal, process and on-demand, different genres for a variety of purposes and audiences).

1. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, and ideas to select or design composition tasks that explain, analyze, challenge, or extend the language, craft, topics, themes, and ideas of the texts.

2. The teacher candidate locates models of writing in complex texts (e.g., word choice, syntax, sentence variety

and fluency, text structure, style) and selects or designs and implements instruction that develops students' ability to use the models to advance language, structure, and style in their own writing.

3. The teacher candidate facilitates classroom discussions based on the age- or grade-level standards for speaking and listening that allow students to refine their thinking about the language, craft, topics, themes, and/or ideas in complex texts in preparation for writing, when appropriate, as indicated by academic standards.

4. The teacher candidate develops, based on academic standards, students' ability to create an organizing idea or thesis statement, effectively organize and develop a written, oral, or visual response, and, when appropriate, develop a topic or support an opinion or claim about the language, craft, topics, themes, and/or ideas in complex texts using relevant evidence.

5. The teacher candidate provides opportunities incorporating technology for students to plan, draft, revise, edit, and publish written, oral, visual, and digital texts, individually and collaboratively (e.g., through shared and small-group writing, peer editing) to communicate knowledge, ideas, understandings, insights, and experiences.

6. The teacher candidate anticipates how students may use non-standard language orally and in writing and selects or designs and implements instruction based on age- or grade-level standards to develop students' ability to use language conventions (e.g., grammar, usage, and mechanics) accurately and strategically in their writing for different audiences and purposes.

7. The teacher candidate selects or designs and implements tasks for all students, as indicated by academic standards for reading, writing, speaking and listening, and language that require research of a topic, theme, or idea presented in complex texts and communication of findings orally and in writing.

D. The teacher candidate applies knowledge of language, reading, and writing development to select or design and use a range of ongoing classroom assessments (e.g., diagnostic, formal and informal, formative and summative, oral and written) which measure students' ability to read, understand, and demonstrate understanding of a range of grade-level complex texts to inform and adjust planning and instruction.

1. The teacher candidate selects or designs a range of ongoing assessments (e.g., formal and informal, formative and summative, oral and written) to measure students' ability to use their knowledge of language (e.g., print concepts, phonological awareness, phonics and word recognition) to accurately and fluently read, understand, and express understanding of a range of continuous texts.

2. The teacher candidate applies knowledge of reading, writing, and language development to identify trends in students' reading foundational skills, writing, and language development and identify students who are in need of additional support with decoding, fluency, vocabulary development, speaking and listening, writing, grammar.

3. The teacher candidate assesses specific reading behaviors often associated with fluency problems (e.g., lack of automaticity, substitution, omissions, repetitions, inappropriate reading rates, inaccuracy); recognize atypical developmental patterns; and collaborate with colleagues and specialists to plan and implement appropriate instructional

support(s) that address individual needs without replacing regular classroom instruction.

4. The teacher candidate assesses students' written expression skills (e.g., handwriting for elements of legibility, such as letter formation, size and proportion, spacing; and keyboarding for proper technique and style, such as adequate rate and accuracy, appropriate spacing, proficiency with word processing programs), identifies elements that need improvement, and designs instructional supports that support students' developing mastery.

5. The teacher candidate uses assessment trends to make adjustments to instructional plans (e.g., re-teaching, targeted mini-lessons, individualized or small-group remediation or extension) and identify differentiated instructional supports that provide all students with opportunities to read, understand, and express understanding of complex texts, as determined by age- or grade-level standards.

6. The teacher candidate uses assessment trends to form flexible groups of students and select or design and implement small-group instruction to improve students' ability to read independently a range of continuous texts and write in response using age- or grade-level appropriate conventions, spelling, language, and structure.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1299 (July 2017).

§225. Disciplinary Literacy Competencies

A. The teacher candidate applies knowledge of the theoretical and evidence-based foundations of reading and writing processes and specific disciplinary literacy expectations as described in academic standards to select or design and implement an integrated and comprehensive curriculum that develops students' understanding of content.

1. The teacher candidate explains the research and theory of disciplinary literacy and demonstrates discipline-specific reading and writing skills.

2. The teacher candidate explains how disciplinary literacy skills are necessary for learning content and expressing understanding of content through writing and speaking based on the academic standards for their certification content area.

3. The teacher candidate selects or designs and implements discipline-specific curriculum and instructional materials which incorporate technology to support instructional goals and objectives for the disciplinary literacy demands of the certification content area and differentiates the materials for the range of literacy needs of adolescent readers.

4. The teacher candidate selects, assesses the accuracy and credibility of, and uses a range and volume of print, digital, visual, and oral discipline-specific texts (e.g., primary and secondary sources in social studies or current research, informational journals, and experimental data and results in science) as instructional tools.

B. The teacher candidate applies knowledge of disciplinary literacy to select and use appropriate and varied instructional approaches to build all students' ability to understand and express their understanding of discipline-

specific content through reading, writing, speaking, and language.

1. The teacher candidate provides opportunities for students to learn and use vocabulary and language specific to the certification content area, practice discipline-specific reading and writing strategies, and gain and express understanding of content by exploring key questions through grade-level print, digital, visual, and oral discipline-specific texts.

C. The teacher candidate applies knowledge of disciplinary literacy to select or design and use a range of ongoing classroom assessments (e.g., diagnostic, formal and informal, formative and summative, oral and written) which measure students' mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate assesses students' ability to understand and use discipline-specific vocabulary and language; gain knowledge and understanding of content through grade-level, discipline-specific texts; and express their knowledge and understanding through speaking and writing.

2. The teacher candidate uses trends in assessment results to plan lessons, make adjustments to instruction, and provide remediation and enrichment opportunities for students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017).

Subchapter F. Mathematics Teacher Competencies

§227. Introduction

A. The mathematics teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, mathematics grades 4-8, mathematics grades 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017).

§229. Content Knowledge Competencies

A. With respect to the academic standards for mathematics for the certification grade band and neighboring grade bands, the teacher candidate, at minimum, demonstrates the following competencies to plan for instruction, teach, and assess student learning:

1. provides exact, explicit definitions of mathematical ideas and concepts using appropriate mathematical language;

2. provides precise, accurate, useful descriptions of algorithms and procedures, including descriptions of the accuracy of alternative procedures or algorithms;

3. exhibits an integrated, functional grasp of mathematical concepts and procedures;

4. explains concepts and executes procedures flexibly, accurately, efficiently, and appropriately;

5. models the mathematical dispositions and habits of mind described in the practice standards, including precision

of language, logical thought, reflection, explanation, and justification;

6. recognizes and uses the connections between the topics identified in the relevant standards and problems arising in real-world applications;

7. portrays mathematics as sensible, useful, and worthwhile.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017).

§231. Content Pedagogy Competencies

A. The teacher candidate applies knowledge of mathematical topics and their relationships within and across mathematical domains to identify key mathematical ideas and select or design mathematically sound lesson sequences and units of study that develop students' conceptual understanding, procedural skill and fluency, and ability to solve real-world and mathematical problems.

1. The teacher candidate appropriately sequences content for instruction within a lesson or unit of study and plans appropriate scaffolding to provide opportunities for students to access and master grade-level standards.

2. The teacher candidate anticipates student misconceptions which may arise during a lesson or unit of study, identifies key points in the lesson or unit to check for misconceptions, and identifies appropriate instructional strategies to respond to misconceptions, including but not limited to questioning, whole group discussion, problem sets, instructional tools and representations that make the mathematics of the lesson explicit.

3. The teacher candidate selects or designs standards-based tasks that use varied strategies, including but not limited to real-life applications, manipulatives, models, diagrams/pictures, that present opportunities for instruction and assessment.

4. The teacher candidate selects or designs practice sets that include scaffolding and differentiation of mathematical content to provide opportunities for students to develop and demonstrate mastery.

5. The teacher candidate identifies appropriate student groupings, for example pairs or small groups, to develop students' conceptual understanding, skill, and fluency with mathematical content as well as independent mathematical thinking.

B. The teacher candidate applies understanding of students' mathematical language development to provide regular opportunities during instruction for students to explain their understanding both in writing and orally through classroom conversations.

1. The teacher candidate explains the connection between students' informal language to precise mathematical language to develop students' ability to use precise mathematical language in their explanations and discussions.

C. The teacher candidate applies understanding of the intersection of mathematical content and mathematical practices to provide regular, repeated opportunities for students to exhibit the math practices while engaging with the mathematical content of the lesson, including but not limited to the following:

1. uses appropriate prompting and questioning that allow students to refine their mathematical thinking and build upon one another's understanding of the mathematical content of the lesson;

2. poses challenging problems that offer opportunities for productive struggle and for encouraging reasoning, problem solving, and perseverance in solving problems in the face of initial difficulty;

3. facilitates student conversations in which students are encouraged to discuss each other's thinking in order to clarify or improve their own mathematical understanding;

4. provides opportunities for students to choose and use appropriate tools when solving a problem; and

5. prompts students to explain and justify work and provides feedback that guides students to produce revised explanations and justifications.

D. The teacher candidate applies knowledge of mathematical topics and their relationships within and across mathematical domains to select or design and use a range of ongoing classroom assessments, including but not limited to diagnostic, formal and informal, formative and summative, oral and written, which determine students' mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate identifies errors, gaps, and inconsistencies in students' knowledge, skills, and mathematical reasoning to remediate or scaffold students' learning during lesson implementation, using, but not limited to, the following strategies:

a. oral and written explanations of the elements and structures of mathematics and the meaning of procedures, analogies, and real life experiences;

b. manipulatives, models, and pictures or diagrams; and

c. problem sets.

2. The teacher candidate uses trends in assessment results to plan lesson structure and sequence, instructional strategies, remediation and enrichment opportunities for students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017).

Subchapter G. Early Childhood Teacher Competencies

§233. Introduction

A. The early childhood teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking early childhood ancillary certification and certification in birth to kindergarten.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017).

§235. Early Childhood Pedagogy Competencies

A. The teacher candidate designs instructional learning outcomes that are written in terms of what children will learn rather than do and include indicators from applicable Louisiana birth to five early learning development standards (ELDS) domains, and are appropriate for diverse learners (e.g., special education students, ESL students).

B. The teacher candidate provides emotional and behavioral support to children as indicated by the following:

1. creates a positive environment that supports emotional connections between children and adults and between children and their peers;
2. exhibits an awareness and sensitivity to children's emotional and learning needs;
3. allows opportunities for exploration while providing comfort, reassurance and encouragement; and
4. places emphasis on children's perspectives, interests, motivations, and points of view.

C. The teacher candidate manages classroom organization to support children's development as indicated by the following:

1. sets clear, age-appropriate expectations for children's behavior;
2. supports positive behavior by using effective methods, including but not limited to highlighting positive behaviors and redirecting misbehaviors;
3. promotes children's ability to regulate their own behavior, including but not limited to using a proactive approach and planning to minimize disruptions;
4. manages instructional and learning time and routines so children have maximum opportunities to be engaged in learning activities;
5. maximizes children's interest and engagement by being actively involved in the children's learning process; and
6. uses a variety of materials and modalities to gain children's interest and participation in activities.

D. The teacher candidate provides engaged instructional support for learning as indicated by the following:

1. uses interactions and discussions to promote higher-order thinking skills and cognition;
2. focuses on promoting children's understanding rather than on rote instruction or memorization;
3. provides feedback that expands children's learning and understanding;
4. scaffolds learning and provides supportive guidance so that children can to achieve competencies and skills independently;
5. provides opportunities for conversations for the purpose of promoting opportunities for language use;
6. utilizes open-ended questioning techniques to allow children to put language together to communicate more ideas in increasingly complex ways;
7. models language use and forms through repeating and extending children's responses and through self and parallel talk; and
8. uses a variety of words and language forms that are new and unique to extend children's understanding of these parts of language.

E. The teacher candidate uses assessment to guide planning and understand children's levels of growth and development as indicated by the following:

1. conducts observation-based assessments in a systematic, ongoing manner throughout daily routines and activities;
2. gathers and uses assessment data for the purpose of planning instruction, activities, and experiences that further promote children's development and learning;

3. reflects on child assessment data and connections to teacher action and make changes to continuously improve practice; and

4. makes decisions based on the progress of children's development with reliability.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017).

Subchapter H. Other Certification Area Competencies

§237. Introduction

A. The knowledge and skills needed for teacher candidates who are pursuing certification in the following certification areas are defined in the following standards.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017).

§239. Other Special Education Areas

A. Early Interventionist Birth-Five Years: Council for Exceptional Children (CEC) Initial Special Education Early Childhood Specialty Set

B. Hearing Impaired K-12: CEC Initial Special Education Deaf and Hard of Hearing Specialty Set

C. Visual Impairments/Blind K-12: CEC Initial Special Education Blind and Visually Impaired Specialty Set

D. Academically Gifted: National Association for Gifted Children (NAGC) Teacher Preparation Standards for Gifted

E. Significant Disabilities 1-12: CEC Initial Special Education Individualized Independence Curriculum Specialty Set

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017).

§241. Middle Grades 4-8 Education

A. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation

B. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017).

§243. Secondary Grades 6-12 Education

A. Agriculture Education: American Association for Agriculture (AAAE) National Standards for Teacher Education in Agriculture

B. Business and Marketing Education: National Association for Business Teacher Education Association (NABTE) Business Teacher Education Standards

C. Computer Science Education: International Society for Technology in Education (ISTE) Standards for Computer Science Educators

D. Family and Consumer Sciences Education: American Association of Family and Consumer Sciences (AAFCS) Standards

E. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers

F. Journalism Education: Association (JEA) Standards for Journalism Educators

G. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation

H. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers

I. Technology Education: International Society for Technology in Education (ISTE) Standards and International Technology and Engineering Educators Association (ITEEA) Standards

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017).

§245. All Levels K-12 Education

A. Art Education: National Association of Schools of Art and Design (NASAD) Standards for Art Teacher Preparation

B. Dance Education: National Association of Schools of Dance (NASD) Standards for Dance Teacher Preparation

C. English as a Second Language Education: Teachers of English to Speakers of Other Languages (TESOL) Standards for Teacher Education Programs

D. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers

E. Health and Physical Education: Society of Health and Physical Educators (SHAPE) America Initial Health Education Teacher Education Standards and Initial Physical Education Teacher Education Standards

F. Music Education: National Association of Schools of Music (NASM) Standards for Music Teacher Preparation

G. Theater Education: National Association of Schools of Theatre (NAST) Standards for Theater Teacher Preparation

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1304 (July 2017).

Chapter 3. Teaching Authorizations and Certifications

Subchapter A. Standard Teaching Authorizations

§305. Professional Level Certificates

A. Level 1 is the entry-level professional certificate, valid for three years. The level 2 and level 3 certificates are valid for five years.

1. Level 1 Professional Certificate—valid for three years.

a. Eligibility requirements:

i. Louisiana graduate:

(a). successfully complete a state-approved traditional or alternate teacher preparation program;

(b). have a minimum 2.50 grade point average (GPA) on a 4.00 scale;

(c). present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (core academic skills for educators in reading,

writing, and mathematics); the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification as specified in §203 of this bulletin; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was; and

(d). be recommended by a state-approved university or private program provider for certification.

b. Out-of-State Graduate

i. Eligibility requirements:

(a). possess a minimum of a baccalaureate degree from a regionally accredited college or university;

(b). completed a teacher preparation program in another state;

(c). hold a standard out-of-state teaching certificate; or if no certificate was issued, a letter from the LDE in the state of origin verifying eligibility in that state for a certificate in the certification area(s);

(d). pass all parts of Praxis exam(s) required for Louisiana certification:

(i). present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (core academic skills for educators in reading, writing, and mathematics); the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued;

(ii). if applicant has obtained National Board Certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

(e). has completed student teaching, an internship, or three years of teaching experience in the candidate's area of certification; and

(f). has not been out of teaching in the five years immediately preceding first employment or application for a Louisiana certificate. A candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate while he/she completes six semester hours required for the issuance of a three-year non-renewable (OS) certificate.

ii. A candidate who is certified in another state can qualify for exclusion from the Praxis exam(s) required for Louisiana certification under the following criteria:

(a). he/she meets all requirements for Louisiana certification except the Praxis exam requirements; has at least four years of successful teaching experience in another state, as determined by the board; and teaches on an out-of-state certificate for one year in a Louisiana approved public or an approved private school system;

(b). the teacher's employing authority must verify that he/she has completed one year of successful teaching experience in a Louisiana approved public or an approved private school and that he/she has been recommended for further employment;

(c). the employing authority must request that he/she be granted a valid Louisiana teaching certificate.

c. Foreign Applicant—(OS) Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by a regionally accredited institution in the United States. If the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

(b). credentials may be submitted to the American Association of Collegiate Registrars and Admissions Officers (AACRAO), Office of International Education Services or World Education Services for evaluation. The original course-by-course evaluation from AACRAO and World Education Services must be submitted directly from those agencies and must include a statement verifying the comparability of the baccalaureate degree in the field of education.

d. Foreign Applicant—Level 1 Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by a regionally accredited institution in the United States. If the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

(b). credentials may be submitted to the American Association of Collegiate Registrars and Admissions Officers (AACRAO), Office of International Education Services or World Education Services for evaluation. The original course-by-course evaluation for certification must come directly from the evaluating agency and must include a statement verifying the comparability of the baccalaureate degree in the field of education; and

(c). present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (core academic skills for educators in reading, writing, and mathematics); the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam(s) in the certification area(s) in which the teacher preparation program was completed or in which the initial certificate was issued.

B. Level 2 Professional Certificate—valid for five years.

1. Eligibility requirements:

a. hold or meet eligibility requirements for a level 1 certificate;

b. either successfully meet the standards of effectiveness for three years pursuant to state law and Bulletin 130 or receive a waiver of this provision from the LDE, at the request of the employing LEA, if the teacher was unable to meet the standards of effectiveness due to administrative error in the local implementation of the evaluation system any year prior to the 2015-2016 school year; and

c. accrue three years of experience in area(s) of certification in an approved educational setting.

2. If the level 2 certificate is the applicant's first certificate, a state-approved teacher preparation program provider must submit the request.

3. If the level 1 certificated teacher qualifies for advancement to a level 2 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

C. Level 3 Professional Certificate—valid for five years.

1. Eligibility requirements:

a. hold or meet eligibility requirements for a level 2 certificate;

b. a master's degree from a regionally accredited college or university;

c. five years of experience in area(s) of certification in an approved educational setting.

2. If the level 3 certificate is applicant's first certificate, a state-approved teacher preparation program provider must submit the request.

3. If the level 2 certificated teacher qualifies for advancement to a level 3 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

D. Renewal/Extension Guidelines for Level 1, Level 2, and Level 3 Certificates

1. Level 1 certificate:

a. valid for three years initially and may be extended thereafter for a period of one year at the request of a Louisiana employing authority. Level 1 certificates are limited to two such extensions. Teachers must successfully meet the standards of effectiveness for the renewal of this certificate pursuant to state law and Bulletin 130.

2. Level 2 and level 3 certificates:

a. valid for five years initially and may be renewed thereafter for a period of five years at the request of a Louisiana employing authority. For renewal of level 2 and level 3 certificates, candidates must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to state law and Bulletin 130;

b. LEAs may request a one-time five-year renewal of the certificate if a teacher was unable to successfully meet the standards of effectiveness due to administrative error in the local implementation of the evaluation system any year prior to the 2015-2016 school year.

E. Non-Practicing Status for Level 1, 2, 3 Certificates

1. The LDE may grant non-practicing status to any teacher who applies within a year of ceasing employment as a teacher or leader evaluated pursuant to state law and Bulletin 130. An exception may be made for a teacher or leader who ended employment prior to November 1, 2015 with at least one evaluation rating in 2012-2013, 2013-2014, or 2014-2015.

2. Non-practicing status shall take effect on the last day of employment in the evaluated role, as verified by the employing LEA.

3. Non-practicing teachers returning to practice may apply through a Louisiana education agency for an extension of their certificate for the number of years remaining in the renewal period of the certificate.

4. Final effectiveness ratings earned while in active status will be retained during non-practicing status and applied to any subsequent renewal or extension.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017).

§307. Type C Certificates

A. Effective July 1, 2002, type C certificates are no longer issued for initial certification. The type C certificate is valid for three years. Teachers who hold type B and type A lifetime certificates will continue to hold these certificates. Effective July 1, 2012, type B and type A lifetime certificates will no longer be issued to teachers holding type C certificates applying for advanced certificates. Teachers holding a type C certificate who wish to apply for more advanced certification credentials will be granted a level 2 certificate, upon meeting the standards of effectiveness for at least three years, pursuant to Bulletin 130 and R.S. 17:3902.

B. Type C Certificate

1. Eligibility requirements:

- a. successfully complete a state-approved traditional or alternate teacher preparation program;
- b. a minimum 2.50 GPA on a 4.00 scale;
- c. present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams—the pre-professional skills tests (PPST) in reading, writing, and mathematics; the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area(s) in which the teacher preparation program was completed or in which the initial certificate was issued;

d. be recommended by a university or private program provider for certification; or meet the requirements of an out-of-state certified teacher (see below for requirements for the out-of-state certificate).

2. Renewal Guidelines. The type C certificate may be renewed for an additional three-year period upon the request of the Louisiana employing authority, subject to the approval of the LDE.

C. Type B Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the state Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

- a. hold or meet eligibility requirements for a type C certificate;
- b. successfully complete the local evaluation plan mandated by state law and Bulletin 130; and
- c. three years of experience in area(s) of certification in an approved educational setting.

2. The request for the higher certificate must be submitted directly to the LDE by the employing authority.

D. Type A Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue

in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the state Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

- a. hold or meet eligibility requirements for a type C certificate;
- b. successfully complete the local evaluation plan mandated by state law and Bulletin 130;
- c. a master's degree from a regionally accredited institution of higher education; and
- d. five years of experience in area(s) of certification in an approved educational setting.

2. The request for the higher certificate must be submitted directly to the LDE by the employing authority.

E. Process for Reinstating Lapsed Type C, B, and A Certificates

1. A certificate will lapse for disuse if the holder allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days.

2. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see Chapter 13) during the five-year period immediately preceding request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012), LR 43:1306 (July 2017).

§309. Out-of-State (OS) Certificate

A. An out-of-state (OS) certificate, valid for a three year period, is not renewable. It is issued to a teacher who has completed an out-of-state teacher preparation program and either holds or is eligible for a certificate in the state in which the program was completed. The teacher is not initially eligible for a level 1, 2, or 3 Louisiana certificate but meets Louisiana certification requirements with the exception of the Praxis/National Teacher Exam requirements. It provides a transition period that permits the holder to be employed in Louisiana K-12 schools while he/she complies with Louisiana Praxis/NTE requirements or meets Praxis exclusion eligibility requirements. For continued employment as a teacher in a Louisiana school system after the three year period has elapsed, the OS certificate holder must fulfill guidelines for a level 1 or higher-level certificate.

B. Eligibility requirements:

1. baccalaureate degree from a regionally accredited college or university;
2. completed a teacher preparation program in another state;
3. hold a standard out-of-state teaching certificate; or if no certificate was issued, a letter from the state department of education or college of education dean verifying

eligibility in that state for a certificate in the certification area(s);

4. completed student teaching or internship in a certification area, or in lieu of student teaching or internship has three years of successful teaching experience in a certification area; and

5. if applicant earned a degree five or more years prior to the date of application, he/she must have been a regularly employed teacher for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana or application for a Louisiana certificate. Lacking this experience, he/she must earn six semester hours of credit in state-approved courses (see Chapter 12) during the five year period immediately preceding application. A candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate while he/she completes six semester hours required for the issuance of a three-year non-renewable (OS) certificate; and

6. beginning January 1, 2017, the LDE will issue a letter of eligibility for an OS certificate to requesting teachers. The OS certificate will be issued at the request of the Louisiana employing authority.

C. Advancing from OS to Professional Level 1, 2, or 3 Certificate

1. Pass all parts of Praxis exam(s) required for Louisiana certification identified in §203:

a. present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (core academic skills for educators in reading, writing, and mathematics); the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued;

b. if applicant has obtained national board certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

c. a candidate who is certified in another state can qualify for exclusion from the Praxis exam(s) required for Louisiana certification under these criteria:

i. he/she meets all requirements for Louisiana certification except the Praxis exam requirements; has at least three years of successful teaching experience in another state, as determined by the board; and teaches on an OS certificate for one year in a Louisiana approved public or an approved private school system;

ii. the teacher's Louisiana employing authority verifies that he/she has completed one year of successful teaching experience in a Louisiana approved public or an approved private school and that he/she has been recommended for further employment; and

iii. the employing authority requests that he/she be granted a valid Louisiana teaching certificate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR

35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017).

§311. World Language Certificate (WLC) PK-12

A. This certificate is valid for six years and may be issued to a foreign associate teacher who participates in the LDE Foreign Associate Teacher Program, and who teaches world language and/or immersion in grades PK-12.

B. This certificate allows the holder to receive the same benefits as any other regularly certified teacher.

C. Eligibility guidelines:

1. a bachelor's degree in education or equivalent preparation in education from a foreign country. The status of this degree will be determined by the LDE. If LDE staff cannot make a degree equivalent determination, the candidate's credentials must be evaluated by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) or by World Education Services (WES). In the case of an AACRAO or WES evaluation, the determination must be on "safe script" paper and must include a course-by-course evaluation;

2. a teaching certificate in the foreign country for the certification area and/or grade level that the candidate will teach in Louisiana;

3. evidence of two years of successful teaching experience in the country of origin; and

4. a native speaker of the language to be taught.

D. Renewal Guidelines. Valid for six years initially and may be renewed thereafter for a period of six years at the request of a Louisiana employing authority. For renewal of a WLC certificate, candidates must successfully meet the standards of effectiveness for at least three years during the six-year initial or renewal period pursuant to state law and Bulletin 130.

E. Professional Certificate. A professional level 1 certificate may be issued after successful completion of the PRAXIS core academic skills for educators, PRAXIS II content area examination(s), and PRAXIS principles of learning and teaching: K-6, 5-9, or 7-12. The test of English as a foreign language may be used in lieu of the PRAXIS core academic skills for educators. For renewal and reinstatement guidelines of a level 1 certificate, see Chapter 3.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008), LR 35:642 (April 2009), LR 36:486 (March 2010), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017).

§313. Practitioner Licenses

A. Practitioner licenses 1 and 2 may be issued for one school year, renewed annually, and held a maximum of three years while the holder completes an alternate program. Upon completion of the three years of employment on this certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system. The practitioner license 3 may be issued for one school year, renewed annually, and held a maximum of four years while the holder completes an alternate program. Upon completion of the four years of

employment on this certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system.

B. Practitioner License 1—issued to a candidate who is admitted to and enrolled in a state-approved practitioner teacher program.

1. Eligibility requirements:

a. baccalaureate degree from regionally accredited college or university;

b. 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a non-university provider program; or a 2.20 or higher grade point average (GPA) on a 4.00 scale to enter a college or university program; and

c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a regionally accredited college or university will be exempted from the core academic skills for educators requirement.

NOTE: Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam. Secondary education candidates (grades 6-12) must pass a Praxis core subject area exam. If there is no content Praxis exam adopted by the State in the specific secondary core subject area, candidates must demonstrate content mastery by presenting 30 semester credit hours in the core subject area.

2. The approved teacher preparation program provider must submit the request for the initial practitioner license directly to the LDE. The teacher is restricted to the specific grade level and content area as designated on the practitioner license.

3. Renewal Requirements. The candidate must remain enrolled in the practitioner teacher program and fulfill a minimum of six semester hours of coursework or equivalent contact hours per year (to the extent that required semester hours remain in the program to be completed), teaching assignments, and prescribed activities identified by the program provider.

4. Program requirements must be completed within the three-year maximum that the license can be held. For certification purposes, non-university providers and colleges or universities will submit signed statements to the LDE indicating that the student completing the practitioner teacher program alternative certification path met the following requirements:

a. passed all licensure exams required for certification pursuant to §203;

b. completed all program requirements including the residency with a 2.50 or higher GPA (this applies to candidates in a university program);

c. demonstrated proficiency in reading and literacy competencies through successfully completing the required number of credit or contact hours in reading and literacy as specified in Bulletin 996 or passing a reading competency assessment. The reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis teaching reading exam (#0204 or #5204). The current required score is 157. (Middle grades 4-8 and secondary grades 6-12 will be required to take the

required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted.); and

d. completed prescriptive plans, if need was determined by the preparation provider.

C. Practitioner License 2—issued to a candidate who is admitted to and enrolled in a state-approved certification-only alternate certification program.

1. Eligibility requirements:

a. baccalaureate degree from regionally accredited college or university;

b. 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a non-university provider program or a 2.20 GPA on a 4.00 scale to enter a college or university program; and

c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a regionally accredited college or university will be exempted from the core academic skills for educators requirement.

NOTE: Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam. Secondary education candidates (grades 6-12) must pass a Praxis core subject area exam. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area.

2. The request for the initial practitioner license as well as renewals of the license must be submitted directly to the LDE by the employing authority. The teacher is restricted to the specific grade level and content area as designated on the practitioner license.

3. Renewal Requirements. The candidate must remain enrolled in the certification-only alternate certification program and fulfill a minimum of nine semester hours of coursework per year (to the extent that required semester hours remain in the program to be completed), teaching assignments, and prescribed activities identified by the program provider.

4. Program requirements must be completed within the three-year maximum that the license can be held. For certification purposes, non-university providers and colleges or universities will submit signed statements to the LDE indicating that the student completing the certification-only alternate program met the following requirements:

a. non-education baccalaureate degree from regionally-accredited college or university;

b. completed all program requirements including the residency with a 2.50 or higher GPA (this applies to candidates in a university program); and

c. demonstrated proficiency in reading and literacy competencies through successfully completing the required number of credit or contact hours in reading and literacy as specified in Bulletin 996 or passing a reading competency assessment. The reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis Teaching Reading exam (#0204 or #5204). The current required score is 157. (Middle grades 4-8 and secondary grades 6-12 will be required to take the

required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted.)

D. Practitioner License 3—issued to a candidate who is admitted to and enrolled in a state-approved master's degree alternate certification program.

1. Eligibility requirements:

a. baccalaureate degree from regionally accredited college or university;

b. 2.50 GPA on a 4.00 scale; and

c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a regionally accredited college or university will be exempted from the core academic skills for educators requirement.

NOTE: Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam. Secondary education candidates (grades 6-12) must pass a Praxis core subject area exam. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area.

2. The request for the initial practitioner license as well as renewals of the license must be submitted directly to the LDE by the employing authority. The teacher is restricted to the specific grade level and content area as designated on the practitioner license.

3. Renewal Requirements. The candidate must remain enrolled in the master's degree alternate certification program and fulfill a minimum of nine semester hours of coursework per year (to the extent that required semester hours remain in the program to be completed), teaching assignments, and prescribed activities identified by the program provider.

4. Program requirements must be completed within the four-year maximum that the license can be held. For certification purposes, colleges/universities will submit signed statements to the LDE indicating that the student completing the master's degree alternate certification program met the following requirements:

a. passed all licensure assessments required for certification pursuant to §203; and

b. completed all coursework including the residency in the master's degree alternate certification program with a 2.50 or higher grade point average (GPA); and

c. demonstrated proficiency in reading and literacy competencies through successfully completing the required number of credit or contact hours in reading and literacy as specified in Bulletin 996 or passing a reading competency assessment. The reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis teaching reading exam (#0204 or #5204). The current required score is 157. (Middle grades 4-8 and secondary grades 6-12 will be required to take the required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted.)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017).

§315. Standard Certificates for Teachers in Nonpublic Schools

A. A standard certificate with an asterisk (*) following the certificate type is issued to a teacher in a nonpublic school. The asterisk (*) refers to a statement printed at the bottom of the certificate: "If this teacher enters a public school system in Louisiana, he will be required to meet the standards of effectiveness pursuant to state law and Bulletin 130 for issuance of a Level 2 or Level 3 teaching certificate."

B. Level 2* (2-asterisk) Certificate—valid for five years and renewable with continuing learning units (CLUs) of approved professional development during the five-year period immediately preceding request for renewal.

1. Eligibility requirements:

a. a Louisiana level 1 certificate;

b. successfully taught for three years in area(s) of certification;

c. completed a teacher evaluation program for three years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the level 2* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. The level 2* certificate is valid in a nonpublic school setting. If the teacher enters a Louisiana public school he will be required to successfully complete the local evaluation plan mandated by state law and Bulletin 130 regulations.

C. Level 3* (3-asterisk) Certificate—valid for five years and renewable with continuing learning units (CLUs) of approved professional development during the five-year period immediately preceding request for renewal.

1. Eligibility requirements:

a. a Louisiana level 1 or level 2* certificate;

b. successfully taught for five years in the area(s) of certification;

c. master's degree from a regionally-accredited college or university; and

d. completed a teacher evaluation program for three consecutive years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the level 3* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. The level 3* certificate is valid in a nonpublic school setting. If the teacher enters a Louisiana public school, he will be required to successfully complete the local evaluation plan mandated by state law and *Bulletin 130* regulations.

4. Renewal Guidelines for Level 2* and Level 3* Certificates

a. A teacher must complete 150 continuing learning units (CLUs) of district-approved and verified professional development over the five-year time period during which he/she holds the certificate, or during the five-year time period immediately preceding the request for renewal. The Louisiana employing authority must request renewal of a level 2* or level 3* certificate.

b. A teacher with an existing level 2* or level 3* teaching certificate may renew that certificate based upon completion of NBC during the period of certificate validity, as satisfaction in full of the 150 CLUs required for renewal.

c. If the holder of an expired level 2* or level 3* certificate has not earned the required 150 CLUs of professional development, the expired certificate may be reactivated upon request of the employing authority (at the level that was attained prior to expiration) for a period of one year, during which time the certificate holder must present evidence of successful completion of the required 150 CLUs to the Department of Education. Failure to complete necessary CLUs during the one-year reactivation period will result in an expired certificate that cannot be reinstated until evidence is provided of completed professional development requirements.

d. A continuing learning unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify an educator's participation in a district- or system-approved, content-focused professional development activity aligned with the educator's individual professional growth plan.

D. Type B* (B-asterisk) Certificate—a lifetime nonpublic school certificate for continuous service, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least 1 semester, or 90 consecutive days, and/or certificate is not revoked by the Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

a. a Louisiana type C certificate;

b. successfully taught for three years in area(s) of certification; and

c. completed a teacher evaluation program for three consecutive years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the type B* certificate must be submitted directly to the Department of Education by the Louisiana employing authority.

3. The type B* certificate is valid for life of continuous service in a nonpublic school setting. If the teacher enters a Louisiana public/charter school he/she will be required to complete the local evaluation plan mandated by state law and Bulletin 130 regulations.

E. Type A* (A-asterisk) Certificate—a lifetime nonpublic school certificate for continuous service, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least 1 semester, or 90

consecutive days, and/or certificate is not revoked by the state Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

a. a Louisiana type C, type B, or type B* certificate;

b. successfully taught for five years in the area(s) of certification;

c. master's degree from a regionally accredited college or university;

d. completed a teacher evaluation program for three consecutive years at the same nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the type A* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. The type A* certificate is valid for life of continuous service in a nonpublic school setting. If this teacher enters a Louisiana public school he/she will be required to successfully complete the local evaluation plan mandated by state law and Bulletin 130.

F. Renewal Guidelines for Level 2* and Level 3* Certificates

1. A teacher must complete 150 continuing learning units (CLUs) of district-approved and verified professional development over the five-year time period during which he/she holds the certificate, or during the five-year time period immediately preceding the request for renewal. The request for the level 2* or level 3* certificate must be submitted directly to the Department of Education by the Louisiana employing authority.

2. If the holder of an expired level 2* or level 3* certificate has not earned the required 150 CLUs of professional development, the expired certificate may be reactivated upon request of the Louisiana employing authority (at the level that was attained prior to expiration) for a period of one year, during which time the certificate holder must present evidence of successful completion of the required 150 CLUs to the Department of Education. Failure to complete necessary CLUs during the one year reactivation period will result in an expired certificate that cannot be reinstated until evidence is provided of completed professional development requirements.

3. A continuing learning unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify an educator's participation in a district- or system-approved, content-focused professional development activity aligned with the educator's individual professional growth plan.

a. Educators may earn one CLU for each clock hour of active engagement in a high quality professional development activity approved by the employing authority. Each educator is responsible for maintaining required documentation and for reporting earned CLUs in a manner prescribed by the employing authority. Earned CLUs transfer across local education agencies (LEAs).

b. An educator who holds a level 2* or level 3* professional license is responsible for maintaining documentation regarding acquisition of 150 CLUs for

purposes of renewal and for completing the necessary paperwork every five years to renew his/her license. Upon submission of the renewal application to the state, the employing authority must provide an assurance statement signed by the superintendent or his/her designee, with the required listing of earned CLUs as documented by the educator seeking licensure.

G. Reinstating Lapsed Levels 2* or 3*, Types B* or A* Certificates

1. If the holder of a level 2*, level 3*, type B*, or type A* certificate allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

2. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see Chapter 13) during the five-year period immediately preceding request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1801 (October 2006), amended LR 36:752 (April 2010), LR 37:559 (February 2011), LR 38:1952 (August 2012), LR 43:1309 (July 2017).

Subchapter B. Nonstandard Teaching Authorizations

§321. Introduction

A. There are five types of nonstandard teaching authorizations issued in Louisiana: temporary authority to teach (TAT); out-of-field authorization to teach (OFAT); temporary employment permit (TEP); nonpublic temporary certificate (T); and resident teacher certificate (R). Nonstandard authorizations are of a temporary nature but may be renewed under specified guidelines.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017).

§325. Out-of-Field Authorization to Teach (OFAT)

A. Out-of-Field Authorization to Teach (OFAT)—issued for one three-year period while the holder pursues endorsement (add-on) certification requirements. If the teacher is actively pursuing certification in the field and the LDE has designated the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted.

B. Eligibility requirements:

1. issued to an applicant who holds a valid Louisiana out-of-state certificate;
2. temporary employment permit; or
3. a type C, type B, type A, level 1, level 2, or level 3 teaching certificate but is teaching outside of the certified area(s).

C. OFAT Stipulations

1. Districts must submit the application and provide an affidavit signed by the local superintendent verifying that

good faith efforts for recruiting certified personnel have been made, including consulting the Teach Louisiana website; that “there is no regularly certified, competent, and suitable person available for the position;” and that the applicant is the best-qualified person for the position.

2. If the teacher is actively pursuing certification in the field and the Department of Education designates the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted. Designated areas are as follows:

a. applicants pursuing certification in academically gifted, significant disabilities, early interventionist, hearing impaired, and visual impairments/blind may be granted two additional years of renewal;

b. applicants pursuing certification in Mild/Moderate may be granted one additional year of renewal.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 33:2355 (November 2007), LR 35:1487 (August 2009), LR 43:1311 (July 2017).

§326. Temporary Employment Permit (TEP)

A. Temporary Employment Permit (TEP)—issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues satisfaction of state Praxis requirements. Upon completion of the three years of employment on this certificate, for continued employment in a Louisiana school system, the holder must fulfill guidelines for a level 1 or higher-level certificate.

B. Eligibility Guidelines 1—issued to an applicant who meets all certification requirements with the exception of passing all portions of the NTE commons examination completed prior to February 20, 1985, but who scores within 10 percent of the composite score required for passage of all exams.

NOTE: This was formerly classified as an Emergency Permit.

1. The Louisiana employing authority must submit the application to the LDE.

2. The Louisiana employing authority must submit a signed affidavit to the LDE stipulating that there is no other applicant meeting all certification requirements who is available for employment for a specific teaching position.

3. Granting of this permit shall not waive the requirement that the person successfully complete the exam.

C. Eligibility Guidelines 2—issued to an individual who meets all certification requirements with the exception of passing one of the components of the NTE/Praxis examination(s) completed after February 20, 1985, but who has an aggregate score equal to or above the total required on all NTE/Praxis exams for the area of certification. The individual must submit the application and all required materials to the LDE.

D. Renewal Requirements. An individual can be reissued a permit two times only if evidence is presented that the required exam has been retaken twice within one year from the date the permit was last issued.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), LR 43:1311 (July 2017).

§328. Resident Teacher Certificate (R)

A. Beginning July 1, 2018, the resident teacher certificate (R) shall be required for individuals completing a one-year residency required for certification in Louisiana pursuant to Bulletin 996.

B. Resident teacher certificates are valid for one school year, are renewable, and may be held a maximum of three years while the holder pursues certification through a BESE-approved preparation program.

C. Eligibility guidelines:

1. enrollment in a BESE-approved traditional, master's degree, or certification-only teacher preparation program;

2. placement in a classroom in a public or approved non-public school with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746;

a. resident teachers placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness pursuant to state law and Bulletin 130;

3. passing scores on required core academic skills exams for initial issuance; and

4. passing scores on required content knowledge exams for renewal.

D. The request for the Resident Teacher license as well as renewal requests must be submitted directly to the LDE by the preparation provider.

E. The LDE will begin issuing resident teacher certificates to candidates completing residencies in BESE-approved programs with one-year residencies on July 1, 2017.

F. There shall be no fee charged for the resident teacher certificate's issuance.

G. Holders of the resident teacher certificate may serve as a substitute teacher in their residency school system for up to ten days each semester. Such service shall not impede a teacher candidate's residency performance or ability to successfully complete the preparation program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1312 (July 2017).

Chapter 4. Ancillary School Service Certificates

Subchapter A. General Ancillary School Certificates

§417. Educational Leader in Special Education Ancillary Certificate

A. The educational leader in special education ancillary certificate authorizes an individual to serve as a supervisor, director, or coordinator of special education in a school or district setting.

B. Issuance. This certificate is issued upon the request of the Louisiana employing authority.

C. Renewal Guidelines. This certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority. Candidates must successfully meet the standards of effectiveness for at least three years during the five-year renewal period

pursuant to Bulletin 130 and R.S. 17:3902. Such renewal shall constitute a renewal of the special education ancillary certificate only and shall not qualify the candidate for the educational leader certificate level 1 (ELC 1), educational leader certificate level 2 (ELC 2), or educational leader certificate level 3.

D. The candidate must:

1. hold one of the below valid Louisiana ancillary certificates:

- a. assessment teacher;
- b. educational consultant;
- c. educational diagnostician;
- d. certified school psychologist (Level B or Level

A);

- e. qualified speech pathologist;
- f. speech therapist;
- g. speech-language pathologist;
- h. speech and hearing therapist;
- i. qualified school social worker; or
- j. qualified licensed audiologist;

2. have at least three years of experience working with students in the area of certification;

3. have completed a graduate degree program from a regionally accredited institution of postsecondary education;

4. provide documented evidence of leadership experiences (240 clock hours or more) at the school; and

5. have a passing score on the school leaders licensure assessment (SLLA) or other equivalent assessment as determined by the state board through its rules and regulations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:768 (March 2012), LR 43:1312 (July 2017).

Chapter 6. Endorsements to Existing Certificates

Subchapter A. Regular Education Level and Area Endorsements

§611. Requirements to add a Secondary (grades 6-12) Specialty Core Content Area (English, Math, Foreign Language, Science, and Social Studies)

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), or special education certificate must achieve the following:

1. passing score for Praxis secondary specialty area exam in the content area; or 30 credit hours in the specialty content area; and

2. passing Praxis score for principles of learning and teaching 7-12 exam; or

3. passing Praxis score for world languages pedagogy (0841) if adding a foreign language after 6/30/13.

B. Individuals holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12) or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music), achieve one of the following:

1. passing score for Praxis secondary specialty area exam(s) required for the content area; or

2. 30 credit hours in the specialty content area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2266 (October 2010), LR 43:1312 (July 2017).

§613. Requirements to Add a Secondary (grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. Individuals holding a valid early childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), or special education certificate must achieve the following:

1. passing score for Praxis secondary specialty area exam in the content area or 21 credit hours in the specialty content area; or
2. passing Praxis score for principles of learning and teaching 7-12 exam.

B. Individuals holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12) or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve one of the following:

1. passing score for the Praxis secondary specialty area exam; and
2. 21 credit hours in the specialty content area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2547 (November 2010), LR 43:1313 (July 2017).

Chapter 7. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§705. Educational Leader Certificate Level 1 (EDL 1)

A. This is the certificate needed by those who fill school and district educational leadership positions (e.g., assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, special education supervisor, or comparable school/district leader positions). This certificate is issued upon the request of the LEA once the individual is hired to serve as an educational leader. An educational leader certificate level 1 may be obtained through either a master's degree pathway or through one of three alternate pathways.

1. Master's Degree Pathway. To receive an entry-level EDL 1, the candidate must:

- a. hold or be eligible to hold a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;
- b. complete a competency-based graduate degree preparation program in the area of educational leadership from a regionally accredited institution of higher education; and
- c. have a passing score on the school leaders licensure assessment (SLLA), in accordance with state requirements.

2. Alternate Pathway 1. The alternate pathway 1 is for persons who already hold a master's degree and are seeking to receive an EDL 1. The candidate must:

- a. hold or be eligible to hold a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;
- b. have previously completed a graduate degree program from a regionally accredited institution of higher education;
- c. meet competency-based requirements, as demonstrated by completion of an individualized program of educational leadership from a regionally accredited institution of higher education. An individualized program will be developed based on a screening of each candidate's competencies upon entering into the graduate alternative certification program; and
- d. have a passing score on the school leaders licensure assessment (SLLA) in accordance with state requirements.

3. Alternate Pathway 2. The alternate pathway 2 is for persons who already hold a master's degree in education and are seeking to receive an EDL 1. The candidate must:

- a. hold or be eligible to hold a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;
- b. have previously completed a graduate degree program in education from a regionally accredited institution of higher education;
- c. provide documented evidence of leadership experiences (240 clock hours or more) at the school and/or district level; and
- d. have a passing score on the school leaders licensure assessment (SLLA) in accordance with state requirements.

4. Alternate Pathway 3. The alternate pathway 3 is for persons who already hold a baccalaureate degree from a regionally accredited institution of higher education and are seeking to receive an EDL 1 through a competency-based educational leader practitioner (residency) program (See Bulletin 996, Chapter 7). The candidate must:

- a. hold or be eligible to hold a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;
- b. demonstrate strong knowledge of instruction through a rigorous screening process by an approved program provider;
- c. complete a competency-based educational leader practitioner/residency preparation program in the area of educational leadership from a state-approved private provider or a regionally accredited institution of higher education; and
- d. have a passing score on the school leaders licensure assessment (SLLA) in accordance with state requirements.

5. EDL 1 Extensions/Renewals

a. An EDL 1 is valid for three years initially and may be extended thereafter for a period of one year at the request of an LEA. EDL 1 certificates are limited to two such extensions.

b. Individuals who hold an educational leader add-on endorsement issued prior to July 1, 2012 and are employed in a leadership capacity will be required to meet the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902 for three years out of the five year renewal period in order to renew their endorsement.

6. Districts may require participation in an education leader induction administered by the LEA.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017).

Chapter 8. Certification Appeal Process

§801. Overview

A. The certification appeal process is available to an individual who has applied for certification and has been denied the requested certification due to the absence of certification requirements. The process provides such an individual the opportunity to have their appeal evaluated by the Teacher Certification Appeals Council (TCAC). The TCAC will evaluate all appeals and submit a written report of its findings to BESE. The decision of the TCAC is final.

B. Pursuant to *Louisiana Revised Statute* 17:7(6)(f), the TCAC shall consist of nine members recommended by the state superintendent of education and approved by BESE as follows. Council members shall serve four-year terms.

1. Three council members shall be college of education faculty members, each of whom shall represent a postsecondary education institution participating in both traditional and alternative certification programs. The Louisiana Association of Colleges for Teacher Education, the Louisiana Association of Independent Colleges and Universities, and the Louisiana Association of Teacher Educators shall each submit a list of three nominees. The superintendent shall recommend one college of education faculty member from each such list.

2. Three council members shall be classroom teachers. The Associated Professional Educators of Louisiana, the Louisiana Association of Educators, and the Louisiana Federation of Teachers shall each submit a list of three nominees. The superintendent shall recommend one classroom teacher from each such list.

3. Three council members shall be certified school or system administrators. The Louisiana Association of School Executives, the Louisiana State Association of School Personnel Administrators, and the Louisiana Association of School Superintendents shall each submit a list of three nominees. The superintendent shall recommend one administrator from each such list.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 43:1314 (July 2017).

§803. Appeal Process

A. An applicant who is denied certification but who believes that he/she has legitimate grounds for an appeal, may submit a certification appeal application to the LDE. Only an individual who has been evaluated and denied

certification through the LDE is eligible to file an appeal. The following restrictions apply.

1. An appeal cannot be initiated until an applicant has submitted a complete certification application to the Department of Education, Division of Certification, Leadership, and Preparation; the application is reviewed by a certification specialist; and the applicant is notified that he/she is denied the requested certification.

2. The certification office must receive an appeal application within 90 days from the date that the certification request was denied.

3. Appeals will not be considered for individuals who:

- a. lack NTE/Praxis requirements for initial certification; or
- b. lack a grade point average of 2.50 for initial certification; or
- c. lack reading requirements per R.S. 17:7.1(A)(4)(a); or
- d. lack 50 percent or more of courses or preparation program requirements required for certification; or
- e. lack the degree required for certification; or
- f. lack a degree from a regionally accredited college or university; or
- g. are requesting issuance or renewal of a non-standard teaching certificate;
- h. have not met the standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902.

4. Appeals relating to the issuance or renewal of certificates based on the standards of effectiveness must follow the grievance procedure through the LEA as identified in Bulletin 130.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 38:3140 (December 2012), LR 43:1314 (July 2017).

Chapter 10. Definitions

§1001. Terms

Alternate Teacher Preparation Program—a pathway designed for candidates with a minimum of a baccalaureate degree earned at a regionally accredited institution. An alternate program combines professional knowledge with field experiences, including a one year supervised internship in a school setting. For admission to an alternate program, applicants must demonstrate content mastery.

Ancillary Certificate—a type of Louisiana certificate that allows a qualified person who is not a certified teacher to provide services in a school setting.

Baccalaureate—a term used to denote an undergraduate degree or program (e.g., bachelor of arts, bachelor of science).

Certification—a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in the schools under the jurisdiction of the state Board of Elementary and Secondary Education (BESE).

Continuing Learning Unit (CLU)—a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify an educator's

participation in a system-approved content-focused professional development activity aligned with the educator's individual professional growth plan.

Core Subject Areas—English, reading, language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography.

Endorsement—a permanent certification authorization added to an existing teaching certificate.

Graduate—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level (e.g., masters of education, masters of arts in teaching).

Industry Based Certification—a certificate that provides evidence that an individual has successfully demonstrated skill competencies in a specific set of work related tasks, single occupational area, or a cluster of related occupational areas (e.g., certified landscape technician, ASE certification, licensed cosmetologist).

Non-Education Baccalaureate Degree—a baccalaureate degree earned through a regionally-accredited institution of higher education that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

Non-Standard Certificate—a one-year temporary authorization that can be issued three times to an applicant who is pursuing full credentialing as a teacher. To have this certificate re-issued for year 2 and for year 3, an applicant must meet specified renewal requirements.

Paraprofessional—an employee who provides instructional support in a program supported with Title I, Part A funds.

Post-Baccalaureate (or old) Alternate Certification Program—a program offered prior to July 1, 2002, that provided opportunities for individuals with a minimum of a baccalaureate degree to become certified public school teachers. Applicants seeking certification under this program submitted an official transcript for evaluation to a Louisiana college or university that had an approved teacher education program.

Regionally Accredited—a term used to denote the status of public recognition that a regionally recognized accrediting agency grants to an educational institution or program that meets the agency's standards and requirements.

Regularly Employed—a term used to denote an individual who is a full-time or part-time employee of a school system, and who is not hired on a day-to-day basis.

Standard Certificate—a credential issued by the state to an individual who has met all requirements for full certification as a teacher.

Teacher—an employee of a city or parish school board or of a BESE special school who holds a teaching certificate and whose legal employment requires certification under the regulations of BESE.

Teacher Education Program Completer—an individual who satisfies all requirements of a traditional teacher preparation undergraduate degree program or of an approved alternate teacher preparation program.

Teaching Certificate—a license, permit, or certificate issued by the Department of Education to an individual who has met all state requirements for certification as a teacher.

Temporary License—a teaching authorization held for a short period that is not a standard certificate (see *non-standard certificate* above).

Traditional Teacher Preparation Program—a bachelor of arts or bachelor of science degree program that includes general education courses, certification focus area(s), professional education courses, field experiences, and student teaching in a school setting.

Undergraduate—a term used to denote a degree, coursework, or program at the baccalaureate degree level (e.g., bachelor of arts, bachelor of sciences).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1832 (October 2006), LR 43:1314 (July 2017).

§1003. Acronyms

BESE—Board of Elementary and Secondary Education.

CLU—continuing learning unit (professional development).

CTTE—career and technical trade and industrial education.

INTASC—Interstate New Teacher Assessment and Support Consortium.

LCET—Louisiana components of effective teaching.

NASDTEC—National Association of State Directors of Teacher Education and Certification.

NCATE—National Council for Accreditation of Teacher Education.

OFAT—out-of-field authority to teach, a non-standard license.

TAT—temporary authorization to teach, a non-standard license.

TEP—temporary employment permit, a non-standard license.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1315 (July 2017).

Chapter 11. State Guidelines Related to Qualifications for Paraprofessionals and Continuing Learning Units

§1101. General Provisions

A. This Chapter is divided into two sections:

1. paraprofessional qualifications; and
2. continuing learning units (CLUs)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2053 (October 2007), amended LR 43:1315 (July 2017).

§1105. Paraprofessional Qualifications

A. Definition of Paraprofessional

1. For the purposes of title I, part A, a paraprofessional is an employee who provides instructional support in a program supported with title I, part A funds. This includes paraprofessionals working in any of the following capacities:

- a. providing one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- b. assisting with classroom management, such as organizing instructional and other materials;
- c. providing instructional assistance in a computer laboratory;
- d. conducting parental involvement activities;
- e. providing support in a library or media center;
- f. acting as a translator;
- g. providing instructional support services under the direct supervision of a teacher [title I, section 1119(g)(2)].

2. Individuals functioning as interpreters/translators, who are providing communication assistance only (not instructional support), are not considered paraprofessionals under title I if they possess one of the following educational interpreter certificates:

- a. ancillary provisional certificate;
- b. ancillary grandfather certificate; or
- c. qualified ancillary certificate.

3. Individuals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar positions are not considered paraprofessionals under title I.

C. Requirements for Title I Paraprofessionals. All Title I paraprofessionals hired on or before January 8, 2002, and working in a program supported with title I funds must have met the following requirements by January 8, 2006. All title I paraprofessionals hired after January 8, 2002, must meet the following requirements to be hired:

1. possess a secondary school diploma or its recognized equivalent (e.g., graduate equivalency examination—GED). This includes paraprofessionals who serve as translators or who conduct parental involvement activities;

2. satisfy one of the following:

- a. pass a state approved assessment for paraprofessionals;
- b. obtain an associate (or higher) degree at a higher education institution;
- c. complete two years of full-time study at an institution of higher education.

D. Louisiana Pathways for Paraprofessionals to Meet Federal Requirements. The U.S. Department of Education specifies that paraprofessionals should be able to demonstrate knowledge of and the ability to assist in instruction in the areas of reading, writing, and math, or in “school readiness.” Paraprofessionals are expected to have a working knowledge of these academic areas. Louisiana offers all paraprofessionals three ways to meet federal requirements.

1. State Test. A paraprofessional who passes the Educational Testing Service (ETS) para-pro assessment will meet state and federal requirements to be classified as a “highly qualified paraprofessional.” A paraprofessional who is “not new to the profession” who passes the ACT work keys assessment and who has successful observations will meet state and federal requirements to be classified as a “highly qualified paraprofessional.”

2. Two Years of Full-Time Study (48 Semester Credit Hours). State, district, and post-secondary education personnel collaborated in identifying course requirements

for paraprofessionals (within a state approved institution of higher education) that would assist paraprofessionals when instructing students in the areas of reading, writing, math, and school readiness.

3. Associate Degree. State, district, and post-secondary education personnel collaborated in identifying course requirements for paraprofessionals (within a state-approved institution of higher education) that would assist paraprofessionals when instructing students in the areas of reading, writing, math, and school readiness.

E. State-Approved Institutions of Higher Education. State-approved higher education institutions may offer coursework to paraprofessionals. To be approved by the state, institutions must be accredited by a nationally recognized accrediting entity or granted pre-accreditation status. Newly developed public institutions that are formally seeking accreditation through the Southern Association for Colleges and Schools may obtain pre-accreditation status from the state. A list of approved institutions is available from the Department of Education upon request.

F. Louisiana Definition: Highly Qualified Paraprofessional

1. New to the Profession. A paraprofessional must satisfy one of the following:

- a. passed the ETS para-pro assessment;
- b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from a regionally accredited institution(s) of higher education. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is left to school district discretion in addressing the needs of the specific job;
- c. has associate of arts or associate of applied science degree from a state-approved or regionally-accredited institution of higher education.

2. Not New to the Profession. A paraprofessional must satisfy one of the following:

- a. passed the ETS para-pro assessment;
- b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from a regionally accredited institution of higher education. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is left to school district discretion in addressing the needs of the specific job;
- c. has associate of arts or associate of applied science degree from a state-approved or regionally-accredited institution of higher education;
- d. has successfully completed the ACT, Inc., work keys skills assessments and on-the-job observation.

G. Curriculum-based Pathways for Paraprofessionals. General education and teacher preparation coursework must address the K-12 state content standards, Louisiana components of effective Teaching, National Council for the Accreditation of Teacher Education (NCATE) standards, and Praxis expectations. In addition to the ETS para-pro

assessment, the state specified three curriculum-based pathways for paraprofessionals to meet federal requirements, as follows:

1. total of 48 credit hours:
 - a. general education courses—15 semester hours:
 - i. English composition—3 hours;
 - ii. English/reading—6 hours;
 - iii. mathematics—6 hours;
 - b. paraprofessional courses—for the remaining 33 semester hours, acceptance of credit for a course shown on a transcript from an approved institution of higher education is left to school district discretion in addressing needs of a specific job:
 - i. guidelines for prescriptive plan requiring additional coursework—school districts should consider at least three hours of reading and at least 12 hours from a list of available paraprofessional courses, as follows:
 - (a). strategies for teaching and learning;
 - (b). assessment of learning;
 - (c). classroom and behavior management;
 - (d). addressing the needs of exceptional children.
 - ii. discipline-specific electives may include as many as 12 hours of developmental (remedial) courses;
2. associate of applied science degree—60+ credit hours:
 - a. general education courses—15 semester hours:
 - i. English composition—3 hours;
 - ii. humanities—3 hours;
 - iii. math: algebra—3 hours;
 - iv. natural sciences—3 hours;
 - v. social and behavioral science—3 hours;
 - b. teacher preparation courses—child/adolescent development—3 hours;
 - c. paraprofessional courses—30 semester hours:
 - i. introduction to paraprofessional education—3;
 - ii. applied literacy development—3;
 - iii. strategies for teaching and learning—3;
 - iv. applied assessment of learning—3;
 - v. applied classroom behavior management—3;
 - vi. addressing the needs of exceptional children—3;
 - vii. application of computer technology—3;
 - viii. family, school, and community relations—3;
 - ix. health and safety in schools—3;
 - x. paraprofessional practicum—teaching, learning, and record keeping—3;
3. associate of arts degree—60+ credit hours:
 - a. general education courses—54 semester hours:
 - i. English composition—6 hours;
 - ii. humanities: English literature—6 hours;
 - iii. math: algebra, etc.—12 hours;
 - iv. natural sciences—15 hours;
 - v. social and behavioral science—12 hours;
 - vi. fine arts—3 hours;
 - b. teacher preparation courses—9 hours. Select three of the following:
 - i. child/adolescent development—3 hours;
 - ii. educational psychology—3 hours;
 - iii. multicultural/exceptional education—3 hours:
 - (a). educational technology—3 hours;

(b). children's literature—3 hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2056 (October 2007), amended LR 43:1315 (July 2017).

§1107. Continuing Learning Units (CLUs)

A. A continuing learning unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, it is used to quantify an educator's participation in a district or system-approved, content-focused professional development activity aligned with the educator's individual professional growth plan.

B. Educators may earn one CLU for each clock hour of active engagement in a district or system-approved high quality professional development activity. Each educator is responsible for maintaining required documentation and for reporting earned CLUs in a manner prescribed by the district or system. Earned CLUs will transfer across local education agencies (LEAs).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 43:1317 (July 2017).

§1109. Federal Legislation Related to Qualifications of Teachers and Paraprofessionals

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), repealed LR 43:1317 (July 2017).

Chapter 14. Glossary

§1401. Definitions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), repealed LR 43:1317 (July 2017).

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RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
(LAC 28:XLV.Chapter 7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*: §701, Introduction; §703, Overview; §705,

Introduction; §707, Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten; §709, Minimum Requirements for Approved Regular Education Programs for Grades PK-3; §711, Minimum Requirements for Approved Regular Education Programs for Grades 1-5; §713, Minimum Requirements for Approved Regular Education Programs for Grades 4-8; §715, Minimum Requirements for Approved Regular Education Programs for Grades 6-12; §717, College of Arts/Humanities/Sciences Degree Pathway to Secondary Education Certification (Grades 6-12); §719, Minimum Requirements for Approved Regular Education All-Level Programs for Grades K-12; §721, Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 1-5; §723, Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 4-8²; §725, Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 6-12²; §727, Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program; §729, Minimum Requirements for Approved Teacher Education Program for Speech, Language, and Hearing Specialists; §731, Introduction; §733, The Practitioner Teacher Program Alternative Path to Certification (Minimum Requirements); §735, The Master's Degree Program Alternative Path to Certification (Minimum Requirements); §737, Certification-Only Program Alternative Path to Certification; §739, The State as a Private Provider; §741, Introduction; §743, Minimum Requirements for Traditional Teacher Preparation Programs; §745, Minimum Requirements for Alternate Teacher Preparation Programs; and §747, Educational Leader Practitioner (Residency) Program. These changes provide relative to teacher preparation and certification requirements.

Title 28

EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 7. Louisiana State Standards for Educator Preparation Programs

§701. Introduction [Formerly §301]

A. Each educator preparation program seeking approval from the Board of Elementary and Secondary Education (BESE) is required to incorporate and adhere to CAEP standards and to track closely the CAEP accreditation process. It is the responsibility of the teacher preparation program to prepare and present a clear description of how it is responding to each of the Louisiana standards within the accreditation process.

B. The rubrics, as listed, develop a continuum of quality regarding a beginning teacher's ability to meet effectively the requirements of the five domains in *The Louisiana Components of Effective Teaching*. The integration of the Louisiana content standards is to be evidenced in the teacher education curricula of each teacher education unit. Each teacher education program must show evidence of integration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002), amended LR 30:2454 (November 2004), LR 35:2329 (November 2009), LR 37:563 (February 2011), LR 40:1001 (May 2014), LR 43:1318 (July 2017).

Subchapter A. Traditional Teacher Preparation Programs

§703. Overview

A. The following are deadline dates for approved traditional teacher preparation programs that meet requirements described in this Subchapter:

1. by no later than January 1, 2018—last date for candidates to be formally admitted into for traditional teacher preparation programs that were approved prior to October 1, 2016 and enroll in coursework during the 2017-2018 academic year;

2. by no later than August 31, 2022—last date for candidates enrolled in traditional teacher preparation programs approved prior to October 1, 2016 to complete those programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017).

§705. Introduction

A. For the traditional teacher preparation program certification structures that BESE has adopted, the following notes apply.

1. Students must spend a minimum of 270 clock hours in student teaching, with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours shall be on an all-day basis.

2. In addition to the student teaching experience, the student should be provided actual teaching experience (in addition to observations) in classroom settings during the sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

3. Three of the flexible hours allowed in the program structure must be in the “humanities.” This must occur to meet general education requirements for the board of regents.

4. If students do not possess basic technology skills, they should be provided coursework or opportunities to develop those skills early in their program.

5. Minimum credit hours have been listed. Programs may use the flexible hours to add more content hours to the various elements of the program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017).

§707. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

A. For certification as a teacher of birth to kindergarten children in the state of Louisiana, the focus is on birth to kindergarten education.

1. General Education—39 semester credit hours. Requirements provide the birth to kindergarten teacher with basic essential knowledge and skills:

- a. English—12 semester hours;
- b. mathematics—6 semester hours;
- c. sciences—9 semester hours;
- d. social studies—9 semester hours;
- e. arts—3 semester hours.

2. Focus Area: Birth to Kindergarten—30 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a strong foundation pertaining to the growth and development of young children. All courses are to be aligned to state and national standards for birth to kindergarten:

- a. birth to kindergarten content knowledge and instruction identified by the state as being required for an early childhood/ancillary certificate—9 semester credit hours;
- b. infant/toddler and preschool/kindergarten development—6 semester credit hours;
- c. infant/toddler and preschool/kindergarten methodology—6 semester credit hours;
- d. language and literacy development—3 semester credit hours;
- e. family systems and practicum—6 semester credit hours.

3. Knowledge of the Learner and Learning Environment—9 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a fundamental understanding of the birth to kindergarten learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- a. educational psychology;
- b. assessment of young children;
- c. behavior management;
- d. diverse/multicultural education.

4. Methodology and Teaching—15 semester hours. Requirements provide the prospective birth to kindergarten teacher with fundamental pedagogical skills:

- a. teaching methodology—6 semester hours;
- b. advanced language development and literacy—6 semester hours;
- c. professional teaching residency and seminar I and professional teaching residency and seminar II—24 semester hours;
- d. flexible hours for the university's use—6 semester hours;
- e. total required hours in the program—120 semester hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017).

§709. Minimum Requirements for Approved Regular Education Programs for Grades PK-3

A. For certification as a teacher in grades pre-kindergarten through third (PK-3) in the state of Louisiana, the focus is on the areas of early childhood, reading/language arts, and mathematics.

1. General Education—39 semester hours. Requirements provide the prospective PK-3 teacher with basic essential knowledge and skills:

- a. English—12 semester hours;
- b. mathematics—9 semester hours;
- c. sciences—9 semester hours;
- d. social studies—6 semester hours;
- e. arts—3 semester hours.

2. Focus on Early Childhood, Reading/Language Arts, and Mathematics—33 semester hours.

a. Requirements provide a greater depth of knowledge in early childhood education:

- i. nursery school and kindergarten coursework—12 semester hours;
- ii. reading/language arts (additional content and teaching methodology)—12 semester hours;
- iii. mathematics—9 semester hours;
- iv. knowledge of the learner and the learning environment, with the emphasis on early childhood—15 semester hours.

b. Requirements provide the prospective PK-3 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- i. child/adolescent development/psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

3. Methodology and Teaching—15 semester hours. Requirements provide the prospective PK-3 teacher with fundamental pedagogical skills:

- a. teaching methodology—6 semester hours;
- b. student teaching—9 semester hours;
- c. flexible hours for the university's use—18 semester hours;
- d. total required hours in the program—120 semester hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1319 (July 2017).

§711. Minimum Requirements for Approved Regular Education Programs for Grades 1-5

A. For certification as a teacher in elementary grades 1-5 in the state of Louisiana, the focus is on the areas of reading/language arts and mathematics.

1. General Education—54 semester hours. Requirements provide the prospective elementary grades 1-5 teacher with basic essential knowledge and skills:

- a. English—12 semester hours;
- b. mathematics—12 semester hours;
- c. sciences—15 semester hours;
- d. social studies—12 semester hours;
- e. arts—3 semester hours.

2. Focus on Reading/Language Arts and Mathematics—21 semester hours.

a. Requirements provide the prospective elementary grades 1-5 teacher with fundamental pedagogical skills:

- i. reading/language arts (additional content and teaching methodology—12 semester hours;
- ii. mathematics (additional content and teaching methodology—9 semester hours;
- iii. knowledge of the learner and the learning environment, with the emphasis on the elementary school student—15 semester hours.

b. Requirements provide the prospective elementary grades 1-5 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

3. Methodology and Teaching—15 semester hours.

a. Requirements provide the prospective elementary grade 1-5 teacher with fundamental pedagogical skills:

- i. teaching methodology—6 semester hours;
- ii. student teaching—semester hours;
- iii. flexible hours for the university's use—15 semester hours;
- iv. total required hours in the program—120 semester hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1319 (July 2017).

§713. Minimum Requirements for Approved Regular Education Programs for Grades 4-8

A. For certification as a teacher in middle grades 4-8 in the state of Louisiana, the focus is on two in-depth teaching areas.

1. General Education—54 semester hours. Requirements provide prospective middle grades 4-8 teachers with basic essential knowledge and skills:

- a. English—12 semester hours;
- b. mathematics—12 semester hours;
- c. sciences—15 semester hours;
- d. social studies—12 semester hours;
- e. arts—3 semester hours.

2. Focus Area Number 1—19 hours total combined general education and focus area coursework:

- a. English—7 or more hours;
- b. mathematics—7 or more hours;
- c. social studies—7 or more hours;
- d. science—4 or more hours.

3. Focus Area Number 2—19 hours total combined general education and focus area coursework:

- a. English—7 or more hours;
- b. mathematics—7 or more hours;
- c. social studies—7 or more hours;
- d. science—4 or more hours.

4. Knowledge of the Learner and the Learning Environment, with the Emphasis on the Middle School Student—15 semester hours.

a. Requirements provide the prospective middle grades 4-8 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development/psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

5. Methodology and Teaching—24 semester hours. Requirements provide the prospective middle grades 4-8 teacher with fundamental pedagogical skills:

- a. teaching methodology—9 semester hours;
- b. reading—6 semester hours;
- c. student teaching—9 semester hours;
- d. flexible hours for the university's use—13-16 semester hours;
- e. total required hours in the program—120 semester hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1320 (July 2017).

§715. Minimum Requirements for Approved Regular Education Programs for Grades 6-12

A. For certification as a secondary teacher in grades 6-12 in the state of Louisiana, the focus is on content in the teaching area.

1. General Education—30 semester hours. Requirements provide prospective secondary grades 6-12 teachers with basic essential knowledge and skills:

- a. English—6 semester hours;
- b. mathematics—6 semester hours;
- c. sciences—9 semester hours;
- d. social studies—6 semester hours;
- e. arts—3 semester hours.

2. Focus Area—a total of 30 hours of combined general education and focus area coursework. These focus hours prepare a prospective secondary teacher of grades 6-12 in the content area essential to the certification area:

- a. English, social studies, or mathematics—25 or more hours; or
- b. science—22 or more hours; or
- c. other focus areas—30 or more hours.

3. Knowledge of the Learner and the Learning Environment, with the Emphasis on the Secondary School Student—15 semester hours.

a. Requirements provide the prospective secondary grades 6-12 teacher with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

4. Methodology and Teaching—18 semester hours. Requirements provide the prospective secondary grade 6-12 teacher with fundamental pedagogical skills:

- a. teaching methodology—6 semester hours;
- b. reading—3 semester hours;
- c. student teaching—9 semester hours;
- d. flexible hours for the university's use—26-35 semester hours;
- e. total required hours in the program—120 semester hours.

NOTE: The following areas are approved primary teaching focus areas, to include a minimum of 30 semester hours of credit: Agriculture; Biology; Business; Chemistry; Computer Science; Earth Science; English; Environmental Science; Family and Consumer Sciences; a specific Foreign Language; General Science; Marketing; Mathematics; Physics; Social Studies; Speech; Technology Education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1320 (July 2017).

§717. College of Arts/Humanities/Sciences Degree Pathway to Secondary Education Certification (Grades 6-12)

A. This certification structure identifies courses that candidates must complete if pursuing a degree through the college of arts/humanities/sciences, with an education minor, to become certified to teach secondary grades 6-12.

1. General Education—30 semester hours. These requirements provide prospective secondary grades 6-12 teachers with basic essential knowledge and skills:

- a. English—6 semester hours;
- b. mathematics—6 semester hours;
- c. sciences—9 semester hours;
- d. social studies—6 semester hours;
- e. arts—3 semester hours.

2. Focus Areas: Content Area (semester hours can include general education coursework, if appropriate, and additional coursework)—30 semester hours.

3. Focus Areas: Education—33 semester hours.

a. Knowledge of the Learner and the Learning Environment with the Emphasis on the Secondary School Student—15 semester hours:

- i. adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

b. Methodology and Teaching—18 semester hours. Requirements provide the prospective secondary grades:

- i. 6-12 teacher with fundamental pedagogical skills:
 - ii. teaching methodology (six semester hours);
 - iii. reading (three semester hours);
 - iv. student teaching (nine semester hours).

4. Flexible hours for the university's use—26-35 semester hours. The number of flexible hours is dependent upon the number of general education courses in English, mathematics, science, and social studies that can be applied toward the major. The number of hours for a content area

focus should be a minimum of 30 hours, and the total curriculum (including flexible hours) should be 120 hours.

5. Total required hours in the program—120 semester hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1321 (July 2017).

§719. Minimum Requirements for Approved Regular Education All-Level Programs for Grades K-12

A. General Education—a minimum of 30 semester hours of credit designed to develop a broad cultural background. The work must be taken in the following five areas:

1. English—6 semester hours;
2. mathematics—6 semester hours;
3. sciences—9 semester hours;
4. social studies—6 semester hours;
5. arts—3 semester hours.

B. Focus area:

1. art—28 semester hours of art coursework;
2. dance—30 semester hours of dance coursework;
3. health and physical education—30 semester hours of health and physical education coursework;
4. vocal music—30 semester hours of vocal music coursework;
5. instrumental music—30 semester hours of instrumental music coursework;
6. vocal and instrumental music—50 semester hours vocal and instrumental music coursework;
7. foreign language—30 semester hours of the language (If French, at least 12 hours must be earned through a two-semester residence in a university abroad or through two summers of intensive immersion study on a Louisiana campus, an out-of-state university, or abroad.).

C. Knowledge of the Learner and the Learning Environment—18 semester hours.

1. Coursework should address needs of the regular and exceptional child and certification grade categories PK-3, 1-5, 4-8, and 6-12:

- a. child development;
- b. adolescent psychology;
- c. educational psychology;
- d. the learner with special needs;
- e. classroom organization and management;
- f. multicultural education.

D. Methodology and Teaching—18 semester hours:

1. reading—3 semester hours;
2. teaching methodology—6 semester hours;
3. student teaching—9 semester hours;
4. flexible hours for university use—4-26 semester hours;
5. total required hours in the program—120 semester hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1321 (July 2017).

§721. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 1-5²

A. Students who complete an approved blended general/special education mild/moderate program for elementary grade levels 1-5 are eligible for certification in the areas of mild/moderate and elementary grades 1-5. The program focus is on the areas of reading/language arts and mathematics.

1. General Education—54 semester hours. Requirements provide the prospective elementary grades 1-5 teacher with basic essential knowledge and skills:

- a. English—12 semester hours;
- b. mathematics—12 semester hours;
- c. sciences—15 semester hours;
- d. social studies—12 semester hours;
- e. arts—3 semester hours.

2. Focus Area: Special Education—21 semester hours:
a. special education content³—21 semester hours.

3. Knowledge of the Learner and the Learning Environment, with Emphasis on the Elementary School Student—15 semester hours.

a. Requirements provide the prospective elementary grades 1-5 teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

4. Methodology and Teaching—33 semester hours.

a. Requirements provide the prospective elementary grades 1-5 teacher with fundamental pedagogical skills:

- i. reading and literacy content/methodology—12 semester hours;
- ii. teaching methodology and strategies (science and social studies must be addressed)—6 semester hours;
- iii. math content/methodology—6 semester hours;
- iv. student teaching⁴—9 semester hours;
- v. flexible hours for the university's use—3 semester hours;
- vi. total required hours in the program⁵—126 semester hours.

¹NOTE: Linda P. Blanton, Marleen Pugach, "Collaborative Programs in General and Special Teacher Education: An Action Guide for Higher Education and State Policymakers," pp. 11-24

²NOTE: Students who do not possess basic technology skills should provide coursework or opportunities to develop those skill early in their program.

³NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

⁴NOTE: (50 percent of the student teaching must include working with and actual teaching of students with disabilities)

⁵NOTE: In addition to the student teaching experience, students should be provided actual teaching experiences (in addition to observations) in classroom settings during the sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours

of direct teaching experience in field-based settings prior to student teaching.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1322 (July 2017).

§723. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 4-8²

A. Students who complete an approved blended general/special education mild/moderate program for middle grades 4-8 are eligible for certification in the areas of mild/moderate and the selected middle grades 4-8 content area. The program focus is on special education and one middle school content area.

1. General Education—54 semester hours. Requirements provide the prospective middle grades 4-8 teacher with basic essential knowledge and skills:

- a. English—12 semester hours;
- b. mathematics—12 semester hours;
- c. sciences—15 semester hours;
- d. social studies—12 semester hours;
- e. arts—3 semester hours.

2. Focus Area, Special Education and One Middle School Content Focus Area—42 semester hours (combined general education and focus area content semester hours should equal 19):

a. middle school content area (English, mathematics, science, or social studies—21 semester hours;

NOTE: General education coursework may be used to create the 21 semester hours.

b. special education content³—21 semester hours.

3. Knowledge of the Learner and the Learning Environment, with the Emphasis on the Middle School Student—15 semester hours.

a. Requirements provide the prospective middle grades 4-8 teacher with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

4. Methodology and Teaching—21 semester hours. These requirements provide the prospective middle grades 4-8 teacher with fundamental pedagogical skills:

1. reading and literacy content/methodology—6 semester hours;
2. teaching methodology and strategies—6 semester hours;
3. student teaching⁴—9 semester hours;
4. flexible hours for the university's use—3-6 semester hours;
5. total required hours in the program⁵—123 semester hours.

¹NOTE: Linda P. Blanton, Marleen Pugach, "Collaborative Programs in General and Special Teacher Education: An Action Guide for Higher Education and State Policymakers," pp. 11-24

²NOTE: Students who do not possess basic technology skills should provide coursework or opportunities to develop those skill early in their program.

³NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

⁴NOTE: (50 percent of the student teaching must include working with and actual teaching of students with disabilities)

⁵NOTE: In addition to the student teaching experience, students should be provided actual teaching experiences (in addition to observations) in classroom settings during the sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1322 (July 2017).

§725. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach¹ for Grades 6-12²

A. Students who complete an approved blended general/special education mild/moderate program for secondary grade levels 6-12 are eligible for certification in the areas of mild/moderate and in the selected secondary grades 6-12 content area. The program focus is on special education and one high school content area.

1. General Education—30 semester hours. These requirements provide the prospective secondary grades 6-12 teacher with basic essential knowledge and skills:

- a. English—6 semester hours;
- b. mathematics—6 semester hours;
- c. sciences—9 semester hours;
- d. social studies—6 semester hours;
- e. arts—3 semester hours.

2. Focus Area, Special Education and One High School Content Focus Area—51 semester hours (combined general education and focus area content semester hours should equal 30):

a. secondary school content area—30 semester hours;

NOTE: General education coursework may be used to create the 30 semester hours.

b. special education focus area³—21 semester hours.

3. Knowledge of the Learner and the Learning Environment—15 semester hour.

a. These requirements provide the prospective secondary grades 6-12 teacher with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child/adolescent development or psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management;
- v. multicultural education.

4. Methodology and Teaching—21 semester hours. These requirements provide the prospective secondary grades 6-12 teacher with fundamental pedagogical skills:

a. reading and literacy content/methodology—6 semester hours;

b. teaching methodology and strategies—6 semester hours;

c. student teaching⁴—9 semester hours;

d. flexible hours for the university's use—6-9 semester hours;

e. total required hours in the program⁵—123 semester hours.

¹NOTE: Linda P. Blanton, Marleen Pugach, "Collaborative Programs in General and Special Teacher Education: An Action Guide for Higher Education and State Policymakers," pp. 11-24

²NOTE: Students who do not possess basic technology skills should provide coursework or opportunities to develop those skill early in their program.

³NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

⁴NOTE: (50 percent of the student teaching must include working with and actual teaching of students with disabilities)

⁵NOTE: In addition to the student teaching experience, students should be provided actual teaching experiences (in addition to observations) in classroom settings during the sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1323 (July 2017).

§727. Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program

A. For Louisiana certification as a teacher for early interventionist: birth to five years, the focus of the program is on early childhood and early interventionist.

1. General Education—48 semester hours. These requirements provide the prospective early interventionist teacher with basic essential knowledge and skills:

- a. English—12 semester hours;
- b. mathematics—12 semester hours;
- c. sciences—12 semester hours;
- d. social studies—9 semester hours;
- e. arts—3 semester hours.

2. Focus Area: The Young Child—30 semester hours:

a. nursery school and kindergarten—9 semester hours;

b. reading content—3 semester hours;

c. special education content* (with emphasis on infants, toddlers, and preschoolers): foundations in early childhood education and early intervention; physical and medical management; motor speech/language development; sensory and communication differences; understanding and working with families—18 semester hours.

*NOTE: Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

3. Knowledge of the Learner and the Learning Environment, with the Emphasis on Infants, Toddlers, and Preschoolers—15 semester hours.

a. These requirements provide prospective Early Interventionist teachers with a fundamental understanding of the learner and the teaching/learning process. Coursework should address the needs of the regular and the exceptional child:

- i. child development/psychology;
- ii. learning environments/diversity/behavior analysis;
- iii. curriculum;
- iv. assessment;
- v. interdisciplinary and interagency teaming and consultation.

4. Methodology and Teaching—15 semester hours. These requirements provide the prospective early interventionist teacher with fundamental pedagogical skills:

- a. reading methodology—6 semester hours;
- b. teaching methodology (early intervention methods infant, toddler, preschool), understanding and facilitating play, teaching mathematics—9 semester hours;
- c. student teaching (infant, toddler, preschool areas)—9 semester hours;
- d. flexible hours for the university's use—7 semester hours;
- e. total required hours in the program—124 semester hours.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1323 (July 2017).

§729. Minimum Requirements for Approved Teacher Education Program for Speech, Language, and Hearing Specialists

A. For certification as a speech, language, and hearing specialist through a traditional teacher preparation program, emphasis is placed upon general, professional, and special education coursework.

1. General Education—46 semester hours designed to develop a broad cultural background. The work must be taken in the five areas listed below:

- a.i. English, including at least 3 semester hours in grammar and 3 semester hours in composition—12 semester hours;
- ii. social studies (anthropology, economics, geography, history, political science, sociology, and survey of social science), including at least 3 semester hours in United States history—12 semester hours;
- iii. science, including at least 3 semester hours in biological science, 3 semester hours in physical science, and 3 semester hours in anatomy and physiology—12 semester hours;
- iv. mathematics—6 semester hours;
- v. health and physical education—4 semester hours;

b. universities that wish to require 3 semester hours of computer science should require a minimum of 6 semester hours in mathematics and a minimum of 9 semester hours in science.

2. Professional Education—33 semester hours, which must be taken in the four areas listed below:

- a. history of education, introduction to education, foundations of education, and/or philosophy of education—3 semester hours;
- b. educational psychology and/or principles of teaching—3 semester hours;
- c. student teaching in speech, language, and hearing therapy with individuals from birth to 22 years of age, in public or nonpublic schools—9 semester hours:
 - i. student teaching must be supervised according to certification requirements for supervisor of student teachers referred to in Bulletin 746 and according to the mandates of R.S. 17:7.1-R.S. 17:7.2;
 - d. at least 18 hours of professional education, to include the following:
 - i. adolescent psychology—3 semester hours;
 - ii. child psychology—3 semester hours;
 - iii. introduction to exceptional children—3 semester hours;
 - iv. teaching of reading—3 semester hours.

3. Special Education Requirements for Speech, Language, and Hearing Services (*indicates those courses recommended to be taught at the bachelor's level)

- a. Basic requirements:
 - i. *educational and/or psychological tests and measurements—3 semester hours;
 - ii. *counseling methods for teaching or psychological counseling—3 semester hours;
 - iii. *abnormal psychology (e.g., psychology of adjustment, mental hygiene, psychology of the emotionally disturbed)—3 semester hours.
- b. Basic professional courses:
 - i. *American phonetics—3 semester hours;
 - ii. *anatomy and physiology of the speech and hearing mechanism—3 semester hours;
 - iii. *normal speech and language acquisition (to include cultural and regional variations)—3 semester hours;
 - iv. voice science and/or acoustics—3 semester hours;
 - v. *methods and materials in speech, language, and hearing therapy in public schools—3 semester hours.
- c. Hearing and hearing disorders:
 - i. *general foundations in audiology (including hearing testing)—3 semester hours;
 - ii. advanced hearing testing—3 semester hours;
 - iii. *aural rehabilitation—3 semester hours.
- d. Speech and language disorders—a minimum of 30 hours, to include the following:

NOTE: No more than six of the following semester hours may be counted in clinical practicum credits.

 - i. *survey or introduction to communicative disorders—3 semester hours;
 - ii. *articulation disorders—3 semester hours;
 - iii. *language disorders—3 semester hours;
 - iv. *disorders of rhythm (to include stuttering)—3 semester hours;

- v. *voice disorders—3 semester hours;
 - vi. cleft palate, orofacial disorders—3 semester hours;
 - vii. neurological disorders (cerebral and peripheral neurological disorders—3 semester hours;
 - viii. aphasia—3 semester hours;
 - ix. diagnosis and diagnostic practicum with speech and language disorders—3 semester hours;
 - x. a minimum of 30 semester hours must be earned at the graduate level, excluding 6 semester hours of practicum.
- e. A minimum of 375 clock hours of supervised clinical practicum is required, of which at least 100 clock hours must have been earned at the undergraduate level. These hours must include experiences with individuals from birth to 21 years of age and shall include at a minimum the following distribution of hours or the distribution of hours as specified for clinical practicum be the American Speech-Language-Hearing Association (ASHA). A minimum of:
- i. 50 hours in diagnosis;
 - ii. 50 hours in hearing, testing, and auditory rehabilitation;
 - iii. 75 hours in language disorders;
 - iv. 30 hours in articulation disorders;
 - v. 30 hours in rhythm disorders.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1324 (July 2017).

Subchapter B. Alternate Teacher Preparation Programs

§731. Introduction

A. The following are deadline dates for approved alternate teacher preparation programs that meet requirements described in this Subchapter:

1. by no later than January 1, 2018—last date for candidates to be formally admitted into alternate teacher preparation programs that were approved prior to October 1, 2016;
2. by no later than August 31, 2021—last date for candidates enrolled in approved alternate teacher preparation programs that were approved prior to October 1, 2016 to complete programs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1325 (July 2017).

§733. The Practitioner Teacher Program Alternative Path to Certification (Minimum Requirements)

A. State-approved private providers and Louisiana colleges or universities with an approved teacher education program may choose to offer a practitioner teacher program for certification in grades PK-3, 1-5, 4-8, 6-12, all-level K-12 (art, dance, foreign language, health and physical education, and music), or general-special education mild/moderate: an integrated to merged approach for grades 1-5, grades 4-8 and grades 6-12. The practitioner teacher program is a streamlined certification path that combines intensive coursework and full-time teaching.

B. Admission to the Program. Program providers work with district personnel to identify practitioner teacher

program candidates who will be employed by districts during the fall and spring semesters for candidates admitted in a summer preparation session and during the spring semester and successive fall semester for candidates admitted in a fall preparation session. For admission, candidates must:

1. possess a non-education baccalaureate degree from a regionally accredited university;
2. have 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a private provider program;
3. have 2.20 or higher grade point average (GPA) on a 4.00 scale to enter a college or university program;
4. pass the Praxis core academic skills for educators in reading, writing, and mathematics. Candidates who already possess a graduate degree will be exempted from this requirement;
5. pass the Praxis content-specific examinations. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area. The provider must develop a process to ensure that candidates demonstrate necessary performance skills in the all-level certification area;
6. meet other non-course requirements established by college or university.

C. Teaching Preparation (Summer Preparation Session or Fall Preparation Session)

1. All teachers will participate in field-based experiences in school settings while completing the summer/fall courses (or equivalent contact hours).

2. Grades PK-3 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child development or psychology, family and community relationships, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships (12 credit hours or equivalent 180 contact hours).

3. Grades 1-5, 4-8, and 6-12 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships (9 credit hours or equivalent 135 contact hours).

4. General-Special Education Mild/Moderate. An integrated to merged approach for grades 1-5 practitioner teachers will successfully complete courses or equivalent contact hours that focus on methodology, behavior management (classroom management of students with disabilities), curriculum based assessment/IEP, vocational transition, foundation of reading, foundations of special education, and child psychology before starting their teaching internships (12 credit hours or equivalent 180 contact hours).

5. General-Special Education Mild/Moderate. An integrated to merged approach for grades 4-8 practitioner teachers will successfully complete courses or equivalent contact hours that focus on methodology, behavior management (classroom management of students with disabilities), curriculum based assessment/IEP, vocational transition, reading and literacy, foundations of special education, child and adolescent psychology before starting

their internships (12 credit hours or equivalent 180 contact hours).

6. General-Special Education Mild/Moderate. An integrated to merged approach for grades 6-12 practitioner teachers will successfully complete courses or equivalent contact hours that focus on methodology, behavior management (classroom management of students with disabilities), curriculum based assessment/IEP, vocational transition, reading and literacy, foundations of special education, adolescent psychology before starting their internships (12 credit hours or equivalent 180 contact hours).

7. All-level K-12 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child and adolescent psychology, the diverse learner, classroom management and organization, assessment, instructional design, and instructional strategies across grade levels K-12 before starting their teaching internships (9 credit hours or equivalent 135 contact hours).

D. Teaching Internship and First-Year Support (12 credit hours or equivalent 180 contact hours)

1. Practitioner teachers assume full-time teaching positions in districts. During the school year, candidates participate in two seminars (during the fall and during the spring or the spring and fall, depending on entry point) that address immediate needs of the practitioner teacher program teachers, and receive one-on-one supervision through an internship provided by the program providers.

2. For all-level areas (art, dance, foreign language, health and physical education, and music), field experiences should be provided across grades K-12.

3. For general-special education mild/moderate grades 1-5, grades 4-8 and grades 6-12 seminars will cover instructional strategies in core content areas, state reading competencies with alignment to state literacy plan; numeracy strategies; classroom management; lesson plans development and implementation; assessment; collaboration between special education and general education (e.g., co-planning, co-teaching, behavior intervention, accommodations, services/support); collaboration with parents; and data-driven decision making or any other identified needs. Technology will be addressed in all grade levels.

4. For general-special education mild/moderate grades 1-5, grades 4-8 and grades 6-12 seminars will cover instructional strategies in core content areas, state reading competencies with alignment to state literacy plan; numeracy strategies; classroom management; lesson plans development and implementation; assessment; collaboration between special education and general education (e.g., co-planning, co-teaching, behavior intervention, accommodations, services/support); collaboration with parents; and data-driven decision making or any other identified needs. Technology will be addressed in all grade levels.

E. Teaching Performance Review (End of First Year)

1. Program providers, principals, mentors, and practitioner teachers form teams to review first-year teaching performance of practitioner teachers and determine the extent to which the practitioner teachers have demonstrated teaching proficiency.

2. Grades PK-3, Grades 1-5, Grades 4-8, Grades 6-12 and All-Level K-12. If weaknesses are cited, teams will identify additional types of instruction to address areas of need. Prescriptive plans that require from one to nine credit hours of instruction, or 15 to 135 equivalent contact hours, will be developed for practitioner teachers.

3. General-Special Education Mild/Moderate Special Education Candidates. If weaknesses are cited, teams will identify additional types of instruction to address areas of need. Prescriptive plans that require from three to nine credit hours of instruction, or 45 to 135 equivalent contact hours, will be developed for practitioner teachers.

F. Prescriptive Plan Implementation (Second Year)

1. Grades PK-3, Grades 1-5, Grades 4-8, Grades 6-12 and All-Level K-12 (1 to 9 credit hours, or 15 to 135 contact hours). Candidates who demonstrate areas of need will complete prescriptive plans.

2. General-Special Education Mild/Moderate Special Education (3 to 9 credit hours, or 45 to 135 contact hours). Candidates who demonstrate area of need will complete prescriptive plans. Practitioner teachers will use prescriptive hours to meet the reading competency requirements by completing the same number of semester hours in reading as required for undergraduate teacher preparation programs:

- a.i. elementary 1-5 programs—9 hours;
 - ii. middle grades 4-8 programs—6 hours;
 - iii. secondary grades 6-12 programs—3 hours; or
- b. pass a reading competency assessment.

G. Total hours required in the program:

1. grades PK-3 program—24-33 credit hours (or equivalent 360-495 contact hours);
2. grades 1-5, 4-8, 6-12, all-level (K-12) programs—21-30 credit hours (or equivalent 315-450 contact hours);
3. general-special education mild/moderate grades 1-5, grades 4-8, and grades 6-12 programs—27-33 credit hours (or equivalent 405-495 contact hours).

H. Praxis Review (Second Year). Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the Praxis.

I. Program requirements must be met within a three year time period. For certification purposes, private providers and colleges or universities will submit signed statements to the Department of Education indicating that the student completing the Practitioner Teacher Program alternative certification path met the following requirements:

1. passed the core academic skills for educators components of the Praxis;

NOTE: This test was required for admission.

2. completed all program requirements including the internship with a 2.50 or higher GPA (this applies to candidates in a university program);

3. completed prescriptive plans (if weaknesses were demonstrated);

4. passed the Praxis specialty examination for the area(s) of certification:

NOTE: This test was required for admission.

a. all-level K-12 areas (art, dance, foreign language, health and physical education, and music)—subject-specific examination(s) for content area(s) to be certified. If no

examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program;

5. passed the pedagogy examination (Praxis);

6. all candidates entering an alternate certification program after May 1, 2004, must demonstrate proficiency in the reading competencies as adopted by the BESE through either of the following:

a. successfully complete the same number of semester hours in reading as required for undergraduate teacher preparation programs:

i. early childhood PK-3, elementary 1-5 or general-special education mild/moderate 1-5 programs—9 hours;

ii. middle grades 4-8 programs or general-special education mild/moderate 4-8—6 hours;

iii. secondary 6-12 all-level K-12 or general-special education mild/moderate 6-12 programs—3 hours;

iv. special education areas (early interventionist, hearing impaired, significant disabilities, or visually impaired)—9 hours; or

b. pass a reading competency assessment;

7. the reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is identified in Bulletin 746. Middle grades 4-8 and secondary grades 6-12 will be required to take the required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted.

J. Ongoing support (second and third year) program providers will give support services to practitioner teachers during their second and third years of teaching. Support types may include online support, internet resources, special seminars, etc.

K. Undergraduate, Graduate Courses; Graduate Programs. Universities may offer the practitioner teacher program courses at the undergraduate or graduate-level. Efforts should be made to allow students to use graduate hours as electives if they are pursuing a graduate degree.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1325 (July 2017).

§735. The Master's Degree Program Alternative Path to Certification (Minimum Requirements)

A. A Louisiana college or university with an approved teacher education program may choose to offer an alternative certification program that leads to a master's degree. The college or university may offer the master's degree program as either a master of education or a master of arts in teaching. Master's degree programs may offer certification in grades PK-3, 1-5, 4-8, 6-12, all-level K-12 (art, dance, foreign language, health and physical education, music), early interventionist birth to five years, general-special education mild/moderate: an integrated to merged approach for grades 1-5, grades 4-8, and grades 6-12, significant disabilities 1-12, hearing impaired K-12, and visual impairments/blind K-12.

B. For all special education programs, the Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

C. Admission to the Program. To be admitted, candidates must:

1. possess a non-education baccalaureate degree from a regionally accredited university;

2. have a 2.50 or higher grade point average (GPA) on a 4.00 scale;

3. pass the Praxis core academic skills for educators in reading, writing, and mathematics (individuals who already possess a graduate degree will be exempted from this requirement);

4. pass the Praxis content-specific examinations. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. The provider must develop a process to ensure that candidates demonstrate necessary performance skills in the all-level certification area;

5. meet other non-course requirements established by the college/university.

D. Program Requirements

1. Knowledge of Learner and the Learning Environment (15 credit hours)

a. Grades PK-3, 1-5, 4-8, 6-12—child or adolescent development or psychology; the diverse learner; classroom management/organization; assessment; instructional design and instructional strategies.

b. General-Special Education Mild/Moderate: An Integrated to Merged Approach for Grades 1-5—behavior management (classroom management of students with disabilities), curriculum based assessment/IEP, vocational transition, foundations of special education and child psychology.

c. General-Special Education Mild/Moderate: An Integrated to Merged Approach for Grades 4-8—behavior management (classroom management of students with disabilities), curriculum based assessment/IEP, vocational transition, foundation of special education, child/adolescent psychology.

d. General-Special Education Mild/Moderate: An Integrated to Merged Approach for Grades 6-12—behavior management (classroom management of students with disabilities), curriculum based assessment/IEP, vocational transition, foundation of special education, adolescent psychology.

e. All-Level (grades K-12)—coursework across grade levels K-12, as follows:

i. child and adolescent psychology;

ii. the diverse learner;

iii. classroom management/organization;

iv. assessment;

v. instructional design and instructional strategies.

f. Special Education Early Interventionist Birth to Five Years (coursework specific to infants, toddlers, and preschoolers)—child development or psychology; learning environment and behavior analysis; motor, sensory, and communication differences; teaming, physical, and medical

management; understanding and working with families; communication and literacy in early intervention.

g. Special Education Significant Disabilities 1-12 (coursework specific to needs of children with significant disabilities)—assessment and evaluation, including IEP and ESYP; communication strategies; behavior support; collaborative techniques and family partnerships; physical support, health and safety; special education law; characteristics of individuals with significant disabilities.

h. Special Education Hearing Impaired K-12 (coursework specific to the needs of hearing impaired students)—assessment and evaluation; special needs of students with disabilities; transition; instructional strategies and planning in the content areas; instructional strategies in literacy; education law, special education law, school structure; technology in schools; diversity in schools.

i. Special Education Visual Impairments/Blind K-12 (coursework specific to the needs of visually impaired students)—educational implications of low vision and blindness; orientation and mobility for the classroom teacher; assessment/evaluation techniques, including functional vision evaluation and reading media assessment; assistive technology for the visually impaired; education law, special education law, school structure; transition.

2. Reading

a. General-Special Education Mild/Moderate: An Integrated to Merged Approach for Grades 1-5: Foundations of Reading, Reading and Literacy—9 credit hours.

b. General-Special Education Mild/Moderate: An Integrated to Merged Approach for Grades 4-8 and Grades 6-12: Reading and Literacy—6 credit hours.

3. Methodology and Teaching

a. For Grades PK-3, 1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music): Methods Courses and Field Experiences—12 to 15 credit hours.

b. For General-Special Education Mild/Moderate: Grades 1-5: Methodology, Instructional Strategies in Core Content Areas—3 to 6 hours.

c. For General-Special Education Mild/Moderate: Grades 4-8 and Grades 6-12: Methodology, Instructional Strategies in Specific Core Content Area—6 hours.

NOTE: For All-Level K-12 areas (art, dance, foreign language, health and physical education, and music), experiences should be provided across grades K-12.

d. For special education Early Interventionist Birth to Five Years (coursework specific to needs of infants, toddlers, and preschoolers)—curriculum; assessment; early intervention methods; understanding and facilitating play; teaching of reading and mathematics.

e. For Special Education Significant Disabilities 1-12 (coursework specific to needs of children with significant disabilities, across grades 1-12)—curriculum development and modifications; transition planning; instructional strategies; inclusive education practices.

f. For Special Education Hearing Impaired K-12 (coursework specific to needs of children with hearing impairments across grades K-12)—language development and linguistic principles in language acquisition; speech development, speech reading, audition training; assessment and evaluation; instructional strategies; audiology, and

audiology training; anatomy and physiology of the hearing mechanism; auditory assistive devices; history and psychology of deafness; assistive devices and technology; proficiency in either signed, cued, or oral communication.

g. For Special Education Visual Impairments/Blind K-12 (coursework specific to needs of visually impaired students, across grades K-12)—instructional strategies; Braille code, teaching Braille reading (with proficiency as defined in LA State Competencies); Nemeth code, teaching Braille mathematics; using slate and stylus.

4. Student Teaching or Internship—6-9 credit hours.

NOTE: For all-level K-12 areas of art, dance, foreign language, health and physical education, and music, experiences should be provided across grades K-12.

5. Total hours required in the Grades PK-3, Grades 1-5, Grades 4-8, Grades 6-12, All-Level K-12, Early Interventionist Birth to Five Years, Significant Disabilities 1-12, Hearing Impaired, K-12, and Visual Impairments/Blind K-12 Programs—33-39 credit hours.

a. Total hours required in the General-Special Education Mild/Moderate: An Integrated to Merged Approach for Grades 1-5, Grades 4-8 and Grades 6-12 Programs—33-42 credit hours (electives 0-3 credit hours).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1327 (July 2017).

§737. Certification-Only Program Alternative Path to Certification

A. State-approved private providers and Louisiana colleges or universities with an approved teacher education program may choose to offer a certification-only program for certification in grades PK-3, 1-5, 4-8, 6-12, all-level K-12 (art, dance, foreign language, health and physical education, and music), early interventionist birth to five years, hearing impaired K-12, significant disabilities 1-12, and visual impairments/blind K-12. This program offers flexibility in delivery (e.g., face to face and/or online) and is designed to serve candidates who may not elect participation in or be eligible for certification under either the practitioner teacher alternate certification program or the master's degree alternate certification program.

B. All programs must address the state and national standards, including the performance-based standards for accreditation and licensure (e.g., CEC, NCTE, NCTM, NCSS, NAEYC, etc.).

C. Admission to the Program

1. Screening. The selection process will identify candidates that possess critical thinking skills, proven track records of achievement, a belief that all students can achieve, and a strong desire to teach in schools that educate under-served children.

2. Degree Requirements. Possess a non-education baccalaureate degree from a regionally accredited university.

3. GPA Requirements. The GPA may be calculated using the last 60 hours of coursework earned from a regionally accredited university:

a. have 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a private provider program;

b. have 2.20 or higher grade point average (GPA) on a 4.00 scale to enter a college or university program.

4. Testing requirements:

a. pass the Praxis core academic skills for educators. Candidates who already possess a graduate degree will be exempted from this requirement. An ACT composite score of 22 or a SAT combined verbal/critical reading and math score of 1030 may be used in lieu of Praxis core academic skills for educators exams;

b. pass the Praxis content-specific subject area examination. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Provider must develop a process to ensure that candidates demonstrate necessary performance skills in the all-level certification area.

D. Program Requirements and Structure

1. Eighty contact hours of classroom readiness training will focus on instructional design and delivery as well as classroom environment and classroom management. Candidates will be provided with professional guidance, support and opportunities to observe classroom teachers.

2. Knowledge of the Learner and the Learning Environment—12 hours or equivalent contact hours. All courses/contact hours for regular and special education will integrate effective teaching components, content standards, technology, reading, and portfolio development. Field-based experiences will be embedded in each course or contact hour. Courses/contact hours must address the following:

a. grades PK-3, 1-5, 4-8, 6-12—child/adolescent development or psychology, the diverse learner, classroom management/organization/environment, assessment, instructional design, and reading/instructional strategies that are content and level appropriate;

b. all-level K-12 areas—child psychology and adolescent psychology; the diverse learner; classroom management/organization/environment, assessment; instructional design; and reading/instructional strategies (all coursework/contact hours should address grade levels K-12);

c. special education early interventionist birth to five years (coursework/contact hours specific to infants, toddlers, and preschoolers)—child development or psychology; foundations in early childhood education; teaming, physical, and medical management; understanding and working with families; communication and literacy in early intervention;

d. special education significant disabilities 1-12 (coursework/contact hours specific to needs of children with significant disabilities)—assessment and evaluation; communication strategies; behavior support; collaborative techniques and family partnerships; physical support, health and safety; special education law; characteristics of individuals with significant disabilities;

e. special education hearing impaired K-12 (coursework/contact hours specific to the needs of hearing impaired students)—assessment and evaluation; special needs of students with disabilities; transition; instructional strategies and planning in the content areas; instructional strategies in literacy; education law, special education law, school structure; technology in schools; diversity in schools;

f. special education visual impairments/blind K-12 (coursework/contact hours specific to the needs of visually impaired students)—educational implications of low vision

and blindness; orientation and mobility for the classroom teacher; assessment/evaluation techniques, including functional vision evaluation and reading media assessment; assistive technology for the visually impaired; education law, special education law, school structure; transition.

3. Methodology and Teaching—6 semester hours or equivalent contact hours of content-specific methods courses and field/clinical experiences:

a. for grades PK-3, 1-5, 4-8, 6-12, all-level K-12 (art, dance, foreign language, health and physical education, and music), methods courses/contact hours to include case studies and field experiences;

NOTE: For all-level K-12 areas (art, dance, foreign language, health and physical education, and music), experiences should be provided across grades K-12.

b. for special education early interventionist birth to five years (coursework/contact hours specific to needs of infants, toddlers, and preschoolers)—curriculum; assessment; early intervention methods (including understanding and facilitating play); teaching of reading and mathematics;

c. for special education significant disabilities 1-12 (coursework/contact hours specific to the needs of children with significant disabilities)—curriculum development and modifications; transition planning; instructional strategies; inclusive education practices;

d. for special education hearing impaired K-12 (coursework/contact hours specific to needs of children with hearing impairments, across grades K-12)—language development and linguistic principles in language acquisition; speech development, speech reading, audition training; assessment and evaluation; instructional strategies; audiology and audiology training; anatomy and physiology of the hearing mechanism; auditory assistive devices; history and psychology of deafness; assistive devices and technology; proficiency in either signed, cued, or oral communication;

e. for special education visual impairments/blind K-12 (coursework/contact hours specific to needs of visually impaired students, across grades K-12)—instructional strategies; Braille code, teaching Braille reading (with proficiency as defined in LA state competencies); Nemeth code, teaching Braille mathematics; using slate and stylus.

4. Reading Requirements. Candidates completing an alternate certification program after May 1, 2004, are required to demonstrate proficiency in the reading competencies as adopted by BESE through one of the following options:

a. successfully complete same number of semester hours in reading as required for undergraduate teacher preparation programs:

i. early childhood PK-3 or elementary 1-5 programs—9 hours;

ii. middle grades 4-8 programs—6 hours;

iii. secondary 6-12 or all-level K-12 programs—3 hours;

iv. special education areas (early interventionist, hearing impaired, significant disabilities, or visually impaired)—9 hours; or

b. pass a reading competency assessment;

c. the reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis teaching reading exam (0204 or

5204). (Middle grades 4-8 and secondary grades 6-12 will be required to take the required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted.);

5. Internship or Student Teaching—6 hours, to include participant-oriented methodology seminars:

a. for all-level K-12 areas (art, dance, foreign language, health and physical education, and music), internship or student teaching experiences should be provided across grades K-12;

b. if the candidate has accumulated three years of successful teaching experience in an approved Louisiana school in the area(s) of certification, the private provider/university may substitute the three years of successful teaching experience for the required internship or student teaching portion of the program. Experience accumulated by elementary education certification candidates must be in core content areas at appropriate grade levels.

6. Mentoring and Support. Participants will receive content and/or pedagogy support during the school year through small group seminar meetings. The support will be provided by a master teacher who has experience teaching in the same or similar content area and grade level. The master teacher should focus on student achievement and instructional strategies with the program candidate. The master teacher can give the candidate one-on-one support and offer specific ways that the teacher can improve instruction techniques.

7. Total Hours Required in the Program—27-33 credit hours or equivalent contact hours (405-495). Program requirements must be met within three years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1328 (July 2017).

§739. The State as a Private Provider

A. The LDE may act as a program provider in directing certification efforts of candidates who meet these criteria.

1. Candidate must accumulate three years of successful experience in an approved Louisiana school in the area(s) of certification, which experience can be used by the LDE in lieu of the internship or student teaching portion of the program. Experience accumulated by elementary education certification candidates must be in core content areas at appropriate grade levels.

2. Candidate must have experienced difficulty in completing alternate program requirements, through no fault of his/her own.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017).

Subchapter C. Teacher Preparation Programs: Adopted October 2016

§741. Introduction

A. Effective January 1, 2017, for the purposes of program approval, teacher preparation programs shall meet the requirements described in this Subchapter.

B. Current approved preparation providers must demonstrate alignment of approved traditional and alternate

programs to the program requirements described in this Subchapter and be approved by BESE before July 1, 2018.

C. After July 1, 2018, teacher candidates shall be admitted only to traditional and alternate teacher preparation programs that meet the requirements described in this Subchapter.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017).

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. A traditional teacher preparation program is a baccalaureate degree program that includes a minimum of 120 credit hours of coursework and required practice experiences. A portion of the total hours must include the minimum number of credit hours in the teaching of reading and literacy as follows:

1. for certification in Birth-K, PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours;

2. for certification in middle grades 4-8 or general-special education mild/moderate 4-8—6 credit hours;

3. for certification in secondary 6-12, all-level K-12, or general-special education mild/moderate 6-12 programs—3 credit hours; and

4. for special education areas (early interventionist, hearing impaired, significant disabilities, or visually impaired)—9 credit hours.

B. The program shall sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies codified in Bulletin 746 through a combination of general education, content area, and teaching coursework, assessments, and related practice experiences.

1. Traditional teacher preparation programs offered by public universities shall meet general education requirements established by the Board of Regents.

2. For the purposes of program approval, an academic major in the certification content area may serve as the basis for alignment to content knowledge competencies.

C. Programs shall include the following practice experiences, which directly align with and sequentially develop the competencies identified in Bulletin 746:

1. actual practice experiences shall be provided in classroom settings prior to the residency year; and

2. a one-year residency shall take place in a public or approved non-public school in a classroom in the certification area with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746. The residency may include practice with other teachers in a public or approved non-public school setting. Residents placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness pursuant to state law and Bulletin 130:

a. beginning July 1, 2018, candidates must hold a valid resident teacher certificate in order to be placed in a one-year residency;

b. for certification in B-K, PK-3, 1-5, or 1-5 integrated to merged, candidates must spend a minimum of 80 percent of the residency school site's instructional time each week engaged in residency activities;

c. for certification in K-12, 4-8, 6-12, 4-8 integrated to merged or 6-12 integrated to merged, candidates must spend a minimum of 60 percent of the residency school site's instructional time each week in the first semester and 80 percent of the residency school site's instructional time each week in the second semester engaged in residency activities;

d. teacher preparation providers may seek approval to offer an innovative residency model that does not meet the minimum instructional time requirements but meets a specific workforce need and includes high-quality clinical experiences throughout the program and intensive clinical experiences throughout the residency year;

3. the residency shall include a combination of the following experiences:

a. instructional goal-setting and planning, including individual education plan (IEP) and individual accommodations plan (IAP) review and implementation;

b. classroom teaching;

c. analysis of student assessment results, including formative and summative assessment data, student work samples, and observations of student class discussions;

d. parent-teacher conferences and communication; and

e. interactions and collaboration with other teachers;

4. the teacher candidate shall be supervised in all residency experiences by a team comprised of a school-based mentor teacher, the residency school site principal or designee, and program faculty member. The supervision shall include, at minimum, two formal observations of teaching practice per semester, which shall include feedback on performance and analysis of formative and summative student achievement results and candidate performance data. Observations may be conducted by any member of the supervision team;

5. candidates may complete clinical experiences through general education or content courses that integrate content, pedagogy, and practice.

D. The preparation provider shall assess and document evidence of candidates' teaching competency for all candidates completing one-year residencies.

1. Assessments of teaching competency shall be jointly administered by the preparation provider and the residency school site principal or designee.

2. Assessments of teaching competency shall include, but not are not limited to, the following:

a. observations that occur during the residency year; and

b. measures of teacher candidates' impact on all students' learning, which may include student learning targets.

3. Upon completion of the program, a holistic evaluation of the teacher candidate's eligibility for initial licensure shall be made collaboratively by preparation provider faculty, the residency school site principal or designee, and mentor teacher.

E. To be admitted into a traditional teacher preparation program, candidates must meet the following requirements:

1. meet minimum GPA requirements of 2.50 or higher grade point average (GPA) on a 4.00 scale; and

2. pass the core academic skills for educators assessment or meet alternate requirements pursuant to Bulletin 746.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017).

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. An alternate teacher preparation program is a program that includes a minimum number of credit or contact hours of coursework or training and required practice experiences. There are three types of alternate teacher preparation programs.

1. The practitioner teacher program may be offered by state-approved colleges or universities and non-university providers with an approved teacher education program in grades PK-3, 1-5, 4-8, 6-12, all-level K-12 (art, dance, foreign language, health and physical education, and music), or integrated to merged approach for grades 1-5, grades 4-8 and grades 6-12:

a. total hours required in grades PK-3 program—24-33 credit hours (or equivalent 360-495 contact hours);

b. total hours required in grades 1-5, 4-8, 6-12, all-level (K-12) programs—21-30 credit hours (or equivalent 315-450 contact hours); and

c. total hours required in general-special education mild/moderate grades 1-5, grades 4-8, and grades 6-12 programs—27-33 credit hours (or equivalent 405-495 contact hours).

2. The master's degree program may be offered by state-approved colleges or universities with an approved teacher education program. Master's degree programs may offer certification in grades PK-3, 1-5, 4-8, 6-12, all-level K-12 (art, dance, foreign language, health and physical education, music), early interventionist birth to five years, general-special education mild-moderate: an integrated to merged approach for grades 1-5, grades 4-8, and grades 6-12:

a. total hours required in grades PK-3, grades 1-5, grades 4-8, grades 6-12, all-level K-12, early interventionist birth to five years programs—33-39 credit hours; and

b. total hours required in general-special education mild/moderate: an integrated to merged approach for grades 1-5, grades 4-8 and grades 6-12 programs—33-42 credit hours.

3. The certification-only program may be offered by state-approved providers with an approved teacher education program in grades PK-3, 1-5, 4-8, 6-12, all-level K-12 (art, dance, foreign language, health and physical education, and music), early interventionist birth to five years, general-special education mild-moderate: an integrated to merged

approach for grades 1-5, grades 4-8, and grades 6-12. Total hours required—27-33 credit hours or equivalent contact hours (405-495).

B. For all alternate teacher preparation programs, a portion of the total hours must include the minimum number of credit hours or equivalent contact hours in the teaching of reading and literacy as follows:

1. for certification in PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours or 135 contact hours;

2. for certification in middle grades 4-8 or general-special education mild/moderate 4-8—6 credit hours or 90 contact hours;

3. for certification in secondary 6-12, all-level K-12, or general-special education mild/moderate 6-12 programs—3 credit hours or 45 contact hours; and

4. for special education areas (early interventionist, hearing impaired, significant disabilities, or visually impaired)—9 credit hours or 135 contact hours.

C. The program shall sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies codified in Bulletin 746 through a combination of coursework, assessments, and related practice experiences.

D. Programs shall include the following practice experiences, which directly align with and sequentially develop the competencies identified in Bulletin 746.

1. Clinical experiences shall be provided in classroom settings prior to the residency year as follows.

a. In all programs, a minimum of 9 credit hours or 135 contact hours of training and a minimum of 80 hours of actual practice experiences in classrooms is required prior to the residency.

2. A one-year residency shall take place in a public or approved non-public school in a classroom in the certification area. The residency shall include a combination of the following experiences:

a. instructional goal-setting and planning, including IEP and IAP review and implementation;

b. classroom teaching;

c. analysis of student assessment results, including formative and summative assessment data, student work samples, and observations of student class discussions;

d. parent-teacher conferences and communication; and

e. interactions and collaboration with other teachers.

3. The teacher candidate shall be supervised in all residency experiences by a team comprised of a school-based mentor teacher, the residency school site principal or designee, and program faculty member.

a. The supervision shall include, at minimum, two formal observations of teaching practice per semester, which shall include feedback on performance and analysis of formative and summative student achievement results and candidate performance data. Observations may be conducted by any member of the supervision team.

4. Practitioner teacher programs shall require candidates to complete the residency as a teacher of record. Candidates must hold a valid practitioner teacher license pursuant to Bulletin 746.

5. Master's degree or certification-only alternate programs shall allow candidates to complete the residency as a teacher of record or in a classroom under a teacher of record:

a. candidates may complete the residency as a teacher of record and must hold a valid practitioner teacher license pursuant to Bulletin 746; or

b. candidates may complete the one-year residency in a classroom a public or approved non-public school in a classroom in the certification area with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746. The residency may include practice with other teachers in a public or approved non-public school setting. Residents placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness pursuant to state law and Bulletin 130:

i. effective July 1, 2018, candidates must hold a valid resident teacher certificate. The residency may include practice with other teachers in the public or approved non-public school setting;

ii. for certification in PK-3, 1-5, or 1-5 integrated to merged, candidates must spend a minimum of 80 percent of the residency school site's instructional time each week engaged in residency activities; and

iii. for certification in K-12, 4-8, 6-12, 4-8 integrated to merged or 6-12 integrated to merged, candidates must spend a minimum of 60 percent of the residency school site's instructional time each week in the first semester and 80 percent of the residency school site's instructional time each week in the second semester engaged in residency activities;

iv. teacher preparation providers may seek approval to offer an innovative residency model that does not meet the minimum instructional time requirements but meets a specific workforce need and includes high-quality clinical experiences throughout the program and intensive clinical experiences throughout the residency year.

E. The preparation provider shall assess and document evidence of candidates' teaching competency for all candidates completing one-year residencies.

1. Assessments of teaching competency shall be jointly administered by the preparation provider and the residency school site principal or designee.

2. Assessments of teaching competency shall include, but not are not limited to, the following:

a. observations that occur during the residency year; and

b. measures of teacher candidates' impact on all students' learning, which may include student learning targets.

3. Upon completion of the program, a holistic evaluation of the teacher candidate's eligibility for initial licensure shall be made collaboratively by preparation provider faculty, the residency school site principal or designee, and mentor teacher.

F. To be admitted into an alternate teacher preparation program, candidates must meet the following requirements:

1. possess a non-education baccalaureate degree from a regionally accredited university;

2. meet minimum GPA requirements. For admission into certification-only programs, the GPA may be calculated using the last 60 hours of coursework earned from a regionally accredited university:

a. 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a non-university program;

b. 2.20 or higher GPA on a 4.00 scale to enter a college or university program; and

3. pass the core academic skills for educators assessment and the required content examinations or meet alternate requirements pursuant to Bulletin 746. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017).

Subchapter D. Alternate Educational Leader

Preparation Programs

§747. Educational Leader Practitioner (Residency) Program

Program

A. State-approved private providers and Louisiana colleges or universities may choose to offer an educational leader practitioner (residency) program for purposes of certifying successful candidates for educational leader level 1 certification. (Two additional alternate paths are available to individuals seeking an educational leader certificate level 1; see Bulletin 746, Chapter 7, §705 for path 1 and path 2.) Educational leader practitioner program providers must submit a program proposal to the Louisiana Department of Education. Programs will be reviewed for adherence to program guidelines, and those meeting guidelines will be recommended to BESE for approval status. The educational leader practitioner program is a streamlined certification path that combines intensive coursework and practical, on-the-job experience.

1. Admission to the Program. Program providers work with local educational agency or state/district-approved charter school personnel to identify educational leader practitioner program candidates who will be employed by the local educational agency or approved charter school (hereinafter referred to as hiring authority). For admission, candidates must:

a. possess a baccalaureate degree from an accredited university;

b. have three years of K-12 teaching experience and demonstrate strong knowledge of instruction through a rigorous screening process by an approved program provider in partnership with one or more hiring authorities;

c. hold or be eligible to hold a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate;

d. meet other non-course requirements established by the approved leader practitioner program:

i. candidates will be chosen using a rigorous selection process designed to determine the potential of candidates as school leaders. The screening process for each cohort will involve a multi-phase process that includes, as a minimum, a written application, recommendations, and interviews.

2. Leader Preparation (First Session)

a. All leader practitioner candidates will participate in an initial institute training that will build skills in the areas of instructional, organizational, and personal leadership. The standards for educational leaders in Louisiana will serve as the basis of the curriculum. The institute will provide a balanced curriculum that includes learning opportunities grounded in practical experience, theory, and research. Topics to be addressed include but are not limited to the following: leading with a vision, using data to lead school improvement, creating and leading effective school teams, building a high-performance learning culture and professional learning communities, and leading and learning with technology. acquired knowledge and skills will be utilized in the planning of residency experiences with a residency supervisor, who is assigned by the program provider. In addition, participants will begin developing their portfolio and educational leadership development plan.

b. The initial session will include a minimum of 135 contact hours (or 9 credit hours).

3. Principal Residency and Support (School Year)

a. Candidates assume positions as administrative interns (with responsibilities equivalent to that of an assistant principal). The hiring authority pays the candidate's salary.

b. Interns will serve in at least two different schools, and will experience a full range of activities associated with all phases of school administration. In school experiences should provide for a minimum of 125 days in the school.

c. During the school year, candidates participate in weekly sessions provided by the program provider and in four seminars (two during the first semester and two during the second semester) that address immediate needs of the practitioner leader. Weekly sessions and seminars should provide for a minimum of 60 contact hours (or 4 credit hours).

d. Practitioner leaders receive one-on-one supervision through a residency supervisor provided by the program providers.

e. Practitioner leaders will receive support from a school-based principal mentor identified by the hiring authority and the program provider, and a principal coach provided by the program provider. Hiring authorities and providers will collaborate to identify appropriate site for placement of an intern at a school and with a strong principal who serves as the school-based mentor. Additionally, the provider identifies and trains principal coaches (e.g., former principals, retired principals) who support one or more candidates.

4. Leader Preparation (Second Session)

a. All leader practitioner candidates will participate in a follow-up institute training that will continue to build skills in the areas of instructional and organizational leadership. The *Standards for Educational Leaders in Louisiana* will serve as the basis of the curriculum. The institute will provide a balanced curriculum that includes learning opportunities grounded in practical experience, theory, and research. Topics to be addressed include but are not limited to the following: leading a focused drive toward student achievement, organizing the learning environment, and ethical leadership. In addition, program participants will

finalize their portfolio and educational leadership development plan.

b. The second session will include 135 contact hours (or 9 credit hours).

i. An approved program provider may choose to provide a portion of the second session curriculum and contact hours during the first session or academic school year.

ii. A minimum of 45 contact hours (or three credit hours) must be provided during the second session.

iii. The provider must provide evidence that the curriculum topics have all been addressed and that the required contact hours/credit hours have been met by the end of the second session.

5. Practitioner Leader Performance Review (Mid-Year and End of Program)

a. Program providers, mentor principals, and principal coaches form teams to review mid-year performance of practitioner leaders and determine the extent to which the practitioner leader has demonstrated educational leadership proficiency. If weaknesses are cited, teams will identify additional types of support to address areas of needs.

b. Program providers, mentor principals, and principal coaches form teams to review end-of-program performance of practitioner leaders and determine the extent to which the aspiring leader has demonstrated educational leadership proficiency and readiness for the educational leader level 1 certification.

6. Total Hours Required. Minimum of 330 contact hours of coursework (22 credit hours) and minimum of 125 days serving as practitioner leader (administrative intern).

7. Passage of School Licensure Exam. Have a passing score on the school leaders licensure assessment (SLLA) in accordance with state requirements.

8. Program requirements must be met by the end of the second session. For certification purposes, approved providers will submit signed statements to the Department of Education indicating that the student completing the Educational Leader Practitioner Program performance-based certification path met the following requirements:

a. passed the school leaders licensure assessment;

b. completed all program coursework (sessions and school year) and the residency;

c. completed prescriptive plans (if weaknesses were demonstrated);

d. demonstrate readiness for the educational leader based on performance against the standards for educational leaders in Louisiana and approved program provider indicators of skills needed for educational leader success;

e. completed an educational leadership development plan (an individualized learning plan that outlines areas of development in each of the standards for educational leaders in Louisiana);

f. completed a portfolio demonstrating skills needed to collaborate with teachers and use data to increase student achievement; successfully observe, evaluate, and provide feedback to teachers to improve student achievement; and lead the school or a portion of the school through a change process that helps to build a positive school community.

9. On-Going Support (second and third year). Program providers will give support services to educational leaders who have completed the practitioner leader program and are serving as school leaders during their second and third years in the program.

10. Professional License. Upon completion of all requirements of the program, the candidate will receive an educational leader level 1 license.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1333 (July 2017).

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1707#016

RULE

Board of Elementary and Secondary Education

Bulletin 1962—Louisiana Science Content Standards
(LAC 28:CXXIII.Chapter 1-31)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 1962—Louisiana Science Content Standards*: §101, Introduction; §103, Need and Context for Reform; §105, Purpose of the Framework; §107, Intended Audiences; §109, Intended Use; §111, Louisiana Content Standards Foundation Skills; §113, Information Literacy Model for Lifelong Learning; §301, Motion and Stability: Forces and Interactions; §303, Energy; §305, From Molecules to Organisms: Structure and Processes; §307, Earth's System; §309, Earth and Human Activity; §311, Science and Equity; §501, Waves and Their Applications; §503, From Molecules to Organisms: Structures and Processes; §505, Heredity: Inheritance and Variation of Traits; §507, Earth's Place in the Universe; §701, Matter and Its Interactions; §703, Ecosystems: Interactions, Energy, and Dynamics; §705, Biological Evolution: Unity and Diversity; §707, Earth's Place in the Universe; §709, Earth's Systems; §901, Motion and Stability: Forces and Interactions; §903, From Molecules to Organisms: Structures and Processes; §905, Ecosystems: Interactions, Energy, and Dynamics; §907, Heredity: Inheritance and Variation of Traits; §909, Biological Evolution: Unity and Diversity; §911, Earth's Systems; §913, Earth and Human Activity; §1101, Energy; §1103, Waves and Their Applications in Technologies for Information Transfer; §1105, From Molecules to Organisms: Structure and Processes; §1107, Earth's Place in the Universe; §1109, Earth's System; §1111, Earth and Human Activity; §1301, Matter and its Interactions; §1303, Motion and Stability: Forces and Interactions; §1305, Matter and Energy in Organisms and Ecosystems; §1307, From Molecules to Organisms: Structures and Processes; §1309, Ecosystems; §1311, Earth's Place in the Universe; §1313, Earth's Systems; §1315, Earth and Human Activity; §1501, Matter and its Interactions; §1503, Motion and Stability: Forces and Interactions; §1505, Energy; §1507, Earth's Place in the Universe; §1509, Earth and Human Activity;

§1511, From Molecules to Organisms: Structures and Processes; §1513, Ecosystems: Interactions, Energy, and Dynamics; §1701, Matter and its Interactions; §1703, Energy; §1705, Earth’s Systems; §1707, Earth and Human Activity; §1709, From Molecules to Organisms: Structures and Processes; §1711, Ecosystems: Interactions, Energy, and Dynamics; §1713, Heredity: Inheritance and Variation of Traits; §1715, Biological Evolution: Unity and Diversity; §1901, Matter and Its Interactions; §1903, Energy; §1905, Earth’s Place in the Universe; §1907, Earth’s Systems; §1909, Earth and Human Activity; §1911, From Molecules to Organisms: Structures and Processes; §1913, Heredity: Inheritance and Variation of Traits; §1915, Biological Evolution: Unity and Diversity; §1917, Grade 5; §1919, Grade 6; §1921, Grade 7; §1923, Grade 8; §1925, High School: Grades 9-12; §1927, Physical Science (Recommended for Grade 9); §1929, Biology (Recommended for Grade 10); §1931, Earth Science (Recommended for Grades 11/12); §1933, Environmental Science (Recommended for Grades 11/12); §1935, Chemistry (Recommended for Grades 11/12); §1937, Physics (Recommended for Grades 11/12); §2101, Resources and Resource Management; §2103, Environmental Awareness and Protection; §2105, Personal Responsibilities; §2107, Earth’s Systems; §2109, Human Sustainability; §2111, Ecosystems: Interactions, Energy and Dynamics; §2301, From Molecules to Organisms: Structures and Processes; §2303, Ecosystems: Interactions, Energy and Dynamics; §2305, Heredity: Inheritance and Variation of Traits; §2307, Biological Evolution: Unity and Diversity; §2501, Earth’s Place in the Universe; §2503, Space Systems; §2505, History of Earth; §2507, Earth’s Systems; §2509, Human Sustainability; §2701, Matter and Its Interactions; §2703, Motion and Stability: Forces and Interactions; §2705, Energy; §2707, Waves and Their Applications; §2901, Matter and Its Interactions; §2903, Motion and Stability: Forces and Interactions; §2905, Energy; §3101, Motion and Stability: Forces and Interactions; §3103, Energy; and §3105, Waves and Their Applications in Technologies for Information Transfer.

Louisiana state law, R.S. 17:24.4, requires BESE to adopt academic content standards, which are defined in the law as statements that define what a student should know or be able to accomplish at the end of a specific time period, grade level or at the completion of a course. Current BESE policy states that, “The Louisiana content standards shall be subject to review and revision to maintain rigor and high expectations for teaching and learning.” In accordance with state law and BESE directives, the Louisiana Department of Education (LDE) supported a science standards review process, as Louisiana science standards were last updated in 1997 and grade level expectations (GLEs) based on those standards were written in 2005. The review process was led by content experts, elementary and secondary educators, postsecondary education leaders, and business and industry leaders. The review process also included extensive participation by parents of Louisiana school students and the general public. The Louisiana student standards for science represent the knowledge and skills needed for students to successfully transition to postsecondary education and the workplace.

**Title 28
EDUCATION**

Part CXXIII. Bulletin 1962—Louisiana Science Content Standards

Chapter 1. Introduction

§101. Introduction

A. The Louisiana student standards define what a public school student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. They represent the knowledge and skills needed for students to successfully transition from each grade and ultimately to postsecondary education and the workplace, as determined by content experts, elementary and secondary educators and school leaders, postsecondary education leaders, and business and industry leaders. The standards set forth what learning should be taught; local education agencies, their school leaders and classroom educators should determine how the standards should be taught, including the curricula and instructional materials that should be used to meet students’ individual needs in mastering the standards.

B. R.S. 17:285.1, known as the “Science Education Act,” requires the state Board of Elementary and Secondary Education, upon request of a city, parish, or other local public school board, to allow and assist teachers, principals, and other school administrators to create and foster an environment within public elementary and secondary schools that promotes critical thinking skills, logical analysis, and open and objective discussion of scientific theories being studied including, but not limited to, evolution, the origins of life, global warming, and human cloning. Such assistance shall include support and guidance for teachers regarding effective ways to help students understand, analyze, critique, and objectively review scientific theories being studied. A teacher shall teach the Louisiana state standards using the standard textbook and/or instructional materials supplied by the school system and thereafter may use supplemental textbooks and other instructional materials to help students understand, analyze, critique, and review scientific theories in an objective manner, as permitted by the city, parish, or other local public school board unless otherwise prohibited by the state Board of Elementary and Secondary Education. This law shall not be construed to promote any religious doctrine, promote discrimination for or against a particular set of religious beliefs, or promote discrimination for or against religion or nonreligion. Refer to *Bulletin 741—Louisiana Handbook for School Administrators*, §2304, Science Education, for additional information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1335 (July 2017).

§103. Need and Context for Reform

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2767 (November 2005), repealed LR 43:1335 (July 2017).

§105. Purpose of the Framework

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2767 (November 2005), repealed LR 43:1335 (July 2017).

§107. Intended Audiences

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2767 (November 2005), repealed LR 43:1336 (July 2017).

§109. Intended Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2768 (November 2005), repealed LR 43:1336 (July 2017).

§111. Louisiana Content Standards Foundation Skills

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2768 (November 2005), repealed LR 43:1336 (July 2017).

§113. Information Literacy Model for Lifelong

Learning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2768 (November 2005), repealed LR 43:1336 (July 2017).

Chapter 3. Kindergarten

§301. Motion and Stability: Forces and Interactions

A. Plan and conduct an investigation to compare the effects of different strengths or different directions of pushes and pulls on the motion of an object.

B. Analyze data to determine if a design solution works as intended to change the speed or direction of an object with a push or pull.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1336 (July 2017).

§303. Energy

A. Make observations to determine the effect of sunlight on Earth's surface.

B. Use tools and materials to design and build a structure that will reduce the warming effect of sunlight on an area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1336 (July 2017).

§305. From Molecules to Organisms: Structure and Processes

A. Use observations to describe patterns of what plants and animals (including humans) need to survive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1336 (July 2017).

§307. Earth's System

A. Use and share observations of local weather conditions to describe patterns over time.

B. Construct an argument supported by evidence for how plants and animals (including humans) can change the environment to meet their needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1336 (July 2017).

§309. Earth and Human Activity

A. Use a model to represent the relationship between the needs of different plants or animals (including humans) and the places they live.

B. Ask questions to obtain information about the purpose of weather forecasting to prepare for and respond to severe weather.

C. Communicate solutions that will reduce the impact of humans on the land, water, air, and/or other living things in the local environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1336 (July 2017).

§311. Science and Equity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2770 (November 2005), repealed LR 43:1336 (July 2017).

Chapter 5. Grade 1

§501. Waves and Their Applications

A. Plan and conduct investigations to provide evidence that vibrating materials can make sound and that sound can make materials vibrate.

B. Make observations to construct an evidence-based account that objects can be seen only when illuminated.

C. Plan and conduct an investigation to determine the effect of placing objects made with different materials in the path of a beam of light.

D. Use tools and materials to design and build a device that uses light or sound to solve the problem of communicating over a distance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1336 (July 2017).

§503. From Molecules to Organisms: Structures and Processes

A. Use tools and materials to design a solution to a human problem by mimicking how plants and/or animals use their external parts to help them survive, grow, and meet their needs.

B. Read grade-appropriate texts and use media to determine patterns in behavior of parents and offspring that help offspring survive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1336 (July 2017).

§505. Heredity: Inheritance and Variation of Traits

A. Make observations to construct an evidence-based account that young plants and animals are similar, but not exactly like, their parents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§507. Earth's Place in the Universe

A. Use observations of the sun, moon, and stars to describe patterns that can be predicted.

B. Make observations at different times of year to relate the amount of daylight to the time of year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

Chapter 7. Grade 2**§701. Matter and Its Interactions**

A. Plan and conduct an investigation to describe and classify different kinds of materials by their observable properties.

B. Analyze data obtained from testing different materials to determine which materials have the properties that are best suited for an intended purpose.

C. Make observations to construct an evidence-based account of how an object made of a small set of pieces can be disassembled and made into a new object.

D. Construct an argument with evidence that some changes caused by heating or cooling can be reversed and some cannot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§703. Ecosystems: Interactions, Energy, and Dynamics

A. Plan and conduct an investigation to determine if plants need sunlight and water to grow.

B. Develop a simple model that mimics the function of an animal in dispersing seeds or pollinating plants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§705. Biological Evolution: Unity and Diversity

A. Make observations of plants and animals to compare the diversity of life in different habitats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§707. Earth's Place in the Universe

A. Use information from several sources to provide evidence that Earth events can occur quickly or slowly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§709. Earth's Systems

A. Compare multiple solutions designed to slow or prevent wind or water from changing the shape of the land.

B. Develop a model to represent the shapes and kinds of land and bodies of water in an area.

C. Obtain and communicate information to identify where water is found on Earth and that it can be solid or liquid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

Chapter 9. Grade 3**§901. Motion and Stability: Forces and Interactions**

A. Plan and conduct an investigation to provide evidence of the effects of balanced and unbalanced forces on the motion of an object.

B. Make observations and/or measurements of an object's motion to provide evidence that a pattern can be used to predict future motion.

C. Ask questions to determine cause and effect relationships of electric or magnetic interactions between two objects not in contact with each other.

D. Define a simple design problem that can be solved by applying scientific ideas about magnets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§903. From Molecules to Organisms: Structures and Processes

A. Develop models to describe that organisms have unique and diverse life cycles but all have in common birth, growth, reproduction, and death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§905. Ecosystems: Interactions, Energy, and Dynamics

A. Construct and support an argument that some animals form groups that help members survive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§907. Heredity: Inheritance and Variation of Traits

A. Analyze and interpret data to provide evidence that plants and animals have traits inherited from their parents and that variation of these traits exists in a group of similar organisms.

B. Use evidence to support the explanation that traits can be influenced by the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§909. Biological Evolution: Unity and Diversity

A. Analyze and interpret data from fossils to provide evidence of the organisms and the environments in which they lived long ago.

B. Use evidence to construct an explanation for how the variations in characteristics among individuals of the same species may provide advantages in surviving, finding mates, and reproducing.

C. Construct and support an argument with evidence that in a particular habitat some organisms can survive well, some survive less well, and some cannot survive at all.

D. Make a claim about the merit of a solution to a problem caused when the environment changes and the types of plants and animals that live there may change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1337 (July 2017).

§911. Earth's Systems

A. Represent data in tables and graphical displays to describe typical weather conditions expected during a particular season.

B. Obtain and combine information to describe climates in different regions around the world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§913. Earth and Human Activity

A. Make a claim about the merit of a design solution that reduces the impact of a weather-related hazard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

Chapter 11. Grade 4

§1101. Energy

A. Use evidence to construct an explanation relating the speed of an object to the energy of that object.

B. Make observations to provide evidence that energy can be transferred from place to place by sound, light, heat, and electric currents.

C. Ask questions and predict outcomes about the changes in energy that occur when objects collide.

D. Apply scientific ideas to design, test, and refine a device that converts energy from one form to another.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1103. Waves and Their Applications in Technologies for Information Transfer

A. Develop a model of waves to describe patterns in terms of amplitude and wavelength and to show that waves can cause objects to move.

B. Develop a model to describe that light reflecting from objects and entering the eye allows objects to be seen.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1105. From Molecules to Organisms: Structure and Processes

A. Construct an argument that plants and animals have internal and external structures that function to support survival, growth, behavior, and reproduction.

B. Construct an explanation to describe how animals receive different types of information through their senses, process the information in their brains, and respond to the information in different ways.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1107. Earth's Place in the Universe

A. Identify evidence from patterns in rock formations and fossils in rock layers to support an explanation for changes in landforms over time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1109. Earth's System

A. Plan and conduct investigations on the effects of water, ice, wind, and vegetation on the relative rate of weathering and erosion.

B. Analyze and interpret data from maps to describe patterns of Earth's features.

C. Ask questions that can be investigated and predict reasonable outcomes about how living things affect the physical characteristics of their environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1111. Earth and Human Activity

A. Obtain and combine information to describe that energy and fuels are derived from renewable and non-renewable resources and how their uses affect the environment.

B. Generate and compare multiple solutions to reduce the impacts of natural Earth processes on humans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

Chapter 13. Grade 5

§1301. Matter and its Interactions

A. Develop a model to describe that matter is made of particles too small to be seen.

B. Measure and graph quantities to provide evidence that regardless of the type of change that occurs when heating, cooling, or mixing substances, the total amount of matter is conserved.

C. Make observations and measurements to identify materials based on their properties.

D. Conduct an investigation to determine whether the mixing of two or more substances results in new substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1303. Motion and Stability: Forces and Interactions

A. Support an argument that the gravitational force exerted by the Earth is directed down.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1305. Matter and Energy in Organisms and Ecosystems

A. Use models to describe that energy in animals' food (used for body repair, growth, motion, and to maintain body warmth) was once energy from the sun.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1338 (July 2017).

§1307. From Molecules to Organisms: Structures and Processes

A. Ask questions about how air and water affect the growth of plants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1309. Ecosystems

A. Develop a model to describe the movement of matter among plants, animals, decomposers, and the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1311. Earth's Place in the Universe

A. Support an argument that differences in the apparent brightness of the sun compared to other stars is due to their relative distances from the Earth.

B. Represent data in graphical displays to reveal patterns of daily changes in length and direction of shadows, day and night, and the seasonal appearance of some stars in the night sky.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1313. Earth's Systems

A. Develop a model using an example to describe ways the geosphere, biosphere, hydrosphere, and/or atmosphere interact.

B. Describe and graph the amounts and percentages of water and fresh water in various reservoirs to provide evidence about the distribution of water on Earth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1315. Earth and Human Activity

A. Generate and compare multiple solutions about ways individual communities can use science to protect the Earth's resources and environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

Chapter 15. Grade 6

§1501. Matter and its Interactions

A. Develop models to describe the atomic composition of simple molecules and extended structures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1503. Motion and Stability: Forces and Interactions

A. Apply Newton's third law to design a solution to a problem involving the motion of two colliding objects.

B. Plan an investigation to provide evidence that the change in an object's motion depends on the sum of the forces on the object and the mass of the object.

C. Ask questions about data to determine the factors that affect the strength of electric and magnetic forces.

D. Construct and present arguments using evidence to support the claim that gravitational interactions are attractive and depend on the masses of interacting objects.

E. Conduct an investigation and evaluate the experimental design to provide evidence that fields exist between objects exerting forces on each other even though the objects are not in contact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1505. Energy

A. Construct and interpret graphical displays of data to describe the relationships of kinetic energy to the mass of an object and to the speed of an object.

B. Develop a model to describe that when the arrangement of objects interacting at a distance changes, different amounts of potential energy are stored in the system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1505. Waves and Their Applications in Technologies for Information Transfer

A. Use mathematical representations to describe a simple model for waves that includes how the amplitude of a wave is related to the energy in a wave and how the frequency and wavelength change the expression of the wave.

B. Develop and use a model to describe that waves are refracted, reflected, absorbed, transmitted, or scattered through various materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1507. Earth's Place in the Universe

A. Develop and use a model of the Earth-sun-moon system to describe the reoccurring patterns of lunar phases, eclipses of the sun and moon, and seasons.

B. Use a model to describe the role of gravity in the motions within galaxies and the solar system.

C. Analyze and interpret data to determine scale properties of objects in the solar system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1509. Earth and Human Activity

A. Construct an argument supported by evidence for how increases in human population and per-capita consumption of natural resources impact Earth's systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1511. From Molecules to Organisms: Structures and Processes

A. Conduct an investigation to provide evidence that living things are made of cells, either one or many different numbers and types.

B. Develop and use a model to describe the function of a cell as a whole and ways parts of cells contribute to the function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1339 (July 2017).

§1513. Ecosystems: Interactions, Energy, and Dynamics

A. Analyze and interpret data to provide evidence for the effects of resource availability on organisms and populations of organisms in an ecosystem.

B. Construct an explanation that predicts patterns of interactions among organisms across multiple ecosystems.

C. Develop a model to describe the cycling of matter and flow of energy among living and nonliving parts of an ecosystem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

Chapter 17. Grade 7

§1701. Matter and its Interactions

A. Analyze and interpret data on the properties of substances before and after the substances interact to determine if a chemical reaction has occurred.

B. Develop a model that predicts and describes changes in particle motion, temperature, and the state of a pure substance when thermal energy is added or removed.

C. Develop and use a model to describe how the total number of atoms does not change in a chemical reaction and thus mass is conserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1703. Energy

A. Plan an investigation to determine the relationships among the energy transferred, the type of matter, the mass, and the change in the average kinetic energy of the particles as measured by the temperature of the sample.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1705. Earth's Systems

A. Develop a model to describe the cycling of water through Earth's systems driven by energy from the sun and the force of gravity.

B. Collect data to provide evidence for how the motions and complex interaction of air masses results in changes in weather conditions.

C. Develop and use a model to describe how unequal heating and rotation of the Earth causes patterns of atmospheric and oceanic circulation that determine regional climates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1707. Earth and Human Activity

A. Ask questions to clarify evidence of the factors that have caused the rise in global temperatures over the past century.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1709. From Molecules to Organisms: Structures and Processes

A. Use an argument supported by evidence for how the body is a system of interacting subsystems composed of groups of cells.

B. Construct a scientific explanation based on evidence for the role of photosynthesis and cellular respiration in the cycling of matter and flow of energy into and out of organisms.

C. Develop a model to describe how food is rearranged through chemical reactions forming new molecules that support growth and/or release energy as this matter moves through an organism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1711. Ecosystems: Interactions, Energy, and Dynamics

A. Construct an argument supported by empirical evidence that changes to physical or biological components of an ecosystem affect populations.

B. Undertake a design project that assists in maintaining diversity and ecosystem services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1713. Heredity: Inheritance and Variation of Traits

A. Develop and use a model to describe why asexual reproduction results in offspring with identical genetic information and sexual reproduction results in offspring with genetic variation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1715. Biological Evolution: Unity and Diversity

A. Construct an explanation based on evidence that describes how genetic variations of traits in a population increase some individuals' probability of surviving and reproducing in a specific environment.

B. Gather, read, and synthesize information about technologies that have changed the way humans influence the inheritance of desired traits in organisms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

Chapter 19. Grade 8

§1901. Matter and Its Interactions

A. Develop models to describe the atomic composition of simple molecules and extended structures.

B. Gather and make sense of information to describe that synthetic materials come from natural resources and impact society.

C. Undertake a design project to construct, test, and modify a device that either releases or absorbs thermal energy by chemical processes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1340 (July 2017).

§1903. Energy

A. Apply scientific principles to design, construct, and test a device that either minimizes or maximizes thermal energy transfer.

B. Construct, use, and present arguments to support the claim that when the kinetic energy of an object changes, energy is transferred to or from the object.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1341 (July 2017).

§1905. Earth's Place in the Universe

A. Construct a scientific explanation based on evidence from rock strata for how the geologic time scale is used to organize Earth's geologic history.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1341 (July 2017).

§1907. Earth's Systems

A. Develop a model to describe the cycling of Earth's materials and the flow of energy that drives this process.

B. Construct an explanation based on evidence for how geoscience processes have changed Earth's surface at varying time and spatial scales.

C. Analyze and interpret data on the distribution of fossils and rocks, continental shapes, and seafloor structures to provide evidence of the past plate motions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1341 (July 2017).

§1909. Earth and Human Activity

A. Construct a scientific explanation based on evidence for how the uneven distributions of Earth's mineral, energy, and groundwater resources are the result of past and current geoscience processes.

B. Analyze and interpret data on natural hazards to forecast future catastrophic events and inform the development of technologies to mitigate their effects.

C. Apply scientific principles to design a method for monitoring and minimizing human impact on the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1341 (July 2017).

§1911. From Molecules to Organisms: Structures and Processes

A. Construct and use argument(s) based on empirical evidence and scientific reasoning to support an explanation for how characteristic animal behaviors and specialized plant structures affect the probability of survival and successful reproduction of animals and plants respectively.

B. Construct a scientific explanation based on evidence for how environmental and genetic factors influence the growth of organisms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1341 (July 2017).

§1913. Heredity: Inheritance and Variation of Traits

A. Develop and use a model to describe why structural changes to genes (mutations) located on chromosomes may affect proteins and may result in harmful, beneficial, or neutral effects to the structure and function of the organism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1341 (July 2017).

§1915. Biological Evolution: Unity and Diversity

A. Analyze and interpret data for patterns in the fossil record that document the existence, diversity, extinction, and change of life forms throughout the history of life on Earth under the assumption that natural laws operate today as in the past.

B. Apply scientific ideas to construct an explanation for the anatomical similarities and differences among modern organisms and between modern and fossil organisms to infer evolutionary relationships.

C. Analyze displays of pictorial data to compare patterns of similarities in the embryological development across multiple species to identify relationships not evident in the fully formed anatomy.

D. Use mathematical representations to support explanations of how natural selection may lead to increases and decreases of specific traits in populations of species over time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1341 (July 2017).

§1917. Grade 5

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2790 (November 2005), repealed LR 43:1341 (July 2017).

§1919. Grade 6

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2791 (November 2005), repealed LR 43:1341 (July 2017).

§1921. Grade 7

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2792 (November 2005), repealed LR 43:1341 (July 2017).

§1923. Grade 8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2793 (November 2005), repealed LR 43:1341 (July 2017).

§1925. High School: Grades 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2795 (November 2005), repealed LR 43:1341 (July 2017).

§1927. Physical Science (Recommended for Grade 9)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2795 (November 2005), repealed LR 43:1342 (July 2017).

§1929. Biology (Recommended for Grade 10)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2796 (November 2005), repealed LR 43:1342 (July 2017).

§1931. Earth Science (Recommended for Grades 11/12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2797 (November 2005), repealed LR 43:1342 (July 2017).

§1933. Environmental Science (Recommended for Grades 11/12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2798 (November 2005), repealed LR 43:1342 (July 2017).

§1935. Chemistry (Recommended for Grades 11/12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2799 (November 2005), repealed LR 43:1342 (July 2017).

§1937. Physics (Recommended for Grades 11/12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2800 (November 2005), repealed LR 43:1342 (July 2017).

Chapter 21. Environmental Science

§2101. Resources and Resource Management

A. Analyze and interpret data to identify the factors that affect sustainable development and natural resource management in Louisiana.

B. Obtain, evaluate and communicate information on the effectiveness of management or conservation practices for one of Louisiana's natural resources with respect to common considerations such as social, economic, technological, and influencing political factors over the past 50 years.

C. Analyze and interpret data about the consequences of environmental decisions to determine the risk-benefit values of actions and practices implemented for selected issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1342 (July 2017).

§2103. Environmental Awareness and Protection

A. Design and evaluate a solution to limit the introduction of non-point source pollution into state waterways.

B. Use a model to predict the effects that pollution as a limiting factor has on an organism's population density.

C. Use multiple lines of evidence to construct an argument addressing the negative impacts that introduced organisms have on Louisiana's native species.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1342 (July 2017).

§2105. Personal Responsibilities

A. Construct and evaluate arguments about the positive and negative consequences of using disposable resources versus reusable resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1342 (July 2017).

§2107. Earth's Systems

A. Analyze geoscience data to make the claim that one change to Earth's surface can create feedbacks that cause changes to other Earth's systems.

B. Analyze and interpret data to explore how variations in the flow of energy into and out of Earth's systems result in changes in atmosphere and climate.

C. Plan and conduct an investigation on the properties of water and its effects on Earth materials and surface processes.

D. Develop a quantitative model to describe the cycling of carbon among the hydrosphere, atmosphere, geosphere, and biosphere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1342 (July 2017).

§2109. Human Sustainability

A. Construct an explanation based on evidence for how the availability of natural resources, occurrence of natural hazards, and changes in climate have influenced human activity.

B. Evaluate competing design solutions for developing, managing, and utilizing energy and mineral resources based on cost-benefit ratios.

C. Create a computational simulation to illustrate the relationships among management of natural resources, the sustainability of human populations, and biodiversity.

D. Evaluate or refine a technological solution that reduces impacts of human activities on natural systems.

E. Use a computational representation to illustrate the relationships among Earth systems and how those relationships are being modified due to human activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1342 (July 2017).

§2111. Ecosystems: Interactions, Energy and Dynamics

A. Use mathematical and/or computational representations to support explanations of factors that affect

carrying capacity, biodiversity and populations of ecosystems at different scales.

B. Use mathematical representations to support claims for the cycling of matter and flow of energy among organisms in an ecosystem.

C. Evaluate the claims, evidence and reasoning that the complex interactions in ecosystems maintain relatively consistent numbers and types of organisms in stable conditions, but changing conditions may result in a new ecosystem.

D. Design, evaluate, and refine a solution for reducing the impacts of human activities on the environment and biodiversity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1342 (July 2017).

Chapter 23. Life Science

§2301. From Molecules to Organisms: Structures and Processes

A. Construct an explanation based on evidence for how the structure of DNA determines the structure of proteins which carry out the essential functions of life through systems of specialized cells.

B. Develop and use a model to illustrate the hierarchical organization of interacting systems that provide specific functions within multicellular organisms.

C. Plan and conduct an investigation to provide evidence that feedback mechanisms maintain homeostasis in living organisms.

D. Use a model to illustrate the role of the cell cycle and differentiation in producing and maintaining complex organisms.

E. Use a model to illustrate how photosynthesis transforms light energy into stored chemical energy.

F. Construct and revise an explanation based on evidence for how carbon, hydrogen, and oxygen from sugar molecules may combine with other elements to form amino acids and/or other large carbon-based molecules.

G. Use a model to illustrate that cellular respiration is a chemical process whereby the bonds of food molecules and oxygen molecules are broken and the bonds in new compounds are formed, resulting in a net transfer of energy.

H. Obtain, evaluate, and communicate information about:

1. viral and bacterial reproduction and adaptation;
2. the body's primary defenses against infection; and
3. how these features impact the design of effective treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1343 (July 2017).

§2303. Ecosystems: Interactions, Energy and Dynamics

A. Use mathematical and/or computational representations to support explanations of factors that affect carrying capacity, biodiversity and populations of ecosystems at different scales.

B. Use mathematical representations to support claims for the cycling of matter and flow of energy among organisms in an ecosystem.

C. Evaluate the claims, evidence and reasoning that the complex interactions in ecosystems maintain relatively

consistent numbers and types of organisms in stable conditions, but changing conditions may result in a new ecosystem.

D. Design, evaluate, and refine a solution for reducing the impacts of human activities on the environment and biodiversity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1343 (July 2017).

§2305. Heredity: Inheritance and Variation of Traits

A. Formulate, refine, and evaluate questions to clarify relationships about the role of DNA and chromosomes in coding the instructions for characteristic traits passed from parents to offspring.

B. Make and defend a claim based on evidence that inheritable genetic variations may result from:

1. new genetic combinations through meiosis;
2. viable errors occurring during replication; and/or
3. mutations caused by environmental factors.

C. Apply concepts of statistics and probability to explain the variation and distribution of expressed traits in a population.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1343 (July 2017).

§2307. Biological Evolution: Unity and Diversity

A. Analyze and interpret scientific information that common ancestry and biological evolution are supported by multiple lines of empirical evidence.

B. Construct an explanation based on evidence that biological diversity is influenced by:

1. the potential for a species to increase in number;
2. the heritable genetic variation of individuals in a species due to mutation and sexual reproduction;
3. competition for limited resources; and
4. the proliferation of those organisms that are better able to survive and reproduce in the environment.

C. Apply concepts of statistics and probability to support explanations that populations of organisms adapt when an advantageous heritable trait increases in proportion to organisms lacking this trait.

D. Construct an explanation based on evidence for how natural selection and other mechanisms lead to genetic changes in populations.

E. Evaluate evidence supporting claims that changes in environmental conditions can affect the distribution of traits in a population causing:

1. increases in the number of individuals of some species;
2. the emergence of new species over time; and
3. the extinction of other species.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1343 (July 2017).

Chapter 25. Earth and Space

§2501. Earth's Place in the Universe

A. Develop a model based on evidence to illustrate the life span of the sun and the role of nuclear fusion in the sun's core to release energy that eventually reaches Earth in the form of radiation.

B. Construct an explanation of the Big Bang theory based on astronomical evidence of light spectra, motion of distant galaxies, and composition of matter in the universe.

C. Communicate scientific ideas about the way stars, over their life cycle, produce elements.

D. Use mathematical or computational representations to predict the motion of orbiting objects in the solar system.

E. Evaluate evidence of the past and current movements of continental and oceanic crust and the theory of plate tectonics to explain the ages of crustal rocks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1343 (July 2017).

§2503. Space Systems

A. Construct an explanation of the big bang theory based on astronomical evidence of light spectra, motion of distant galaxies, and composition of matter in the universe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2766 (November 2005), LR 43:1344 (July 2017).

§2505. History of Earth

A. Apply scientific reasoning and evidence from ancient Earth materials, meteorites, and other planetary surfaces to construct an account of Earth's formation and early history.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1344 (July 2017).

§2507. Earth's Systems

A. Develop a model to illustrate how Earth's internal and surface processes operate at different spatial and temporal scales to form continental and ocean-floor features.

B. Analyze geoscience data to make the claim that one change to Earth's surface can create feedbacks that cause changes to other Earth's systems.

C. Develop a model based on evidence of Earth's interior to describe the cycling of matter by thermal convection.

D. Analyze and interpret data to explore how variations in the flow of energy into and out of Earth's systems result in changes in atmosphere and climate.

E. Plan and conduct an investigation on the properties of water and its effects on Earth materials and surface processes.

F. Develop a quantitative model to describe the cycling of carbon among the hydrosphere, atmosphere, geosphere, and biosphere.

G. Construct an argument based on evidence about the simultaneous coevolution of Earth systems and life on Earth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1344 (July 2017).

§2509. Human Sustainability

A. Construct an explanation based on evidence for how the availability of natural resources, occurrence of natural hazards, and changes in climate have influenced human activity.

B. Evaluate competing design solutions for developing, managing, and utilizing energy and mineral resources based on cost-benefit ratios.

C. Create a computational simulation to illustrate the relationships among management of natural resources, the sustainability of human populations, and biodiversity.

D. Evaluate or refine a technological solution that reduces impacts of human activities on natural systems.

E. Analyze geoscience data and the results from global climate models to make an evidence-based forecast of the current rate of global or regional climate change and associated future impacts to Earth systems.

F. Use a computational representation to illustrate the relationships among Earth systems and how those relationships are being modified due to human activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1344 (July 2017).

Chapter 27. Physical Science

§2701. Matter and Its Interactions

A. Use the periodic table as a model to predict the relative properties of elements based on the patterns of electrons in the outermost energy level and the composition of the nucleus of atoms.

B. Construct and revise an explanation for the outcome of a simple chemical reaction based on the outermost electron states of atoms, trends in the periodic table, and knowledge of the patterns of chemical properties.

C. Use mathematical representations to support the claim that atoms, and therefore mass, are conserved during a chemical reaction.

D. Develop models to illustrate the changes in the composition of the nucleus of the atom and the energy released during the processes of fission, fusion, and radioactive decay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1344 (July 2017).

§2703. Motion and Stability: Forces and Interactions

A. Analyze data to support the claim that Newton's second law of motion describes the mathematical relationship among the net force on a macroscopic object, its mass, and its acceleration.

B. Use mathematical representations to support the claim that the total momentum of a system of objects is conserved when there is no net force on the system.

C. Apply scientific and engineering ideas to design, evaluate, and refine a device that minimizes the force on a macroscopic object during a collision.

D. Plan and conduct an investigation to provide evidence that an electric current can produce a magnetic field and that a changing magnetic field can produce an electric current.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1344 (July 2017).

§2705. Energy

A. Develop and use models to illustrate that energy at the macroscopic scale can be accounted for as a combination of energy associated with the motions of particles/objects and energy associated with the relative positions of particles (objects).

B. Design, build, and refine a device that works within given constraints to convert one form of energy into another form of energy.

C. Plan and conduct an investigation to provide evidence that the transfer of thermal energy when two components of different temperature are combined within a closed system results in a more uniform energy distribution among the components in the system (second law of thermodynamics).

D. Develop and use a model of two objects interacting through electric or magnetic fields to illustrate the forces between objects and the changes in energy of the objects due to the interaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1344 (July 2017).

§2707. Waves and Their Applications

A. Use mathematical representations to support a claim regarding relationships among the frequency, wavelength, and speed of waves traveling in various media.

B. Evaluate the validity and reliability of claims in published materials regarding the effects that different frequencies of electromagnetic radiation have when absorbed by matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1345 (July 2017).

Chapter 29. Chemistry

§2901. Matter and Its Interactions

A. Use the periodic table as a model to predict the relative properties of elements based on the patterns of electrons in the outermost energy level and the composition of the nucleus of atoms.

B. Construct and revise an explanation for the outcome of a simple chemical reaction based on the outermost electron states of atoms, trends in the periodic table, and knowledge of the patterns of chemical properties.

C. Plan and conduct an investigation to gather evidence to compare the structure of substances at the macroscale to infer the strength of electrical forces between particles.

D. Develop a model to illustrate that the release or absorption of energy from a chemical reaction system depends upon changes in total bond energy.

E. Apply scientific principles and evidence to provide an explanation about the effects of changing the temperature or concentration of the reacting particles on the rate at which a reaction occurs.

F. Refine the design of a chemical system by specifying a change in conditions that would produce increased amounts of products at equilibrium.

G. Use mathematical representations to support the claim that atoms, and therefore mass, are conserved during a chemical reaction.

H. Develop models to illustrate the changes in the composition of the nucleus of the atom and the energy released during the processes of fission, fusion, and radioactive decay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1345 (July 2017).

§2903. Motion and Stability: Forces and Interactions

A. Communicate scientific and technical information about why the atomic-level, subatomic-level, and/or molecular level structure is important in the functioning of designed materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1345 (July 2017).

§2905. Energy

A. Create a computational model to calculate the change in the energy of one component in a system when the change in energy of the other component(s) and energy flows in and out of the system are known.

B. Design, build, and refine a device that works within given constraints to convert one form of energy into another form of energy.

C. Plan and conduct an investigation to provide evidence that the transfer of thermal energy when two components of different temperature are combined within a closed system results in a more uniform energy distribution among the components in the system (second law of thermodynamics).

D. Evaluate the validity and reliability of claims in published materials about the viability of nuclear power as a source of alternative energy relative to other forms of energy (e.g., fossil fuels, wind, solar, geothermal).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1345 (July 2017).

Chapter 31. Physics

§3101. Motion and Stability: Forces and Interactions

A. Analyze data to support the claim that Newton's second law of motion describes the mathematical relationship among the net force on a macroscopic object, its mass, and its acceleration.

B. Use mathematical representations to support the claim that the total momentum of a system of objects is conserved when there is no net force on the system.

C. Apply scientific and engineering ideas to design, evaluate, and refine a device that minimizes the force on a macroscopic object during a collision.

D. Use mathematical representations of Newton's law of gravitation and Coulomb's Law to describe and predict the gravitational and electrostatic forces between objects.

E. Plan and conduct an investigation to provide evidence that an electric current can produce a magnetic field and that a changing magnetic field can produce an electric current.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1345 (July 2017).

§3103. Energy

A. Create a computational model to calculate the change in the energy of one component in a system when the change in energy of the other component(s) and energy flows in and out of the system are known.

B. Develop and use models to illustrate that energy at the macroscopic scale can be accounted for as a combination of energy associated with the motions of particles (objects) and energy associated with the relative positions of particles (objects).

C. Design, build, and refine a device that works within given constraints to convert one form of energy into another form of energy.

D. Plan and conduct an investigation to provide evidence that the transfer of thermal energy when two components of different temperature are combined within a closed system results in a more uniform energy distribution among the components in the system (second law of thermodynamics).

E. Develop and use a model of two objects interacting through electric or magnetic fields to illustrate the forces between objects and the changes in energy of the objects due to the interaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1345 (July 2017).

§3105. Waves and Their Applications in Technologies for Information Transfer

A. Use mathematical representations to support a claim regarding relationships among the frequency, wavelength, and speed of waves traveling in various media.

B. Evaluate the claims, evidence, and reasoning behind the idea that electromagnetic radiation can be described either by a wave model or a particle model, and that for some situations one model is more useful than the other.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1346 (July 2017).

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RULE

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

Scholarship/Grant Programs—TOPS Core Curriculum Equivalents: Human Anatomy and Physiology and Pre-Calculus (LAC 28:IV.703)

The Louisiana Board of Regents has amended its scholarship/grant rules [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5, and R.S. 17:3048.6]. (SG17176R)

Title 28

EDUCATION

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

§703. Establishing Eligibility

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

* * *

(e). For students graduating in academic year (high school) 2017-2018 and after, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, the

following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course(s)	Equivalent (Substitute) Course
Algebra I, Geometry and Algebra II	Integrated Mathematics I, II and III
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography
Algebra III; Advanced Math—Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Biology II	Human Anatomy and Physiology
Any listed core course or its equivalent.	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et. seq. as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student's Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the Board of Regents and the state Board of Elementary and Secondary Education to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin

TOPS Core Course	Advanced Placement
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
World Geography	AP Human Geography
World History	AP World History

(ii). International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math— Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

(iii). Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II

TOPS Core Course	Gifted and Talented
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

(iv). Dual Enrollment Courses

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

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
World Geography	World Regional Geography	CGRG 2113

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
World History	World Civilization I or II	CHIS 1113/1123

A.5.a.iii.(a). - J.4.b.ii. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:657, 664 (April 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1346 (July 2017).

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RULE

Department of Environmental Quality Office of the Secretary Legal Division

Municipal Separate Storm Sewer Systems General Permit Revisions (LAC 33:IX.2515, 2521, 2523 and 2525)(WQ095ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.2515, 2521, 2523 and 2525 (Log #WQ095ft).

This Rule is identical to federal regulations found in 40 CFR 122.28-122.35, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the rule. This Rule was promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule revises the Municipal Separate Storm Sewer Systems (MS4s) general permit requirements and is identical to portions of the recent MS4 General Permit Remand Rule, as discussed below which was finalized by EPA on

November 17, 2016. In their rule, the EPA changed the regulations on how small MS4s obtain coverage under NPDES general permits. This change addresses the partial 2003 remand of the Phase II storm water regulations by the U.S. Court of Appeals. The court found that EPA failed in two areas: (1) to require permitting authority review of the best management practices (BMPs) to be used at a particular MS4 to ensure that the small MS4 permittee reduces pollutants in the storm water discharges to the maximum extent practicable (MEP); and (2) failed to provide for adequate public notice and opportunity to request a hearing. The final EPA rule provides two methods to the permitting authority on how to develop small MS4 general permits and issue coverage to regulated small MS4s. The final rule also changes notice of intent requirements and clarifies that it is the permitting authority's responsibility to establish permit terms and conditions that meet the MS4 regulatory standards. The EPA rule also emphasizes that permit requirements must be expressed in "clear, specific and measurable" terms. This Rule is identical to the EPA changes. The basis and rationale for this Rule are to mirror federal regulations, ensuring consistency regarding the issuance of LPDES permits for small MS4s. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge

Elimination System (LPDES) Program

Chapter 25. Permit Application and Special LPDES Program Requirements

§2515. General Permits

A. - B.2.g. ...

h. Small Municipal Separate Storm Sewer Systems (MS4s). For general permits issued under Paragraph B of this Section for small MS4s, the state administrative authority shall establish the terms and conditions necessary to meet the requirements of LAC 33:IX.2523 using one of the two permitting approaches in Clauses i-ii of this Section. The state administrative authority shall indicate in the permit or fact sheet which approach is being used.

i. Comprehensive General Permit. The state administrative authority includes all required permit terms and conditions in the general permit; or

ii. Two-step General Permit. The state administrative authority includes required permit terms and conditions in the general permit applicable to all eligible small MS4s; and during the process of authorizing small MS4s to discharge, establishes additional terms and conditions not included in the general permit to satisfy one or more of the permit requirements in LAC 33:IX.2523 for individual small MS4 operators.

(a). The general permit shall require that any small MS4 operator seeking authorization to discharge under the general permit submit a Notice of Intent (NOI) consistent with LAC 33:IX.2515.B.2.b.

(b). The state administrative authority shall review the NOI submitted by the small MS4 operator to determine whether the information in the NOI is complete

and to establish the additional terms and conditions necessary to meet the requirements of LAC 33:IX.2523. The state administrative authority may require the small MS4 operator to submit additional information. The public notice, the process for submitting public comments and hearing requests, and the hearing process, if a request for a hearing is granted, shall follow the procedures applicable to draft permits set forth in LAC 33:IX.315. If the state administrative authority makes a preliminary decision to authorize the small MS4 operator to discharge under the general permit, the state administrative authority shall give the public notice of:

(i). an opportunity to comment and request a public hearing on its proposed authorization and the NOI;

(ii). the proposed additional terms and conditions; and

(iii). the basis for these additional requirements.

(c). Upon authorization for the MS4 to discharge under the general permit, the final additional terms and conditions applicable to the MS4 operator become effective. The state administrative authority shall notify the permittee and inform the public of the decision to authorize the MS4 to discharge under the general permit and of the final additional terms and conditions specific to the MS4.

B.3. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), LR 35:651 (April 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017).

§2521. Requirements for Obtaining Permit Coverage for Regulated Small MS4s

A. The operator of any regulated small MS4 under LAC 33:IX.2519 shall seek coverage under an LPDES permit issued by the state administrative authority.

B. The operator of any regulated small MS4 shall seek authorization to discharge under a general or individual LPDES permit, as follows:

1. General Permit Notices of Intent

a. If seeking coverage under a general permit issued by the state administrative authority in accordance with LAC 33:IX.2519, the small MS4 operator shall submit a Notice of Intent (NOI) consistent with LAC 33:IX.2515.B.2.b. The small MS4 operator may file its own NOI or the small MS4 operator and other municipalities or governmental entities may jointly submit a NOI. If the small MS4 operator wants to share responsibilities for meeting the minimum measures with other municipalities or governmental entities, the small MS4 operator shall submit a NOI that describes which minimum measures it will implement and identify the entities that will implement the other minimum measures within the area served by the MS4. The general permit will explain any other steps necessary to obtain permit authorization.

b. If seeking coverage under a general permit issued by the state administrative authority, in accordance with LAC 33:IX.2515, the small MS4 operator shall submit a NOI to the state administrative authority consisting of the minimum required information in LAC 33:IX.2515.B.2.b, and any other information the state administrative authority identifies as necessary to establish additional terms and conditions that satisfy the permit requirements of LAC 33:IX.2523, such as the information required under LAC 33:IX.2521.B.2.a. The general permit will explain any other steps necessary to obtain permit authorization.

2. Individual Permit Application Requirements

a. If seeking authorization to discharge under an individual permit to implement a program under LAC 33:IX.2523, the small M4 operator shall submit an application to the state administrative authority that includes the information required under LAC 33:IX.2501.F and the following:

i. the best management practices (BMPs) that the small MS4 operator or another entity proposes to implement for each of the storm water minimum control measures described in LAC 33:IX.2523;

ii. the proposed measurable goals for each of the BMPs including, as appropriate, the months and years in which the small MS4 operator proposes to undertake required actions, including interim milestones and the frequency of the action;

iii. the person or persons responsible for implementing or coordinating the storm water management program;

iv. an estimate of square mileage served by the small MS4;

v. any additional information required by the state administrative authority; and

vi. a storm sewer system map that satisfies the requirement of LAC 33:IX.2523B.3.a satisfies the map requirement in LAC 33:IX.2501.F.7.

b. If seeking authorization to discharge under an individual permit to implement a program that is different from the program under LAC 33:IX.2523, the small MS4 operator shall comply with the permit application requirements of LAC 33:IX.2511.D. The small MS4 operator shall submit both parts of the application requirements in LAC 33:IX.2511.D.1 and 2 at least 180 days before the expiration of the small MS4 operator's existing permit. Information required by LAC 33:IX.2511.D.1.b and 2 regarding its legal authority is not required, unless the small MS4 operator intends for the permit writer to take such information into account when developing other permit conditions.

c. If approved by the state administrative authority, the small MS4 operator and another regulated entity may jointly apply under either Subparagraph B.2.a or b of this Section to be co-permittees under an individual permit.

3. If the regulated small MS4 is in the same urbanized area as a medium or large MS4 with an LPDES storm water permit and that other MS4 is willing to have the small MS4 operator participate in its storm water program, the parties may jointly seek a modification of the other MS4 permit to include the small MS4 operator as a limited co-permittee. As a limited co-permittee, the small MS4 operator will be responsible for compliance with the permit's conditions

applicable to its jurisdiction. If the small MS4 operator chooses this option it shall comply with the permit application requirements of LAC 33:IX.2511, rather than the requirements of LAC 33:IX.2521.B.2. The small MS4 operator does not need to comply with the specific application requirements of LAC 33:IX.2511.D.1.c, d, and 2.c (discharge characterization). The small MS4 operator may satisfy the requirements in LAC 33:IX.2511.D.1.e and 2.e (identification of a management program) by referring to the other MS4's storm water management program.

4. Guidance for Paragraph B.3 of this Section—in referencing the other MS4's storm water management program, the small MS4 operator should briefly describe how the existing program will address discharges from the small MS4 or would need to be supplemented in order to adequately address the discharges. The small MS4 operator should also explain its role in coordinating storm water pollutant control activities in the MS4 and detail the resources available to the small MS4 operator to accomplish the program.

C. If the regulated small MS4 is designated under LAC 33:IX.2519.A.2, the small MS4 operator shall apply for coverage under an LPDES permit, or apply for a modification of an existing LPDES permit under Paragraph B.3 of this Section within 180 days of notice of such designation, unless the state administrative authority grants a later date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2278 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017).

§2523. Permit Requirements for Regulated Small MS4s

A. General Requirements. For any permit issued to a regulated small MS4, the state administrative authority shall include permit terms and conditions to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality and to satisfy the appropriate water quality requirements of the Louisiana Water Control Law and the federal Clean Water Act. Terms and conditions that satisfy the requirements of this Section shall be expressed in clear, specific, and measurable terms. Such terms and conditions may include narrative, numeric, or other types of requirements (e.g., implementation of specific tasks or best management practices (BMPs), BMP design requirements, performance requirements, adaptive management requirements, schedules for implementation, maintenance, and frequency of actions).

1. For permits providing coverage to any small MS4s for the first time, the state administrative authority may specify a time period of up to five years from the date of permit issuance for the permittee to fully comply with the conditions of the permit and to implement necessary BMPs.

2. For each successive permit, the state administrative authority shall include terms and conditions that meet the requirements of this Section based on its evaluation of the current permit requirements, record of permittee compliance

and program implementation progress, current water quality conditions, and other relevant information.

B. The permit shall include requirements that ensure the permittee implements, or continues to implement, the minimum control measures in Paragraphs 1-6 of this Section during the permit term. The permit shall also require a written storm water management program document or documents that, at a minimum, describe in detail how the permittee intends to comply with the permit's requirements for each minimum control measure.

1. Public Education and Outreach on Storm Water Impacts

a. The permit shall identify the minimum elements and require implementation of a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

b. EPA Guidance for the State Administrative Authority and Regulated Small MS4s. The permittee may use storm water educational materials provided by the state, tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The public education program should inform individuals and households about the steps they can take to reduce storm water pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. The EPA recommends that the program inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. The EPA recommends that the permit require the permittee to tailor the public education program using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling and watershed and beach cleanups. In addition, EPA recommends that the permit require that some of the materials or outreach programs be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. Examples of this include providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. The permit should encourage the permittee to tailor the outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

2. Public Involvement/Participation

a. The permit shall identify the minimum elements and require implementation of a public involvement/participation program that complies with state, tribal, and local public notice requirements.

b. EPA Guidance for the State Administrative Authority and Regulated Small MS4s. The EPA recommends

that the permit include provisions addressing the need for the public to be included in developing, implementing, and reviewing the storm water management program and that the public participation process should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)

3. Illicit Discharge Detection and Elimination

a. The permit shall identify the minimum elements and require the development, implementation, and enforcement of a program to detect and eliminate illicit discharges (see LAC 33:IX.2511.B.2) into the small MS4.

b. At a minimum, the permit shall require the permittee to:

i. develop, if not already completed, a storm sewer system map showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls;

ii. to the extent allowable under state, tribal, or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;

iii. develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system; and

iv. ...

c. The permit shall also require the permittee to address the following categories of non-storm water discharges or flows (e.g., illicit discharges) only if the permittee identifies them as a significant contributor of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from firefighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the state).

d. EPA Guidance for the State Administrative Authority and Regulated Small MS4s. The EPA recommends that the permit require the plan to detect and address illicit discharges include the following four components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and procedures for program evaluation and assessment. The EPA recommends that the permit require the permittee to visually screen outfalls during dry weather and

conduct field tests of selected pollutants as part of the procedures for locating priority areas. Illicit discharge education actions may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials.

4. Construction Site Storm Water Runoff Control

a. The permit shall identify the minimum elements and require the development, implementation, and enforcement of a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to 1 acre. Reduction of storm water discharges from construction activity disturbing less than 1 acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb 1 acre or more. If the state administrative authority waives requirements for storm water discharges associated with small construction activity in accordance with LAC 33:IX.2511.B.15.a, the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

b. At a minimum, the permit shall require the permittee to develop and implement:

i. an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;

ii. requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

iii. requirements for construction site operators to control waste, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, at the construction site that may cause adverse impacts to water quality;

iv. procedures for site plan review that incorporate consideration of potential water quality impacts;

v. procedures for receipt and consideration of information submitted by the public; and

vi. procedures for site inspection and enforcement of control measures.

c. EPA Guidance for the State Administrative Authority and Small Regulated MS4s. Examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements, and/or permit denials for noncompliance. The EPA recommends that the procedures for site plan review include the review of individual preconstruction site plans to ensure consistency with local sediment and erosion control requirements. Procedures for site inspections and enforcement of control measures could include steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. The EPA also recommends that the permit require the permittee to provide appropriate educational and training measures for construction site operators, and require storm water pollution prevention plans for construction sites within the MS4's jurisdiction that discharge into the system. See LAC 33:IX.2707.R (LPDES permitting authorities option to incorporate qualifying state, tribal, and local erosion and sediment control programs into

LPDES permits for storm water discharges from construction sites). Also, see LAC 33:IX.2525.B. (The state administrative authority may recognize that another government entity may be responsible for implementing one or more of the minimum measures on the permittee's behalf.)

5. Post-Construction Storm Water Management in New Development and Redevelopment

a. The permit shall identify the minimum elements and require the development, implementation, and enforcement of a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to 1 acre, including projects less than 1 acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The permit shall ensure that controls are in place that would prevent or minimize water quality impacts.

b. At a minimum, the permit shall require the permittee to:

i. develop and implement strategies that include a combination of structural and/or non-structural BMPs appropriate for the community;

ii. - iii. ...

c. EPA Guidance for the State Administrative Authority and Regulated Small MS4s. If water quality impacts are considered from the beginning stages of a project, new development and, potentially, redevelopment provide more opportunities for water quality protection. The EPA recommends that the permit ensure that the BMPs included in the program be appropriate for the local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions. The EPA encourages the permittee to participate in locally-based watershed planning efforts that attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, the EPA recommends that the permit requires the permittee to adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures. In developing the program, the permit should also require the permittee to assess existing ordinances, policies, programs, and studies that address storm water runoff quality. In addition to assessing these existing documents and programs, the permit should require the permittee to provide opportunities to the public to participate in the development of the program. Non-structural BMPs are preventative actions that involve management and source controls such as: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas and areas with existing infrastructure; education programs for developers and the public about project designs that

minimize water quality impacts; and measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters, and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. The EPA recommends that the permit ensures the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction, or operation and maintenance. Storm water technologies are constantly being improved, and EPA recommends that the permit requirements be responsive to these changes, developments, or improvements in control technologies.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

a. The permit shall identify the minimum elements and require the development and implementation of an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, the state, tribe, or other organizations, the program shall include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

b. EPA Guidance for the State Administrative Authority and Small Regulated MS4s. The EPA recommends that the permit address the following: maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from the separate storm sewers; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the permittee, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance should be an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.

C. Other Applicable Requirements

1. As appropriate, the permit will include:
a. more stringent terms and conditions, including permit requirements that modify, or are in addition to, the

minimum control measures based on an approved total maximum daily load (TMDL) or equivalent analysis, or where the state administrative authority determines such terms and conditions are needed to protect water quality; and
b. other applicable LPDES permit requirements, standards, and conditions established in the individual or general permit, developed consistently with the provisions of LAC 33:IX.2701-2715, as appropriate.

D. Evaluation and Assessment Requirements

1. Evaluation. The permit shall require the permittee to evaluate compliance with the terms and conditions of the permit, including the effectiveness of the components of its storm water management program, and the status of achieving the measurable requirements in the permit.

NOTE: The state administrative authority may determine monitoring requirements for the permittee in accordance with state/tribal monitoring plans appropriate to the watershed. Participation in a group monitoring program is encouraged.

2. Recordkeeping. The permit shall require that the permittee keep records required by the LPDES permit for at least three years and submit such records to the state administrative authority when specifically asked to do so. The permit shall require the permittee to make records, including a written description of the storm water management program, available to the public at reasonable times during regular business hours (see LAC 33:IX.2323 for confidentiality provision). The permittee may assess a reasonable charge for copying. The permit may allow the permittee to require a member of the public to provide advance notice.

3. Reporting. Unless the permittee is relying on another entity to satisfy its LPDES permit obligations under LAC 33:IX.2525.A, the permittee shall submit annual reports to the state administrative authority for its first permit term. For subsequent permit terms, the permittee shall submit reports in years two and four unless the state administrative authority requires more frequent reports. The report shall include:

- a. the status of compliance with permit terms and conditions;
- b. results of information collected and analyzed, including monitoring data, if any, during the reporting period;
- c. a summary of the storm water activities the permittee proposes to undertake to comply with the permit during the next reporting cycle;
- d. any changes made during the reporting period to the permittee's storm water management program; and
- e. notice that the permittee is relying on another governmental entity to satisfy some of the permit obligations (if applicable), consistent with LAC 33:IX.2525.

E. If an existing qualifying local program requires the permittee to implement one or more of the minimum control measures of Subsection B of this Section, the state administrative authority may include conditions in the LPDES permit that direct the permittee to follow that qualifying program's requirements rather than the requirements of Subsection B of this Section. A qualifying local program is a local, state, or tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of Subsection B of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2278 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1350 (July 2017).

§2525. May the operator of a regulated small MS4 share the responsibility to implement the minimum control measures with other entities?

A. The permittee may rely on another entity to satisfy its LPDES permit obligations to implement a minimum control measure if:

1. the other entity, in fact, implements the control measure;
2. the particular control measure, or component thereof, is at least as stringent as the corresponding LPDES permit requirement; and
3. the other entity agrees to implement the control measure on the permittee's behalf. In the reports the permittee shall submit under LAC 33:IX.2523.G.3, the permittee shall also specify it is relying on another entity to satisfy some of the permit obligations. If the permittee is relying on another governmental entity regulated under LAC 33:IX.Chapters 23-71 to satisfy all of the permit obligations, including the obligation to file periodic reports required by LAC 33:IX.2523. D.3, the permittee shall note that fact in its NOI, but the permittee is not required to file the periodic reports. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof). Therefore, the department encourages the permittee to enter into a legally binding agreement with that entity if the permittee wants to minimize any uncertainty about compliance with the permit.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2282 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2512 (October 2005), LR 33:2167 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1354 (July 2017).

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RULE

**Office of the Governor
Coastal Protection and Restoration Authority**

Natural Resource Damage Restoration Banking
(LAC 43:XXXI.Chapter 1)

Under the authority of Act 362 of the 2016 Louisiana Legislative Regular Session, and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the chairman of the Louisiana Coastal Protection and Restoration Authority adopts this Rule to

establish a Natural Resource Damage (NRD) Restoration Banking Program. The purpose of this Rule is to establish an NRD Restoration Banking Program to fully or partially resolve a responsible party's NRD liability under the Oil Pollution Act of 1990 (OPA), 33 U.S.C. §2701 et seq., and the Oil Spill Prevention and Response Act (OSPRA), R.S. 30:2451 et seq. This NRD Restoration Banking Program is designed to allow, encourage, and incentivize private investors to undertake restoration projects and generate restoration credits that responsible parties can purchase to fully or partially resolve NRD liabilities from oil spills under OPA and OSPRA. This program will provide up-front restoration in the Louisiana coastal area, allow for the implementation of large scale restoration projects, and provide an alternative method to offset injuries to natural resources sustained as a result of oil spills in coastal areas which will result in greater ecosystem benefits in an efficient and cost-effective manner, as compared to spill-by-spill restoration actions.

Title 43

NATURAL RESOURCES

Part XXXI. Coastal Protection and Restoration

Authority

Chapter 1. Natural Resource Damage Restoration Banking

Subchapter A. General Provisions

§101. Purpose/Declaration and Intent

A. The release of oil into Louisiana's coastal area presents a real and substantial threat to public health and welfare, the environment, wildlife and aquatic life, and the economy of the state. The Coastal Protection and Restoration Authority (CPRA) Board adopts these regulations pursuant to R.S. 49:214.5.2(H). The purpose of these regulations is to establish a Natural Resource Damage (NRD) Restoration Banking Program to fully or partially resolve a responsible party's NRD liability under the Oil Pollution Act of 1990 (OPA), 33 U.S.C. §2701 et seq., and the Oil Spill Prevention and Response Act (OSPRA), R.S. 30:2451 et seq. This Chapter is intended to support and complement OPA and OSPRA. These regulations establish procedures for the certification and operation of NRD restoration banks.

B. This NRD Restoration Banking Program is designed to allow, encourage, and incentivize private investors to undertake restoration projects and generate restoration credits that responsible parties can purchase to fully or partially resolve NRD liabilities from oil spills under OPA and OSPRA. This program will provide up-front restoration in the Louisiana coastal area, allow for the implementation of large scale restoration projects, and provide greater ecosystem benefits in an efficient and cost-effective manner, as compared to spill-by-spill restoration actions. Notwithstanding any provision of this Chapter, the Natural Resource Damage Assessment (NRDA) trustees retain final authority whether to propose and select the purchase of credits from certified NRD restoration banks or another option as preferred alternatives to restore for injuries resulting from a particular oil spill.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1354 (July 2017).

§103. Applicability

A. This Chapter applies to any unauthorized discharge of oil, as defined in OPA and OSPRA, occurring in the Louisiana coastal area for which the NRDA trustees determine, pursuant to R.S. 30:2480, to proceed under this Chapter. The NRDA trustees may authorize the purchase of credits from certified NRD restoration banks to restore for injuries from any unauthorized discharge of oil for which a preferred restoration alternative has not already been selected. This includes, but is not limited to, using settlement funds to purchase credits from an NRD restoration bank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1355 (July 2017).

§105. Severability

A. If any Section or provision of this Chapter or the application of that Section or provision to any party, situation, or circumstance is determined to be invalid by a court of competent jurisdiction for any reason, such adjudication shall not affect any other Section or provision of this Chapter, or the application of the adjudicated Section or provision to any other party, situation, or circumstance. To this end, the provisions of this Chapter are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1355 (July 2017).

§107. Definitions

A. Words not defined in these regulations shall have the same definition given to them in OPA and OSPRA and accompanying regulations. In the event of a conflict between the definitions in these regulations and definitions in OPA and/or OSPRA and the accompanying regulations, the definitions in these regulations shall prevail.

B. The following words, terms, and phrases, when used in this Chapter, shall have the following meanings, unless the word, term, or phrase is otherwise defined in the text.

BRT—the natural resource damage banking review team, whose purpose is to facilitate and oversee the NRD Restoration Banking Program.

Coastal Master Plan—the currently applicable version of the *Louisiana Comprehensive Master Plan for a Sustainable Coast*, developed by CPRA and approved by the Louisiana Legislature in accordance with R.S. 49:214.5.3.

Day(s)—refers to calendar days. If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day.

Louisiana Coastal Area—Louisiana coastal waters, defined in R.S. 49:214.2(4) as “the Louisiana Coastal Zone and contiguous areas subject to storm or tidal surge and the area comprising the Louisiana Coastal Ecosystem as defined in section 7001 of P.L. 110-114”.

NRD Restoration Bank—a site where land or resources are restored, rehabilitated, or replaced in accordance with these regulations for the purpose of restoring natural resources and services equivalent to those injured by oil spills in the Louisiana coastal area.

NRD Restoration Banking Program—a program developed by the state under this Chapter under which a

responsible party purchases credits generated by a BRT-certified NRD restoration bank from a restoration bank sponsor to reduce or resolve its liability under OPA and OSPRA for damages to natural resources and services in connection with a settlement of NRD claims against the responsible party.

Performance Criteria—structural, functional, temporal, and/or other demonstrable factors that are used by the BRT to determine the success of the restoration bank or need for interim corrective action.

Release of Credits—the BRT’s written determination that certain performance standards set forth in a final restoration banking instrument have been met and authorizing a bank sponsor to make a specific quantum of restoration credits available for sale to responsible parties and NRDA trustees.

Restoration Bank Sponsor or *Sponsor*—the person or entity responsible for developing and operating an NRD restoration bank.

Restoration Credit—a unit of trade generated by a certified NRD restoration bank and representing a defined quantum of ecological benefit generated by the restoration bank, as measured by acreage or other metric.

State—the state of Louisiana.

State Trustees—shall be the Coastal Protection and Restoration Authority, the Oil Spill Coordinator’s Office, the Department of Environmental Quality, the Department of Natural Resources, and the Department of Wildlife and Fisheries. The definition of *state trustees* may also include other agencies of the state designated by the governor to act on behalf of the public as trustees for natural resources under OPA and OSPRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1355 (July 2017).

Subchapter B. NRD Restoration Banking Framework

§109. Natural Resource Damage Banking Review Team (BRT)

A. CPRA shall convene the BRT to implement the NRD Restoration Banking Program. The state trustees, or their designees, shall be standing members of the BRT. CPRA shall serve as the BRT chair. The BRT may consult with or invite other state and federal agencies (including federal NRDA trustees) as appropriate for review and certification of specific NRD restoration banks. The primary duties of the BRT are:

1. to review documents submitted by potential restoration bank sponsors, including the prospectus, restoration bank plan, restoration banking instrument, and other appropriate/requested documents to determine whether proposed NRD restoration banks qualify for the NRD Restoration Banking Program;

2. to work with potential restoration bank sponsors on the development of restoration credits (including establishing the number and types of credits an NRD restoration bank will generate and a credit release schedule), appropriate financial assurances, and required project monitoring and long-term management activities (if such long-term management activities are appropriate for the bank);

3. to seek public review and comment on the restoration bank plan;

4. to certify NRD restoration banks;

5. to review construction, monitoring, and other required reports to determine if corrective actions or adaptive management activities are necessary and to approve the release of credits for an NRD restoration bank; and

6. to ensure compliance with the terms and conditions of NRD restoration bank certification as set forth in the restoration banking instrument.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1355 (July 2017).

§111. NRD Restoration Banking Program Requirements

A. In determining the eligibility of a proposed NRD restoration bank, the BRT shall consider the following factors:

1. the potential restoration bank sponsor's compliance history, including but not limited to compliance with federal, state, parish, and local laws, rules, regulations, policies, and programs;

2. the proposed financial assurances submitted pursuant to these regulations;

3. the sponsor's proposed actions to restore, rehabilitate, or replace the equivalent of natural resources and services likely to be injured by oil spills in the Louisiana coastal area;

4. how the implementation of the NRD restoration bank will affect (positive or negative) natural resources, cultural resources, land ownership, and encumbrances;

5. whether the NRD restoration bank is consistent with the goals and objectives of the coastal master plan; and

6. any other information deemed appropriate by the BRT.

B. Coastal Master Plan

1. To be eligible for the NRD restoration banking program, proposed banks must be consistent with the goals and objectives of the coastal master plan. To be considered consistent with the goals and objectives of the coastal master plan, the proposed NRD restoration bank must strive to achieve one or more of the coastal master plan's objectives and must not be detrimental to or conflict with any of the projects contained in the coastal master plan.

2. CPRA prefers proposed NRD restoration banks that are included as projects in the coastal master plan, or that are increments, add-ons, or enhancements of coastal master plan projects. NRD restoration banks implementing coastal master plan projects perform restoration in areas the state has designated as high priority, providing elevated ecological benefit and increased sustainability. To incentivize such banks, the BRT will examine and take advantage of efficiencies in project review for banks that propose to implement coastal master plan projects. For example, the BRT will consider information regarding and analyses of projects the State has already performed through the coastal master plan development process, as well as any engineering, design, and permitting already performed. The BRT may further elect to reduce information required in the prospectus scope of work or provide a more favorable

schedule for credit release, contingent on sufficient financial assurance. The BRT shall make decisions regarding the application of these and other incentives on a case-by-case basis and only where consistent with the requirements of OPA and OSPRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1356 (July 2017).

§113. Landowners

A. Prior to proposing any NRD restoration bank, it is the responsibility of the sponsor to investigate any potential effect on the rights of nearby landowners. Any dealings with landowners carried out by the sponsor, including but not limited to the purchase or acquisition of property or right-of-way, must be detailed in the land rights section of the prospectus to be submitted by the sponsor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1356 (July 2017).

§115. Prospectus

A. To begin the process of establishing an NRD restoration bank, potential sponsors must submit a prospectus to the BRT chair that contains the following information:

1. potential sponsor information:

a. identification of submitting party;

b. domiciliary address;

c. name of the agent or contact if applicant is an entity such as an LLC or corporation; and

d. mailing address of the agent, if different from that of the identified applicant;

2. permit statement outlining all federal, state, and local permits necessary for the proposed NRD restoration bank, and timetable for acquisition (the sponsor is responsible for obtaining all required permits and approvals for the construction and establishment of the bank); and

3. a scope of work containing the information outlined in Subsection B or C of this Section.

B. For new NRD restoration banks proposed for construction, the scope of work shall provide information regarding the proposed NRD restoration bank at a sufficient level of detail to support informed BRT comment and evaluation. A complete scope of work must contain, at a minimum, the components listed below:

1. objectives of the proposed NRD restoration bank, including the habitat types(s) and species that are the focus of the proposed bank;

2. identification of the proposed coastal master plan project to be supported or carried out by the proposed NRD restoration bank, or a statement demonstrating how the proposed bank is consistent with the goals and objectives of the coastal master plan;

3. physical characteristics of the proposed NRD restoration bank, including:

a. a description of the existing (pre-construction) site location and conditions;

b. a description of the proposed construction activities, including the work to be performed and the total acreage or footprint of the proposed work; and

c. a summary table of the pre- and post-construction habitat types, associated acreages, and conditions at the bank site;

4. legal characteristics of the proposed NRD restoration bank, including but not limited to a description of the bank site's geographic boundaries and a statement regarding land rights involving the site;

5. technical feasibility of the proposed NRD restoration bank;

6. current ownership, proposed ownership arrangements and long-term management strategy, including proposed conservation restrictions (if applicable);

7. qualifications of the sponsor to successfully complete the project, including information describing any past such activities by the sponsor;

8. the form and amount of anticipated financial assurance and evidence of the sponsor's ability to procure financial assurance; and

9. any other information deemed necessary by the BRT.

C. For existing, already-constructed restoration projects in use as a bank pursuant to other (non-NRD) regulatory frameworks, the scope of work shall provide the information identified in Subsection B of this Section, but incorporating actual rather than anticipated post-construction conditions. In addition, the scope of work shall include:

1. identification of the specific regulatory programs under which the bank is authorized to provide credits;

2. map(s) showing the specific areas, habitat types, and acreages for potential use to satisfy obligations pursuant to each authorized regulatory program;

3. identification of all credit sales that have occurred pursuant to any regulatory program;

4. identification of the numbers and types of credits and associated locations still available for sale to address the requirements of other regulatory programs;

5. description of a process and internal controls to prevent double counting; and

6. any other information deemed necessary by the BRT.

D. Submittal, Review, and Determination by the BRT

1. Submittal of Prospectus

a. The sponsor shall submit the prospectus to the BRT chair for BRT comment and initial evaluation as to the eligibility of the proposed NRD restoration bank, including whether the proposed NRD restoration bank is:

i. included in or consistent with the goals and objectives of the coastal master plan; and

ii. has the potential to generate NRD restoration credits.

b. The sponsor must provide the BRT chair with the number of copies of the prospectus specified by the BRT chair for distribution to the BRT members for review.

2. BRT Review of Prospectus. The BRT chair will provide copies of the prospectus to BRT members and will provide the BRT's response, including written comments (if any), back to the sponsor within 60 days.

3. BRT Prospectus Determination. The sponsor may revise the prospectus to address the BRT's comments and submit the revised prospectus to the BRT chair. A revised prospectus must be sent within 30 days of receipt of comments from the BRT, and the sponsor must provide the

BRT chair with the number of copies of the revisions specified by the BRT chair for distribution to the BRT members for review. If additional time is needed for the revision, the sponsor shall submit a request to the BRT chair prior to the running of the 30-day period of the amount of additional time needed. Within 30 days of receipt of revisions from the sponsor, the BRT will issue a follow-up evaluation letter responding to the revisions and indicating a decision on the revised prospectus. If additional time is needed for BRT review, the BRT chair shall provide written notification to the sponsor prior to the running of the 30-day period of the amount of additional time needed.

E. BRT/Sponsor Consultation. Once the BRT approves a prospectus, the BRT and the sponsor shall consult on the types and number of restoration credits to be assigned to the NRD restoration bank, the form and amount of financial assurances, the credit release schedule, monitoring activities, and long-term management activities (if long-term management activities are applicable). After consultation with the BRT, the sponsor may elect to proceed with preparation of a restoration bank plan and restoration banking instrument.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1356 (July 2017).

§117. Restoration Bank Plan

A. A complete restoration bank plan shall, at a minimum, contain the following components:

1. sponsor information;

2. site ownership;

3. detailed project description and work plan, including items in §115.B.2-6 above, as well as the following information:

a. soil/sediment information;

b. drainage patterns/hydrology;

c. presence, type, density, and condition of existing regulation;

d. description of any man-made structure;

e. current on-site habitat loss rates; and

f. planting plan;

4. restoration goals and objectives;

5. determination of credits (includes number and types of credits), including, for multi-use restoration banks, a description of a process and internal controls to prevent double counting;

6. financial assurance;

7. credit release schedule;

8. performance criteria;

9. monitoring requirements;

10. long-term management plan, including proposed conservation restrictions (if applicable); and

11. other information deemed necessary by the BRT to determine the appropriateness, feasibility, and practicability of the restoration bank.

B. Submittal and Review by the BRT. The sponsor shall submit a draft restoration bank plan to the BRT chair. The sponsor must provide the BRT chair with the number of copies specified by the BRT chair for distribution to the BRT members for review. The BRT chair will provide the BRT's response, including any written comments from the BRT, to the sponsor within 60 days of the date on which the sponsor

submitted the draft restoration bank plan. Specifically, the BRT chair must indicate to the sponsor if the draft restoration bank plan is acceptable and ready for public comment or identify what changes are needed to address the concerns of any BRT members prior to its release for public review and comment. If additional time is needed for BRT review, the BRT chair shall provide written notification to the sponsor prior to the running of the 60-day period of the amount of additional time needed. The sponsor must submit a revised restoration bank plan to the BRT addressing any comments provided by the BRT within 60 days of receipt of the BRT's comments. If additional time is needed for response, the sponsor shall submit a request to the BRT chair prior to the running of the 60-day period for the amount of additional time requested. After receipt of the revised restoration bank plan, the BRT chair will notify the sponsor in writing within 30 days whether the plan is ready for public comment.

C. **Public Review and Comment Period.** After the BRT determines that the draft restoration bank plan is ready for public comment, the BRT chair will provide public notice via the *Louisiana Register* of the restoration bank plan and invite public review and comment. The public notice will, at a minimum, include a summary of the restoration bank plan and indicate that the full restoration bank plan is available to the public for review. The public comment period will be 30 days, unless the BRT determines that a longer comment period is appropriate. The sponsor shall be notified in writing if the comment period is extended beyond 30 days, including an explanation of why the longer comment period is necessary and how much additional time is needed. Copies of all comments received during the public comment period must be distributed by the BRT chair to the BRT members and to the sponsor within 15 days of the close of the public comment period.

D. **Final Restoration Bank Plan.** Within 60 days of receipt of public comments from the BRT chair, the sponsor must submit a final restoration bank plan to the BRT for approval, with supporting documentation that explains how the final restoration bank plan addresses the comments provided by the public. The BRT will have 30 days from receipt of the final restoration bank plan to indicate whether it is approved. If additional time for review is warranted, the BRT chair shall notify the sponsor in writing prior to the completion of the 30-day period of the amount of additional time needed for final approval. The BRT chair shall provide written notice to the sponsor of the BRT's decision to deny or approve the final restoration bank plan. Upon approval, the final restoration bank plan must be made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1357 (July 2017).

§119. Restoration Banking Instrument

A. **Components of Restoration Banking Instrument.** The restoration banking instrument shall, at a minimum, contain the following components:

1. restoration bank plan;
2. provision stating that the legal responsibility for providing restoration lies with the sponsor once credits are secured by the responsible party;

3. accounting and reporting requirements;
4. risk management, indemnity, and insurance requirements;
5. default and closure provisions;
6. force majeure clause (identification of sponsor responsibilities in the event of catastrophic events that are beyond the sponsor's control); and
7. any other information deemed necessary by the BRT.

B. **Review by the BRT.** The sponsor shall provide timely submission of the restoration banking instrument ("instrument") to the BRT chair, and must provide the BRT chair with the number of copies specified by the BRT chair to distribute to the BRT members for review. The BRT chair will provide the BRT's response, including any written comments, to the sponsor within 30 days of the date on which the BRT chair received the draft Instrument. Specifically, the BRT chair must indicate to the sponsor if the draft Instrument is acceptable or identify what changes are needed to address the concerns of any BRT members. If additional time is needed for review, the BRT chair shall provide written notification to the sponsor prior to the running of the 30-day period of the amount of additional time needed.

C. **Final Instrument.** Within 30 days of receipt of comments from the BRT, the sponsor must submit a final restoration banking instrument to the BRT chair for BRT approval. If additional time is needed, the sponsor shall submit a request to the BRT chair prior to the running of the 30-day period for the amount of additional time needed. The final restoration banking instrument must contain supporting documentation that explains how the sponsor addresses the BRT's comments. The sponsor must provide the BRT chair with the number of copies specified by the BRT chair for distribution to the BRT members for review. Within 30 days of receipt of the final Instrument, the BRT chair will notify the sponsor in writing whether the Instrument is approved and, if the restoration banking instrument is approved, arrange for it to be signed by the appropriate parties. The final restoration banking instrument must be made available to the public upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1358 (July 2017).

§121. NRD Restoration Credits

A. **Determining and Establishing Credits.** The principal units for restoration credits are anticipated to be acres, reflecting the anticipated post-construction number of acres by habitat type and minimum performance criteria compared to pre-construction acres by habitat type and key measures of habitat condition. The BRT will consider other units of restoration credits on a case-by-case basis.

B. Release of Restoration Credits Schedule

1. The BRT shall determine the release of restoration credits schedule for each individual NRD restoration bank, in coordination with the sponsor. Release of restoration credits must be tied to achievement of performance-based milestones (e.g., construction, planting, or establishment of specified plant and animal communities). After a prospectus is approved, the BRT will work with the bank sponsor to

develop a proposed release of restoration credit release schedule for inclusion in the restoration bank plan.

2. The terms of the release of restoration credits schedule will be finalized after review of public comments to the restoration bank plan and must be specified in the restoration banking instrument. When an NRD restoration bank is implemented and is achieving the performance-based milestones specified in the release of restoration credits schedule, restoration credits shall be released in accordance with the approved release of restoration credits schedule. If the NRD restoration bank fails to meet, or substantially exceeds, those performance-based milestones, the BRT may modify the release of restoration credits schedule, as well as reduce or increase the total number of restoration credits, as appropriate.

3. A limited number of restoration credits (no more than 20 percent) may be available for sale by NRD restoration banks prior to initiating construction provided the following requirements are met:

- a. resolution of any land rights issues;
- b. compliance with any and all pre-construction regulatory requirements, including obtaining permits;
- c. establishment and maintenance of adequate and current financial assurance;
- d. execution of the restoration banking instrument;
- e. achievement of 60 percent engineering and design, including feasibility studies and/or alternative(s) analyses; and
- f. any other pre-construction requirements set forth in the restoration banking instrument.

C. Release of Restoration Credits Determination. Release of restoration credits for NRD restoration banks must be approved by the BRT. In order for restoration credits to be released, the sponsor must submit documentation to the BRT chair demonstrating that the appropriate milestones for release of restoration credits have been achieved and requesting the release of restoration credits. The sponsor must provide the BRT chair with the number of copies of this documentation specified by the BRT chair for distribution to the BRT members for review. BRT members must provide any comments to the BRT chair within 30 days of the BRT chair's receipt of this documentation. If the BRT determines that a site visit is necessary, the BRT members must provide any comments to the BRT chair within 30 days of the site visit. The BRT chair must schedule the site visit so that it occurs as soon as it is practicable, but the site visit may be delayed by seasonal considerations that affect the ability of the BRT members to assess whether the applicable credit release milestones have been achieved. If additional time is needed at any point in the release of restoration credits determination process, the BRT chair shall provide written notification to the sponsor prior to the running of the time-period with the amount of additional time needed. The BRT chair must provide written notice of final release of restoration credits determinations to the sponsor within 60 days of receipt by the BRT chair of the sponsor's request for release of credits or 60 days of the site visit, whichever is later. BRT determinations denying release of credits should include the rationale as to why the credit release was denied as well as guidance to the sponsor regarding corrective action(s), if appropriate, that may be taken to remedy any deficiencies identified.

D. Transfer or Sale to RP or Trustee. Once released, restoration credits may only be purchased to reduce or resolve NRD liability for a specific release of oil if the application of the credits to that spill has been approved by the appropriate NRDA trustees. The cost of restoration credits provided by an NRD restoration bank is to be negotiated by the responsible party and the sponsor of the NRD restoration bank from which the restoration credits are to be purchased. Within seven days of the sale or transfer of any NRD credits, the sponsor must provide a written report to the BRT detailing each sale/transfer of restoration credits. At a minimum, the notification must specify the number and type of restoration credits sold or transferred.

E. Multi-Use Restoration Banks. For NRD restoration banks also authorized to sell credits to satisfy the requirements of other regulatory programs, the sponsor must provide written notification to the BRT chair within seven days of any sale or transfer of credits pursuant to other regulatory programs. At a minimum, the notification must specify the number and type of credits sold or transferred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1358 (July 2017).

§123. Monitoring NRD Restoration Banks

A. The restoration bank plan must address the monitoring requirements for the NRD restoration bank, including those objectives and factors set out in 15 CFR §990.55(b)(2) and (3), as well as the parameters to be monitored, the length of the monitoring period, the party responsible for conducting the monitoring and submitting reports, and the frequency for submitting monitoring reports to the BRT. Performance criteria for an NRD restoration bank will be determined during the consultation between the BRT and the sponsor following the submittal of the prospectus and must be specified in the restoration bank plan. The performance criteria will be used to assess whether the NRD restoration bank is achieving its restoration objectives, including to determine release of restoration credits and release of financial assurances consistent with these regulations.

B. The submission of monitoring reports to assess the development and condition of the NRD restoration bank is required. Monitoring the NRD restoration bank is necessary to determine if the NRD restoration bank is accomplishing its restoration objectives, if performance criteria are being met, and, if not, what corrective action is necessary to ensure that those criteria are met. The content and level of detail for monitoring reports will be determined during the consultation period following the submittal of the prospectus and must be commensurate with the scale and scope of the NRD restoration bank. The monitoring reports may include plans (such as as-built plans), maps, and photographs to illustrate site conditions. Monitoring reports may also include the results of structural, functional, temporal, and other assessments used to provide quantitative or qualitative measures of the functions provided by the bank. The sponsor is responsible for submitting monitoring reports at a frequency determined by the BRT. Monitoring reports must be provided by the BRT chair to interested federal, tribal, state, and local resource agencies, and the public, upon

request. The BRT may conduct site inspections upon providing notice to the bank sponsor to evaluate NRD restoration bank performance.

C. The restoration bank plan must provide for a monitoring period that is sufficient to demonstrate that the NRD restoration bank has met its restoration objectives and performance criteria. Upon a determination that the NRD restoration bank has achieved its objectives and performance criteria, the BRT may reduce or waive the remaining monitoring requirements. Conversely, the BRT may extend the original monitoring period upon a determination that performance criteria have not been met or the bank is not on track to meet them. The BRT may also revise monitoring requirements when corrective action is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1359 (July 2017).

§125. Financial Assurance Requirements

A. General Provisions

1. Financial assurance in accordance with this Section is required for NRD restoration banks under the NRD restoration banking program, except that financial assurance is not required for an NRD restoration bank proposed by a government agency that is exempt from the requirement to provide financial assurance under federal law.

2. The sponsor shall establish and maintain financial assurance in accordance with this Section.

3. The sponsor shall establish and maintain financial assurance in the form and amount approved by the BRT, until the BRT determines that the NRD restoration bank has satisfied all applicable performance criteria and other requirements of the restoration banking instrument.

4. Financial assurance that meets the requirements of this Section shall be provided at least 30 days prior to undertaking restoration activities approved under a restoration banking instrument.

5. The amount of financial assurance shall be based on an itemized estimate provided by an independent contractor and shall include the following:

a. construction costs, equal to 100 percent of the estimated cost of completing the creation, restoration, or enhancement;

b. maintenance costs, equal to 100 percent of the estimated cost of monitoring and maintaining the site, to meet the performance criteria and other requirements of the restoration banking instrument;

c. corrective action or adaptive management costs, equal to 10 percent of the estimated cost of construction, unless otherwise determined by the BRT to meet the requirements of this Section;

d. an independent contractor is defined here as a licensed contractor with no existing business relationship with the sponsor. The contractor must be approved by the BRT.

6. The sponsor shall update the face value of its financial assurance on the anniversary date of the instrument to reflect adjustments for inflation. On the fifth anniversary of the financial assurance instrument, the sponsor shall update the amount of financial assurance based on updated itemized estimates pursuant to Paragraph 5 of this Subsection.

7. The BRT shall require additional financial assurance if additional construction or monitoring is required to ensure success of the NRD restoration bank.

8. The portion of the financial assurance required under Subparagraph 5.a of this Subsection above shall be released upon the BRT determination that construction (including grading and planting) of the NRD restoration bank has been successfully completed in accordance with the restoration banking instrument.

9. The portion of the financial assurance required under Subparagraphs 5.b and c of this Subsection above shall be released when the BRT determines that the NRD restoration bank has met its restoration objectives and performance criteria, as applicable, or the BRT approves in writing the sponsor's request to permanently cease banking activities.

10. The sponsor may request, and the BRT may approve, the substitution of a financial assurance instrument. The form and content of any financial assurance instrument must be approved in advance by the BRT before a substitution can be used to satisfy the financial assurance obligations of this Section.

11. Acceptable forms of financial assurance shall comprise one or more of the following financial instruments:

a. a fully funded trust fund in accordance with §125.B below;

b. a letter of credit in accordance with Subsection C of this Section below;

c. a surety bond in accordance with Subsection D of this Section below; and/or

d. other forms of financial assurance, other than self-insurance or self-guarantee, as determined by the BRT to meet the requirements of this Section.

B. Financial Assurance Instrument—Fully Funded Trust Fund

1. A sponsor who chooses to establish a fully funded trust fund as financial assurance shall submit to the BRT chair the trust fund agreement evidencing that the trust fund is fully funded. The trust fund agreement shall:

a. be executed by an entity that has the authority to act as trustee, is an FDIC-regulated financial institution, and whose trust operations are regulated and examined by the state;

b. include any applicable file number and the name, street address, lot, block, municipality, and parish of the NRD restoration bank;

c. specify that the fully funded trust fund cannot be revoked or terminated without the prior written approval of the executive director of CPRA, or his/her designee;

d. specify that the trustee may only disburse funds with the written approval of the executive director of CPRA, or his/her designee;

e. specify that the funds shall be used solely for the purposes of conducting the NRD restoration bank as approved by the BRT;

f. specify that CPRA may access the fully funded trust fund to pay for the cost of the NRD restoration bank, pursuant to LAC 43:XXXI.127.B.2 below; and

g. identify CPRA as the sole beneficiary of the fully funded trust fund.

2. Any sponsor responsible for operating an NRD restoration bank that uses a fully funded trust fund to satisfy

the requirements of this Chapter shall annually, at least 30 days prior to the anniversary date of when that sponsor was obligated to establish the financial assurance instrument, submit to the executive director of CPRA (or his/her designee) a written statement from the trustee confirming the value of the trust in the amount that the BRT has approved, and confirming that the trust shall continue for the next consecutive 12-month period.

C. Financial Assurance Instrument—Letter of Credit. A sponsor who chooses to provide a letter of credit as financial assurance to guarantee the availability of funds shall submit to the BRT chair the originally signed and certified letter of credit. The letter of credit shall:

1. be issued by an entity that is FDIC-regulated and licensed to transact business in the state;
2. include an applicable file number and the name, street address, lot, block, municipality, and parish of the NRD restoration bank;
3. specify that the letter of credit is irrevocable and issued for a period of at least one year, and that it will be automatically extended thereafter for a period of at least one year;
4. specify that, if the issuer of the letter of credit decides not to extend the letter of credit beyond the then current expiration date, the issuer shall notify the sponsor providing the letter of credit and the executive director of CPRA (or his/her designee) by certified mail of that decision at least 120 days before the current expiration date, beginning from the date of receipt by executive director of CPRA (or his/her designee) as shown on the signed return receipt;
5. specify that CPRA may access the letter of credit to pay for the cost of the restoration bank pursuant to LAC 43:XXXI.127.B.2; and
6. identify CPRA as the sole beneficiary of the letter of credit.

D. Financial Assurance Instrument—Surety Bond. A sponsor who chooses to provide a surety bond as financial assurance to guarantee the availability of funds pursuant to this Section shall submit to the BRT chair the originally signed and certified surety bond. The surety bond shall:

1. be issued by an entity that is licensed to transact business in the state, is listed as an approved surety on Department Circular 570 of the U.S. Department of the Treasury, and maintains a financial strength rating of at least BBB+ or equivalent assigned by a nationally recognized statistical rating organization;
2. include any applicable file number and the name, street address, lot, block, municipality, and parish of the NRD restoration bank;
3. specify that, if the issuer of the surety bond decides not to extend the surety bond beyond the then current expiration date, the issuer shall notify the sponsor providing the surety bond, and shall separately notify the executive director of CPRA (or his/her designee), by certified mail of that decision at least 120 days before the current expiration date, beginning from the date of receipt by the executive director of CPRA (or his/her designee) as shown on the signed return receipt; and
4. specify that CPRA may access the surety bond to pay for the cost of the NRD restoration bank pursuant to LAC 43:XXXI.127.B.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1360 (July 2017).

§127. Compliance

A. General

1. It is the sponsor's obligation to comply with the terms of NRD restoration bank certification as set forth in the restoration banking instrument. If the BRT believes that a sponsor is out of compliance with a restoration banking instrument, it must notify the sponsor in writing and set forth the corrective actions that the sponsor must undertake to bring a bank in compliance and the time within which the sponsor must perform such actions.

2. If the sponsor fails to come into compliance in the period specified in the BRT's written notice, the BRT may suspend the sale of restoration credits to bring an NRD restoration bank in compliance with the terms and conditions of the restoration banking instrument. If the BRT suspends the sale of restoration credits, restoration credits may not be debited until the BRT lifts the suspension and notifies the sponsor in writing that the sale of credits may be resumed.

3. If the BRT is made aware of any action to suspend or bar the sponsor from participation in any other regulatory program, the BRT may in its discretion suspend the sponsor from the sale of credits for the duration of the non-conformity with the other program, or such shorter time as it deems appropriate.

4. Suspension of the sale of restoration credits under Subparagraphs 2 or 3 of this Subsection above does not preclude CPRA from exercising its rights secured by financial assurances issued under §126 above.

B. Financial Assurance

1. If the BRT determines that the sponsor responsible for restoration and providing financial assurance has failed to complete an NRD restoration bank, including satisfying restoration objectives and performance criteria, as required by the restoration banking instrument, the BRT chair shall:

- a. provide written notice of this determination to the sponsor; and
- b. require that the NRD restoration bank be brought into conformance with the restoration banking instrument within 30 days of receipt of the notice, unless the timeframe is otherwise extended by the BRT.

2. No sooner than 30 days from the date the sponsor receives notice under Subparagraph 1.a of this Subsection above, CPRA may, at its discretion, complete the NRD restoration bank by drawing on the funds available in the financial assurance instrument(s).

3. In the event CPRA draws on the funds available in the financial assurance instrument(s) and accomplishes the objectives and performance criteria of the NRD restoration bank, the BRT may award restoration credits for sale, use, or transfer by the sponsor in a quantity that reflects the objectives and performance criteria achieved as a result of BRT intervention, net of administrative expenses incurred by the BRT to complete the NRD restoration bank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1361 (July 2017).

§129. Reconsideration of Final Decisions

A. An NRD bank sponsor may file an application for reconsideration with the executive director of CPRA. An application for reconsideration must be received by the executive director within 15 days of the mailing of the final decision. Applications of reconsideration shall be limited to final decisions regarding a restoration bank plan or credit release determination.

B. An application for reconsideration shall be in writing, set forth the grounds that justify reversal of the original decision, and include all evidence or argument the applicant wants considered.

C. The executive director shall consider the application for reconsideration and render a decision, in writing, within 30 days of its receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.5.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Coastal Protection and Restoration Authority, LR 43:1362 (July 2017).

Johnny B. Bradberry
Chairman

1707#030

RULE

**Department of Health
Board of Medical Examiners**

Acupuncturists and Acupuncture Detoxification Specialists;
General, Licensure, Certification and Practice
(LAC 46:XLV.Chapters 1, 21 and 51)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et. seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, and the Louisiana Acupuncture Practice Act, R.S. 37:1360, the board has amended its rules governing the practice of acupuncture to make them consistent with Act 550 of the 2016 Regular Session of the Louisiana Legislature. The amendments are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

**Subchapter H. Acupuncturists and Acupuncture
Detoxification Specialists Fees**

§183. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the certification of physician acupuncturists, licensed acupuncturists and acupuncture detoxification specialists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1615 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1362 (July 2017).

§185. Certification and Licensure

A. For processing an application for certification as a physician acupuncturist or as a licensed acupuncturist, a fee of \$200 shall be payable to the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:1360.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), LR 34:1615 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1362 (July 2017).

§187. Annual Renewal

A. For processing an application for annual renewal of certification of a physician acupuncturist or a licensed acupuncturist, a fee of \$100 shall be payable to the board.

B. ...

C. In addition to the fee prescribed by §187.A, any individual who fails to renew his or her certificate or license timely shall be charged a delinquent fee of \$50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:1360.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), LR 34:1615 (August 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:1362 (July 2017).

Subpart 2. Licensure and Certification

**Chapter 21. Acupuncturists and Acupuncture
Detoxification Specialists**

Subchapter A. General Provisions

§2101. Scope of Chapter

A. The rules of this Chapter govern the certification of physician acupuncturists and licensed acupuncturists to practice acupuncture and of acupuncture detoxification specialists to practice acupuncture detoxification in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:334 (March 1993), amended LR 34:1615 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1362 (July 2017).

§2103. Definitions

A. As used in this Chapter and Chapter 51, the following terms shall have the meanings specified.

* * *

Acupuncture Detoxification Specialist (ADS)—an individual who possesses current certification, duly issued by the board, to practice acupuncture detoxification under the supervision of a physician or licensed acupuncturist.

Applicant—a person who has applied to the board for certification as a physician acupuncturist, licensed acupuncturist or acupuncture detoxification specialist in the state of Louisiana.

* * *

Clinical Practice Guidelines or Protocols (guidelines or protocols)—a written set of guidelines for use by a licensed acupuncturist in the performance of patient care activities containing each of the components specified by §5106.A of these rules. Clinical practice guidelines or protocols shall be

annually reviewed, updated as appropriate, and signed by the referral physician and licensed acupuncturist. The signature of the physician and LAc and date of review shall be noted on the guidelines or protocols. Guidelines or protocols shall be maintained at both the primary practice site of the referral physician and the LAc, and shall be made available for review and inspection upon request by a representative of the board.

* * *

Good Moral Character—as applied to an applicant, means that:

a. ...

b. the applicant has not, prior to or during the pendency of an application to the board, been culpable of any act, omission, condition, or circumstance which would provide cause under §5113 of these rules for the suspension or revocation of certification as a physician acupuncturist, licensed acupuncturist, or acupuncture detoxification specialist;

c. - d. ...

Licensed Acupuncturist (LAc)—an individual, other than a physician possessing a current license, duly issued by the board to practice acupuncture in this state.

* * *

Physical Practice Location—a location in this state at which a physician engages in the practice of medicine.

Physician Acupuncturist—a physician possessing current certification, duly issued by the board, to practice acupuncture.

Primary Practice Site—the location at which a physician, licensed acupuncturist or acupuncture detoxification specialist spends the majority of time in the exercise of the privileges conferred by licensure or certification issued by the board.

Proposed Supervising Licensed Acupuncturist—a licensed acupuncturist who has submitted to the board an application for approval as a supervising acupuncturist.

* * *

Referral Physician—a physician who practices medicine at a physical practice location in this state, with whom a licensed acupuncturist has established a relationship to provide for referrals and any follow-up care which may be necessary,

Supervising Licensed Acupuncturist—a licensed acupuncturist registered with the board under this Chapter to provide supervision to an acupuncture detoxification specialist.

Supervising Physician—a physician registered with the board under this Chapter to supervise an acupuncture detoxification specialist.

* * *

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:334 (March 1993), amended LR 34:1615 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1362 (July 2017).

Subchapter B. Physician Acupuncturist Certification

§2105. Scope of Subchapter

A. The rules of this Subchapter prescribe the qualifications and procedures requisite to certification as a physician acupuncturist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1616 (August 2008) amended by the Department of Health, Board of Medical Examiners, LR 43:1363 (July 2017).

§2107. Qualifications for Certification as Physician Acupuncturist

A. To be eligible for certification as a physician acupuncturist, an applicant shall:

1. - 2. ...

3. have successfully completed:

a. not less than six months of training in acupuncture in a school or clinic approved by the board pursuant to §§2118-2121 of this Chapter; or

A.3.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1616 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1363 (July 2017).

§2109. Application Procedure for Physician Acupuncturist

A. Application for certification as a physician acupuncturist shall be made in a format approved by the board.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1617 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1363 (July 2017).

Subchapter C. Licensed Acupuncturist and Acupuncture Detoxification Specialist Certification; Qualifications for Referral and Supervising Physicians and Licensed Acupuncturists

§2111. Scope of Subchapter

A. The rules of this Subchapter prescribe the qualifications and procedures requisite to licensure as a licensed acupuncturist, certification as an acupuncture detoxification specialist, and those of a referral or supervising physician and licensed acupuncturist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34:1617 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1363 (July 2017).

§2113. Qualifications for Licensure as a Licensed Acupuncturist

A. To be eligible for a license as a licensed acupuncturist, an applicant:

1. - 3. ...

4. shall be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

5. shall have either:

a. graduated from an acupuncture school or college accredited by the Accreditation Commission on Acupuncture and Oriental Medicine; or

b. passed the certification examination given by the National Certification Commission for Acupuncture and Oriental Medicine or its successor; and

6. shall affirm that he or she shall establish and maintain a relationship with a physician, as defined in §5106.A of these rules, at all times while engaged in the practice of acupuncture.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant shall be upon the applicant, who shall demonstrate and evidence such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993), amended LR 34 1617 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1364 (July 2017).

§2114. Qualifications for Certification as an Acupuncture Detoxification Specialist; Qualifications for Registration of Supervising Physician or Supervising Licensed Acupuncturist

A. To be eligible for certification as an acupuncture detoxification specialist, an applicant:

1. - 3. ...

4. shall be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

5. shall have:

a. - b. ...

6. shall affirm that he or she shall only provide acu detox under the general supervision of a physician or a licensed acupuncturist, as defined in §5106.B of these rules.

B. - B.2. ...

C. Prior to undertaking the supervision of an acupuncture detoxification specialist a licensed acupuncturist shall be registered with the board. To be eligible for registration to supervise an ADS a proposed supervising LAc shall, as of the date of the application:

1. possess a current, unrestricted license to practice as a LAc; and

2. have held certification or licensure by the board to practice as a LAc in this state for at least two years immediately preceding the date of application.

D. The burden of satisfying the board as to the qualifications and eligibility of the applicant acupuncture detoxification specialist, proposed supervising physician or proposed supervising licensed acupuncturist shall be upon the applicant, proposed supervising physician or proposed supervising licensed acupuncturist, who shall demonstrate and evidence such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1618 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1364 (July 2017).

§2115. Application Procedure for Licensed Acupuncturist

A. Application for certification as a licensed acupuncturist shall be made in a format approved by the board.

B. An application under this Subchapter shall include:

1. ...

2. the name, primary practice site and contact information of a referral physician;

3. attestation by the applicant certifying that clinical practice guidelines or protocols conforming to the requirements of §5106.A of these rules have been prepared, dated, signed and shall be utilized by the licensed acupuncturist in the exercise of the privileges conferred by licensure under this Part and produced upon request by a representative of the board;

4. attestation by the applicant certifying the truthfulness and authenticity of all information, representations, and documents contained in or submitted with the completed application; and

5. such other information and documentation as the board may require.

C. - E. ...

F. Upon submission of a completed application, together with the documents required thereby, and the payment of the application fee, the applicant shall be required to appear before the board or its designee if the board has questions concerning the applicant's qualifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1618 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1364 (July 2017).

§2116. Application Procedure for Acupuncture Detoxification Specialist

A. Application for certification as an ADS shall be made in a format approved by the board and shall include notification of intent to practice in a format approved by the board, signed by a proposed supervising physician or proposed supervising licensed acupuncturist who is registered with or has applied for registration to the board as a supervising physician or supervising licensed acupuncturist.

B. Application for certification and approval under this Subchapter shall include:

1. ...
2. attestation by the applicant certifying that the requirements of §5106.B of these rules shall be followed in the exercise of the privileges conferred by certification under this Part;
3. attestation by the applicant certifying the truthfulness and authenticity of all information, representations, and documents contained in or submitted with the completed application; and
4. such other information and documentation as the board may require.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1619 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1364 (July 2017).

§2117. Application Procedure for Registration of Supervising Physician or Supervising Licensed Acupuncturist

A. Application for registration of a supervising physician or supervising LAc for an acupuncture detoxification specialist, shall be made in a format approved by the board, include proof satisfactory to the board that the applicant possesses the qualifications set forth in this Chapter, and contain such other information and documentation as the board may require.

B. ...

C. A separate fee shall not be assessed for registration or approval of a supervising physician or supervising LAc for an ADS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1619 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1365 (July 2017).

Subchapter D. Board Approval of Acupuncture Schools and Colleges

§2118. Scope of Subchapter

A. The rules of this Subchapter provide the method and procedures by which acupuncture schools and colleges are approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1619 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1365 (July 2017).

§2119. Applicability of Approval

A. As provided in this Chapter the successful completion of formal training in acupuncture from a school or college approved by the board is among the alternative qualifications requisite to certification as a physician acupuncturist or licensed acupuncturist. This qualification will be deemed to be satisfied if the school or college in which the applicant received training in acupuncture was approved by the board as of the date on which the applicant completed such training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1619 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1365 (July 2017).

§2121. Approval of Acupuncture Schools or Colleges

A. A school or college providing training in acupuncture which is currently accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), or its predecessor, the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NACSCAOM), shall concurrently be deemed approved by the board.

B. A school or college providing training in acupuncture which has been accorded candidacy status by ACAOM, or its predecessor, NACSCAOM, shall concurrently be deemed conditionally approved by the board, provided that board approval shall be automatically withdrawn if accreditation is not awarded by ACAOM within three years of the date on which candidacy status was recognized.

C. The board may approve additional schools or programs providing training in acupuncture upon the request of an applicant or application by any such school or program and upon the submission to the board of documentation that such school or program provides training in acupuncture under standards substantially equivalent to those prescribed by ACAOM for accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993), amended LR 34:1619 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1365 (July 2017).

Subchapter E. Certification, License Issuance, Approval of Registration of Supervising Physician or Supervising Licensed Acupuncturist, Termination, Renewal, Reinstatement

§2125. Issuance of Certification and Licensure, Approval of Registration

A. If the qualifications, requirements, and procedures specified by this Chapter for a physician acupuncturist are met to the satisfaction of the board, the board shall certify the applicant as a physician acupuncturist.

B. If the qualifications, requirements, and procedures specified by this Chapter for a licensed acupuncturist are met to the satisfaction of the board, the board shall certify the applicant as a licensed acupuncturist.

C. If the qualifications, requirements, and procedures specified by this Chapter for an acupuncture detoxification specialist are met to the satisfaction of the board, the board shall certify the applicant as an ADS. Issuance of certification to an applicant under this Chapter shall constitute approval of registration of the proposed supervising physician or proposed supervising licensed acupuncturist.

D. Although a physician or licensed acupuncturist must notify the board each time he or she intends to undertake the general supervision of an acupuncture detoxification specialist, registration with the board is only required once. Notification of supervision of a new or additional ADSs by a

registered supervising physician or LAc shall be deemed given to the board upon the ADS's filing with the board of a notice of intent to practice in accordance with §2127.F of this Chapter.

E. The board shall maintain a list of physicians and LAcS who are registered to supervise an ADS. Each registered physician, registered LAc and ADS is responsible for updating the board within 15 days should any of the information required and submitted change after a physician or LAc has been registered to supervise an ADS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1620 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1365 (July 2017).

§2127. Expiration and Termination of Certification and Licensure; Modification; Notice of Intent

A. Every certification and license issued by the board under this Chapter shall expire, and become null, void, and to no effect on the last day of the year in which it was issued.

B. The timely submission of an application for renewal of certification or licensure, as provided by §2129 of this Chapter, shall operate to continue the expiring certification or license in full force and effect pending issuance or denial of renewal.

C. Except as provided in Subsection D of this Section, licensure as a licensed acupuncturist whether an initial license or renewal thereof, shall terminate and become void, null and to no effect on and as of any day that:

1. the referral physician no longer possesses a current, unrestricted license to practice medicine in the state of Louisiana;

2. the referral physician, whether voluntarily or involuntarily, ceases the active practice of medicine;

3. the relationship between the licensed acupuncturist and the referral physician is terminated; or

4. the licensed acupuncturist's license expires for failure to timely renew.

D. Licensure shall not terminate upon termination of a relationship between a physician and licensed acupuncturist provided that:

1. the licensed acupuncturist currently has a referral relationship with another physician; alternatively, the LAc ceases to practice until such time as notification is provided to the board, in a format approved by the board, that he or she has entered into a relationship with another referral physician who satisfies the qualifications, requirements and procedures of this Chapter. Such notification shall be deemed effective as of the date received by the board, subject to final approval at the next board meeting; and

2. the licensed acupuncturist notifies the board of any changes in or additions to his referral physicians within 15 days of the date of such change or addition.

E. Except as provided in Subsection F of this Section, certification as an acupuncture detoxification specialist, whether an initial certificate or renewal thereof, shall terminate and become void, null and to no effect on and as of any day that:

1. the supervising physician or supervising licensed acupuncturist no longer possesses a current, unrestricted

license to practice as a physician or as a LAc in the state of Louisiana;

2. the supervising physician or supervising acupuncturist, whether voluntarily or involuntarily, ceases the active practice of medicine or practice as a LAc;

3. the relationship between the ADS and the supervising physician or the supervising LAc is terminated; or

4. ...

F. Certification shall not terminate upon termination of a relationship between a supervising physician or supervising LAc and ADS provided that:

1. the ADS currently has a supervisory relationship with another supervising physician or supervising LAc; alternatively, the ADS ceases to practice until such time as notification is provided to the board, in a format approved by the board, that he or she has entered into a supervisory relationship with a new supervising physician or supervising LAc who satisfies the qualifications, requirements and procedures of this Chapter. Such notification shall be deemed effective as of the date received by the board, subject to final approval at the next board meeting; and

2. the ADS notifies the board of any changes in or additions to his supervising physicians or supervising LAcS within 15 days of the date of such change or addition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1621 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1366 (July 2017).

§2129. Renewal of Certification and Licensure; Verification of Registration

A. Every certificate or license issued by the board under this Chapter shall be renewed annually on or before the last day of the year in which it was issued by submitting to the board a properly completed application for renewal, in a format specified by the board, together with the renewal fee prescribed in Chapter 1 of these rules.

B. Renewal applications and instructions may be obtained from the board's web page or upon personal or written request to the board.

C. Each registered supervising physician and supervising licensed acupuncturist shall annually verify the accuracy of registration information on file with the board in a format approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1621 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1366 (July 2017).

Subchapter F. Restricted Licensure, Permits

§2131. Emergency Temporary Permit

A. Acupuncture Detoxification Specialist. The board may issue an emergency temporary permit to an acupuncture detoxification specialist, valid for a period of not more than 60 days, to provide voluntary, gratuitous acu detox services in this state during a public health emergency and for such periods thereafter as the Louisiana Department of Health ("LDH") shall deem the need for emergency services to

continue to exist, at sites specified by LDH or approved by the board. Application for such permit shall be made in accordance with §412 of this Part and include notification of intent to practice under a supervising physician or supervising LAC in a manner approved by the board.

B. Services performed by an ADS issued a permit under this Section shall be limited to acu detox, approved by and performed under the general supervision of the supervising physician or supervising LAC. All services shall be documented by the ADS and available for review by the supervising physician or supervising LAC.

C. Licensed Acupuncturist. The board may issue an emergency temporary permit to a licensed acupuncturist to provide voluntary, gratuitous acupuncture services in this state during a public health emergency, and for such periods thereafter as LDH shall deem the need for emergency services to continue to exist, in accordance with §412 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1275 and R.S. 37:1360.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 32:2057 (November 2006), amended LR 34:1621 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1366 (July 2017).

Subchapter G. Acupuncture Advisory Committee

§2139. Scope of Subchapter

A. To assist the board on matters relative to acupuncture, an acupuncture advisory committee is hereby constituted, to be composed and appointed and to have such duties and responsibilities as hereinafter provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360, 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 43:1367 (July 2017).

§2141. Constitution, Function and Responsibilities of Advisory Committee

A. The board shall constitute and appoint an acupuncture advisory committee which shall be organized and function in accordance with the provisions of this Subchapter.

B. Composition. The committee shall be comprised of five members selected by the board, four of whom shall be licensed acupuncturists and one of whom shall be a physician acupuncturist or referral physician. All members of the advisory committee will be licensed by the board and practice and reside in this state.

C. Insofar as possible or practical, in its appointment of members to the advisory committee the board shall maintain geographic diversity so as to provide representative membership on the advisory committee by individuals residing in various areas of the state.

D. Term of Service. Each member of the committee shall serve for a term of four years, or until a successor is appointed and shall be eligible for reappointment. Committee members serve at the pleasure of the board. Committee members may be reappointed to two additional terms of four years.

E. Functions of the Committee. The committee will provide the board with recommendations relating to:

1. applications for licensure;
2. educational requirements for licensure;
3. changes in related statutes and rules;

4. model forms and examples of clinical practice guidelines and protocols; and

5. perform such other functions and provide such additional advice and recommendations as may be requested by the board.

F. Committee Meetings. The committee shall meet at least once each calendar year, or more frequently as may be deemed necessary by a quorum of the committee or by the board. Three members of the committee constitute a quorum. The committee shall elect from among its members a chair. The chair shall call, designate the date, time, and place of, and preside at all meetings of the committee. The chair shall record or cause to be recorded accurate and complete written minutes of all meetings of the committee and shall cause copies of the same to be provided to the board.

G. Confidentiality. In discharging the functions authorized under this Section, the committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. Committee members are prohibited from communicating, disclosing, or in any way releasing to anyone other than the board, any confidential information or documents obtained when acting as the agents of the board without first obtaining the written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360, 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 43:1367 (July 2017).

Subpart 3. Practice

Chapter 51. Physician Acupuncturists, Licensed Acupuncturists and Acupuncture Detoxification Specialist

§5101. Scope of Chapter

A. The rules of this Chapter govern the practice of acupuncture by physician acupuncturists, licensed acupuncturist and of acupuncture detoxification by acupuncture detoxification specialists in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 19:337 (March 1993), amended LR 34:1622 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1367 (July 2017).

§5105. Necessity of Certification or Licensure;

Exemptions

A. No person may act as or undertake to perform or practice acupuncture or acupuncture detoxification unless he or she holds a current license, certificate or permit issued by the board. While any physician may practice acupuncture, enter into a relationship with a licensed acupuncturist to respond to referrals for follow up care, and may apply to the board for registration to supervise an ADS, only a physician certified by the board under this Part may hold himself or herself out as a physician acupuncturist.

B. None of the provisions of this Chapter shall apply to any person employed by, and acting under the supervision and direction of, any commissioned physician of any of the United States Armed Services, Public Health Service or Veterans' Administration, practicing in the discharge of his or her official duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1622 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1367 (July 2017).

§5106. Referral Physician; Clinical Practice Guidelines or Protocols

A. Licensed Acupuncturist. A licensed acupuncturist shall establish and maintain a relationship with a physician who operates a physical practice location in Louisiana to provide referrals and follow-up care which may be necessary. Such a relationship shall, at a minimum, provide:

1. that the referral physician and LAc have the capability to be in contact with each other by telephone or other telecommunications device on a regular basis; and

2. clinical practice guidelines or protocols mutually agreed to by the physician and LAc that shall, at a minimum, include:

a. the LAc's documentation requirements for each visit which shall, at a minimum, include:

i. the symptoms reported by the patient in his or her words (may be recorded by the patient);

ii. a treatment plan;

iii. informed consent for the services signed by the patient;

b. a list of conditions and events upon which the LAc is required to notify the referral physician; provided, however, that should the LAc have need to contact the physician for any reason regarding the care of a particular patient, and the physician is not immediately available, then the service shall not be provided until the physician has been contacted;

c. a predetermined plan to address medical emergencies, e.g., calling 911, referral to a hospital emergency room or a primary care provider, if needed;

d. the requirements for referring to the physician;

e. an acknowledgment that the physician and LAc to comply with all requirements of §5111 of this Chapter; and

f. in the event that the LAc serves or intends to serve as an LAc for an ADS such guidelines or protocols shall include any additional instructions or procedures that are to be followed.

B. Acupuncture Detoxification Specialist. General supervision of an ADS shall not be construed to require the physical presence of a supervising physician or supervising licensed acupuncturist. General supervision shall exist when the services of an ADS:

1. are provided when the supervising physician or supervising LAc and the ADS shall have the capability to be in contact with each other by either telephone or other telecommunications device on a regular basis to address any questions or concerns that may arise from the provision of acu detox; provided, however, that should the ADS have need to contact the supervising physician or supervising LAc for any reason regarding the administration of acu detox to a particular individual, and the supervising physician or supervising LAc is not immediately available, then the acu detox service shall not be provided until the supervising physician or supervising LAc has been contacted;

2. ...

3. are documented in written form by an ADS and made available for review by the supervising physician or

supervising LAc. Such documentation shall, at a minimum, include:

a. ...

b. written authority signed by the patient authorizing the supervising physician or supervising LAc to review the patient's medical record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1356-37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1622 (August 2008), amended, amended by the Department of Health, Board of Medical Examiners, LR 43:1368 (July 2017).

§5107. Authority and Limitations of Licensed Acupuncturist and Acupuncture Detoxification Specialist

A. A licensed acupuncturist shall not:

1. practice without a relationship with a physician, as defined or provided in this Chapter;

2. perform, provide, attempt to perform or provide, or hold himself or herself out to the public as being capable of performing or providing any procedure, service or function required by law to be performed or provided by one possessing a certificate, registration or license other than as a LAc, in the absence of such certificate, registration or license; or

3. identify himself, or permit any other person to identify him, as "doctor" unless he designates the degree entitling such use or render any service to a patient unless the LAc has clearly identified himself as a LAc by any method reasonably calculated to advise the patient that the licensed acupuncturist is not a licensed physician.

B. An acupuncture detoxification specialist shall not:

1. practice without general supervision, as defined or provided in this Chapter;

2. perform or provide acu detox other than at the addresses, locations or types of locations identified in his or her current application;

3. perform, provide, attempt to perform or provide, or hold himself or herself out to the public as being capable of performing or providing any procedure, service or function other than acu detox as defined in this Part. The types of services that an ADS shall not provide include, but are not limited to, counseling, nutritional assessments, biofeedback or any other acupuncture, medical or psychological service; or

4. identify himself or herself, or permit any other person to identify him or her, as "doctor" or as "licensed acupuncturist" or render any service to a patient unless the acupuncture detoxification specialist has clearly identified himself as an acupuncture detoxification specialist by any method reasonably calculated to advise the patient that he or she is not a physician or LAc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1623 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1368 (July 2017).

§5109. Authority and Limitations of Supervising Physician and Supervising Acupuncturist's Assistant

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1624 (August 2008), repealed by the Department of Health, Board of Medical Examiners, LR 43:1368 (July 2017).

§5111. Obligations and Responsibilities

A. An LAc shall:

1. report directly to the board, in writing, of:
a. the termination of the licensed acupuncturist's relationship with a referral physician; and
b. the retirement or withdrawal from active practice by the referral physician or LAc;

2. comply with reasonable requests by the board for personal appearances, information and documentation required by this Part relative to the functions, activities, and performance of the licensed acupuncturist' and/or referral physician. This obligation shall apply equally to a referral physician;

3. insure that each individual to whom the LAc provides patient services is expressly advised and understands that the LAc is not a physician; and

4. insure that, with respect to each patient, all activities, functions, services, and treatment measures of the LAc are immediately and properly documented in written form.

B. The licensed acupuncturist and the referral physician shall bear equal and reciprocal obligations to insure strict compliance with their respective obligations and responsibilities set forth in the rules of this Part.

C. The ADS, supervising physician or supervising LAc shall:

1. immediately notify the board, in writing, of:
a. the retirement or withdrawal from active practice by the supervising physician or supervising LAc; and
b. ...

2. comply with reasonable requests by the board for personal appearances and/or information and documentation required by this Part relative to the functions, activities, and performance of the ADS and supervising physician or supervising LAc;

3. insure that each individual to whom an ADS provides patient services is expressly advised and understands that the ADS is not a physician or a LAc; and

4. ...

D. The ADS and the supervising physician or supervising LAc shall bear equal and reciprocal obligations to insure strict compliance with the obligations, responsibilities, and provisions set forth in the rules of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:338 (March 1993), amended LR 34:1624 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1369 (July 2017).

§5113. Causes for Action; Suspension, Revocation, Imposition of Restrictions

A. The board may suspend, revoke, or impose probationary conditions and restrictions on any certification or license issued under this Part, upon a finding, following hearing, that such individual is culpable of:

1. - 2. ...

3. perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a certificate or license to practice acupuncture or acupuncture detoxification;

4. - 9. ...

10. knowingly performing any act which in any way assists a person who is not certified or licensed to practice acupuncture or acupuncture detoxification, or having professional connection with or lending one's name to an illegal practitioner;

11. paying or giving anything of economic value to another person, firm, or corporation to induce the referral of patients;

12. - 13. ...

14. refusal to submit to examination and inquiry by an examining committee of physicians appointed by the board to inquire into the certificate or license holder's physical and/or mental fitness and ability to practice acupuncture or acupuncture detoxification with reasonable skill or safety to patients;

15. - 17. ...

B. The board may, as a probationary condition, or as a condition of the reinstatement of any certificate or license suspended or revoked hereunder, require the physician acupuncturist, licensed acupuncturist or acupuncture detoxification specialist to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees and, with respect to a physician acupuncturist or licensed acupuncturist, to pay a fine not to exceed the sum of \$5,000.

C. Any certificate or license suspended, revoked, or otherwise restricted by the board may be reinstated by the board, provided, however, that no application may be made to the board for reinstatement of a revoked certificate or license until not less than one year has elapsed from the date of the revocation. The board shall have discretion to accept or reject any application for reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1113 (October 1994), amended LR 34:1625 (August 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1369 (July 2017).

Keith C. Ferdinand, M.D.
Interim Executive Director

1707#036

RULE

Department of Health Board of Medical Examiners

Athletic Trainers General, Licensure and Practice
(LAC 46:XLV.Chapters 1, 31 and 57)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, and the Louisiana athletic trainers law, R.S. 37:3303, the board has amended its rules on athletic trainers

(ATs) to accommodate changes to the law resulting from Act 418 of the 2014 Regular Session of the Louisiana Legislature and to update the rules generally as made necessary by the passage of time and current practices. The amendments are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

Subchapter F. Athletic Trainers Fees

§159. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the licensure of athletic trainers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:1370 (July 2017).

§161. Licenses

A. For processing applications for licensure as an athletic trainer, a fee of \$125 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:1370 (July 2017).

§163. Annual Renewal

A. For processing an application for annual renewal of an athletic trainer's license, a fee of \$100 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:235 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:1370 (July 2017).

Subpart 2. Licensure and Certification

Chapter 31. Athletic Trainers

Subchapter A. General Provisions

§3101. Scope of Chapter

A. The rules of this Chapter govern the licensure of athletic trainers in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:522 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1370 (July 2017).

§3103. Definitions

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

Advisory Committee—the Athletic Training Advisory Committee to the Board, constituted under and pursuant to §3104.

Applicant—a person who has applied to the board for licensure as an athletic trainer.

Application—a request received by the board, in a manner prescribed by the board, for licensure as an athletic trainer in the state of Louisiana.

Athlete—an individual designated as such by the board, an educational institution, a professional athletic organization, or other board-approved organization who participates in an athletic activity sponsored by such institution or organization.

Athletic Trainer—an individual licensed by the board as an athletic trainer with the specific qualifications set forth in R.S. 37:3306.1 who, under the general supervision of a physician, carries out the practice of prevention, emergency management, and physical rehabilitation of injuries and sports-related conditions incurred by athletes. In carrying out these functions, the athletic trainer shall use whatever physical modalities are prescribed by a team physician or consulting physician, or both.

* * *

BOC—Board of Certification for the athletic trainer or its successor.

* * *

Board-Approved Organization—one of the following:

a. approved organization, including but not limited to the Amateur Athletic Union, the International Olympic Committee and its affiliates including but not limited to the U.S. Olympic Committee, the Pan American Sports Organization, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, college and university intramural sports, and sports events of the National Federation of State High School Associations;

b. an organization, whose athletic activity meets one or more of the following:

i. has an officially-designated coach or individual who has the responsibility for athletic activities of the organization;

ii. has a regular schedule of practices or workouts that are supervised by an officially-designated coach or individual;

iii. is an activity generally recognized as having an established schedule of competitive events or exhibitions;

iv. has a policy that requires documentation of having a signed medical clearance by a licensed physician or other board authorized health care provider as a condition for participation for the athletic activities of the organization.

CAATE—the Commission on Accreditation of Athletic Training Education or its successor.

Educational Institution—a university, college, junior college, high school, junior high school, or grammar school, whether public or private.

LATA—the Louisiana Athletic Trainer's Association.

Licensure or License—the board's official recognition of a person's lawful authority to act and serve as an *athletic trainer* as such term is defined by the law, R.S. 37:3302.

Louisiana Athletic Trainers Law or the Law—Acts 1985, number 288, as amended, R.S. 37:3301-3313.

* * *

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:522 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:937 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1370 (July 2017).

§3104. Athletic Training Advisory Committee

A. ...

B. Composition and Qualifications. The advisory committee shall comprise seven members, including five athletic trainers and two physicians, each of whom shall, to be eligible for and prior to appointment to the committee, be licensed as an athletic trainer or licensed as a physician by and in good standing with the board, have maintained residency and practice in the state of Louisiana for not less than one year and have not less than three years of experience in their respective fields. In addition to such general qualifications, the athletic trainer and physician members of the advisory committee shall satisfy the following qualifications.

1. Athletic Trainer Members. The athletic trainer members of the committee shall be appointed and apportioned as follows:

a. - b. ...

c. insofar as practical or possible, in its appointment of members to the advisory committee, the board shall maintain geographic diversity so as to provide membership on the advisory committee by licensed athletic trainers residing and practicing throughout Louisiana, with at least one member from the Alexandria, Louisiana area or north, and at least one member from south of such area.

2. - 2.b. ...

C. Appointment; Term of Service. Each member of the advisory committee shall be appointed by the board. Each member of the advisory committee shall serve on the committee for a term of three years, or until his or her successor is appointed, and shall be eligible for reappointment.

D. Functions and Responsibilities of the Committee. The advisory committee is responsible and authorized by the board to:

1. assist the board in examining the qualifications and credentials of applicants for athletic trainer licensure and make recommendations thereon to the board;

2. advise and assist the board, as the board may request, with respect to investigative and disciplinary proceedings affecting licensed athletic trainers;

3. provide advice and recommendations to the board respecting the modification, amendment, and supplementation of rules and regulations, standards, policies, and procedures respecting athletic trainer licensure and practice; and

4. establish and appoint a continuing education subcommittee, comprising no fewer than three athletic trainer members of the advisory committee, to discharge the responsibilities prescribed by §3169.

E. Committee Meetings, Officers. The advisory committee shall meet at least once each calendar year, or more frequently as may be deemed necessary by a quorum of the committee or as requested by the board. The presence of four members including at least one physician member, shall constitute a quorum of the advisory committee. The

advisory committee shall elect, from among its members, a chairman, a vice-chair, and a secretary. The chairman, or in his absence or unavailability, the vice-chair, shall call, designate the date, time, and place of, and preside at all meetings of the committee. The secretary shall record, or cause to be recorded, accurate and complete written minutes of all meetings of the advisory committee and shall cause copies of the same to be provided to the board.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:937 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1371 (July 2017).

Subchapter B. Requirements and Qualifications for Licensure

§3105. Scope of Subchapter

A. The rules of this Subchapter govern and prescribe the requirements, qualifications, and conditions requisite to eligibility for licensure as an athletic trainer in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:522 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1371 (July 2017).

§3107. Requirements for Licensure

A. To be eligible and qualified for licensure, an applicant shall:

1. ...

2. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

3. possess a degree in athletic training from a CAATE accredited program, or a comparable degree accepted by the BOC and approved by the board:

a. an athletic training program accredited by CAATE on the date the applicant's degree was awarded or the program or curriculum was completed shall be considered a CAATE accredited program;

b. a degree that is accepted by the BOC as a comparable degree to a CAATE accredited athletic training program, shall be concurrently considered approved by the board for purposes of this Section;

4. possess BOC certification evidencing the successful passage of the certification examination administered by the BOC or its successor;

5. - 6. ...

7. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the law or in these rules.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:522 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:235 (February 2004), LR 35:1886 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:1371 (July 2017).

§3109. License by Reciprocity

A. An individual who possesses a current, unrestricted license to practice as an athletic trainer issued by the medical licensing authority of another state, the District of Columbia, or a territory of the United States, shall be eligible for licensure in this state if the applicant meets all of the qualifications for licensure specified in §3107 of this Subchapter, and satisfies the procedural and other requirements specified in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

Subchapter C. Board Approval

§3111. Scope of Subchapter

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3113. Applicability of Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1887 (September 2009), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3115. Approval of Schools and Colleges

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3117. Approval of Physical Therapy Schools

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3119. Approval of Athletic Trainers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3121. Approval of Athletic Organization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3123. Withdrawal of Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3125. List of Approved Schools, Colleges, and

Universities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

Subchapter D. Application

§3127. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensure as an athletic trainer in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3129. Application Procedure

A. Application for licensure shall be made in a manner prescribed by the board.

B. Application and instructions may be obtained from the board's website.

C. An application for licensure under this Chapter shall include:

1. proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications for licensure set forth in this Chapter; and

2. such other information and documentation as are referred to or specified in this Chapter, or as the board may require, to evidence qualification for licensure.

D. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:524 (August 1986), amended by the Department of Health and

Hospitals, Board of Medical Examiners, LR 24:938 (May 1998), LR 30:235 (February 2004), LR 35:1887 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:1372 (July 2017).

§3131. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each governmental agency to which the applicant has applied for any license, permit, certificate, or registration, each person, firm, corporation, organization, or association by whom or with whom the applicant has been employed as an athletic trainer, each physician whom the applicant has consulted or seen for diagnosis or treatment, and each professional or trade organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensure to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation as a waiver by the applicant of any privileges or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board if the board has reasonable grounds to believe that the applicant's capability to act as an athletic trainer with reasonable skill or safety to athletes may be compromised by physical or mental condition, disease or infirmity, and the applicant shall be deemed to have waived all objections as to the admissibility or disclosure of findings, reports, or recommendations pertaining thereto on the grounds of privileges provided by law.

C. The submission of an application for licensure to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose any information or documentation, set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to §3131, to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefor, including, without limitation, the athletic trainer licensure or licensing authority of any state, the National Athletic Trainer's Association, the Louisiana Athletic Trainer's Association, the Board of Certification, the Louisiana Department of Health, state, county or parish, and municipal health and law enforcement agencies and the armed services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:938 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1373 (July 2017).

Subchapter F. Examination

§3133. Designation of Examination

A. The examination administered and accepted by the board pursuant to R.S. 37:3306.1.A is the Board of Certification or its successor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1887 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:1373 (July 2017).

§3147. Passing Score

A. An applicant will be deemed to have successfully passed the examination if he attains a score equivalent to that required by the BOC as a passing score.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:525 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1887 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:1373 (July 2017).

§3149. Reexamination

A. An applicant having failed to attain a passing score upon taking the licensure examination may take a subsequent examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:525 (August 1986), amended by House Concurrent Resolution 69 of the 2012 Regular Legislative Session, LR 38:1460 (June 2012), amended by the Department of Health, Board of Medical Examiners, LR 43:1373 (July 2017).

Subchapter G. License Issuance, Expiration, Renewal, Reinstatement, Temporary Permit

§3153. Issuance of License

A. If the qualifications, requirements, and procedures prescribed or incorporated by §3107 and §3129 are met to the satisfaction of the board, the board shall issue to the applicant a license to practice athletic training in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1888 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:1373 (July 2017).

§3155. Expiration of Licenses

A. Every license issued by the board under this Chapter shall expire, and thereby become null, void, and to no effect, on the 30th day of June next following the date on which license was issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1373 (July 2017).

§3157. Renewal of License

A. Every license issued by the board under this Subchapter shall be renewed annually on or before its date of expiration by submitting to the board an application for renewal, in a format prescribed by the board, together with the applicable renewal fee prescribed in Chapter 1 of these rules.

B. A notice for renewal of license shall be sent by the board to each person holding a license issued under this Chapter on or before the first day of June of each year. Such notice shall be sent to the most recent address of each licensed athletic trainer as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:526 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:235 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

§3159. Qualifications for Renewal; Continuing Education

A. To be eligible for annual renewal, a licensed athletic trainer shall successfully complete 12 credits/hours of continuing education recognized by the BOC and shall evidence such continuing education as prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

§3161. Reinstatement of License

A. A license which has expired without renewal may be reinstated by the board if application for reinstatement is made not more than two years from the date of expiration and subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made in a manner prescribed by the board, together with the applicable renewal fee plus a penalty equal to twice the renewal fee.

C. With respect to an application for reinstatement made more than one year from the date on which the license expired, as a condition of reinstatement the board may require that the applicant complete a statistical affidavit in a manner prescribed by the board, and/or possess current, unrestricted certification or licensure issued by another state.

D. A licensed issued by the board pursuant to R.S. 37:3306.1(B) is subject to reinstatement provided the application is made within the two year time limit specified in §3161.A of these rules and in accordance with all other requirements specified by this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

§3162. Temporary Permit

A. General. The board may, in its discretion, issue such temporary licenses as are in its judgment necessary or

appropriate to its responsibilities under law. A temporary license shall be designated and known as a permit.

B. Effect of Permit. A permit entitles the holder to engage in the practice of athletic training in the state of Louisiana only for the period of time specified by such permit and creates no right or entitlement to licensure or renewal of the permit after its expiration.

C. Permit Pending Application. The board may issue a permit to practice athletic training, effective for a period of 30 days, to an applicant who has made application to the board for licensure as an athletic trainer, who provides satisfactory evidence of current BOC certification and who is not otherwise demonstrably ineligible for certification under R.S. 37:3307.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 37:1270, 37:3301-3313 and 37:3303.A(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 28:830 (April 2002), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1888 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

Subchapter H. Continuing Education

§3163. Scope of Subchapter

A. The rules of this Subchapter provide standards for the continuing education requisite to renewal of licensure as an athletic trainer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:510 (June 1990), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

§3165. Continuing Education Requirement

A. To be eligible for annual renewal an athletic trainer shall evidence, in a manner prescribed by the board, the successful completion of not less than 12 hours of BOC approved continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:510 (June 1990), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

§3167. Qualifying Programs and Activities

A. ...

B. Upon application to the board pursuant to §3171 of these rules, the board may approve additional programs and activities as qualifying for continuing education and specify the hours which shall be recognized with respect to such program or activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:510 (June 1990), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

§3169. Continuing Education Subcommittee

A. The continuing education subcommittee of the advisory committee ("the CE subcommittee"), constituted under authority of §3104, shall have the authority and responsibility to:

1. ...

2. review documentation of continuing education by licensed athletic trainers, verify the accuracy of such information, and evaluate and make recommendations to the board with respect to whether programs and activities evidenced by applicants for renewal of licensure comply with and satisfy the standards for such programs and activities prescribed by these rules;

3. request and obtain from applicants for renewal of licensure such additional information as the committee may deem necessary or appropriate to enable it to make the evaluations and provide the recommendations for which the CE subcommittee is responsible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:511 (June 1990), amended LR 24:938 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1374 (July 2017).

§3171. Approval of Program Sponsors

A. Any program, course, seminar, workshop, or other activity meeting the standards prescribed by §3167.A sponsored or offered by the BOC or LATA shall presumptively be deemed approved by the board for purposes of qualifying as an approved continuing education activity.

B. Upon the recommendation of the CE subcommittee, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as an approved continuing education activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:511 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1375 (July 2017).

§3173. Approval of Activities

A. A continuing education activity of any type defined by §3167 sponsored by an organization or entity not deemed approved by the board pursuant to §3171 or an activity of a type specified by §3167 may be pre-approved by the board prior to participation in such activity or application for renewal of licensure upon written request to the board therefor accompanied by a complete description of the nature, location, date, content, and purpose of such activity and such other information as the board may request to establish compliance of such activity with the standards prescribed by §3167.A.

B. ...

C. Prior approval of a continuing education activity by the board is not necessary for recognition of such activity by the board for purposes of meeting the continuing education requirements requisite to renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:512 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1375 (July 2017).

§3175. Documentation Procedure

A. Licensed athletic trainers shall maintain a record or certificate of attendance for at least four years from the date of completion of the acceptable continuing education activity.

B. Any certification of continuing education activities not presumptively approved or preapproved in writing by the board pursuant to these rules shall be referred to the CE subcommittee for its evaluation and recommendations pursuant to §3169.A.2. If the CE subcommittee determines that an activity certified by an applicant for renewal in satisfaction of continuing education requirements does not qualify for recognition by the board or does not qualify for the number of continuing education hours claimed by the applicant, the board shall give notice of such determination to the applicant for renewal and the applicant may appeal the CE subcommittee's recommendation to the board by written request delivered to the board within 10 days of such notice. The board's decision with respect to approval and recognition of any such activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:512 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1375 (July 2017).

§3177. Failure to Satisfy Continuing Education Requirements

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing education requirements prescribed by the rules shall be given written notice of such failure by the board. The license of the applicant shall remain in full force and effect for a period of 60 days following the mailing of such notice, following which it shall be deemed expired, un-renewed, and subject to revocation without further notice, unless the applicant shall have, within such 60 days, furnished the board satisfactory evidence, by affidavit, that:

1. ...

2. applicant's failure to satisfy the continuing education requirements was occasioned by disability, illness, acts of God, fire, or other good cause as may be determined by the board.

B. The license of an athletic trainer which has expired by nonrenewal or been revoked for failure to satisfy the continuing education requirements of these rules may be reinstated by the board upon application to the board filed within two years of the effective date of expiration, nonrenewal, or revocation accompanied by satisfactory documentation of the completion of not less than 30 continuing education hours within the prior two years and payment of a reinstatement fee, in addition to all other applicable fees and costs, of \$50. Any continuing education activities recognized for purposes of reinstatement shall not be recognized for purposes of any subsequent renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:512 (June 1990), amended LR 24:939 (May 1998), amended by the

Department of Health, Board of Medical Examiners, LR 43:1375 (July 2017).

§3179. Waiver of Requirements

A. The board may, in its discretion and upon the recommendation of the CE subcommittee, waive all or part of the continuing education required by these rules in favor of an athletic trainer who makes written request for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the athletic trainer's satisfaction of the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:1376 (July 2017).

Subpart 3. Practice

Chapter 57. Athletic Trainers

Subchapter A. General Provisions

§5701. Scope of Chapter

A. The rules of this Chapter govern the employment and practice of licensed athletic trainers in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1376 (July 2017).

§5703. General Definitions

A. The definitions set forth in Chapter 31 of these rules shall equally apply to this Chapter, unless the context clearly states otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1376 (July 2017).

§5705. Special Definitions

A. *The Activities of an Athletic Trainer*—the practice of prevention, emergency management, and physical rehabilitation of injuries and sports-related conditions incurred by athletes. In carrying out these functions, the athletic trainer shall use whatever physical modalities are prescribed by a team physician or consulting physician, or both. The results of these activities should be recorded.

B. *Practice of Prevention*—shall include, but is not limited to the following:

1. working cooperatively with supervisors and coaches in establishing and implementing a program of physical conditioning for athletes;

2. applying protective or injury-preventive devices such as taping, padding, bandaging, strapping, wrapping, or bracing;

3. working cooperatively with supervisors, coaches, and a team physician or consulting physician in the selection and fitting of protective athletic equipment for each athlete and constantly monitoring that equipment for safety; and

4. ...

C. *Emergency Management*—the care given to an injured athlete under the general supervision of the team or consulting physician. To accomplish this care, an athletic trainer may use such methods as accepted first aid procedures approved by the American Red Cross, the American Heart Association, or protocols previously established by the athletic trainer and the team or consulting physicians.

D. *Physical Rehabilitation*—the care given to athletes following injury and recovery. These treatments and rehabilitation programs may consist of pre-established methods of physical modality use and exercise as prescribed by a team physician, consulting physician, or both. Physical rehabilitation also includes working cooperatively with and under the general supervision of a physician with respect to the following:

1. reconditioning procedures;
2. operation of therapeutic devices and equipment;
3. fitting of braces, guards, and other protective devices;

4. referrals to other physicians, auxiliary health services, and institutions. Referrals will be made with the agreement of the athlete or, in the case of a minor, with agreement of a parent or guardian except when circumstances require emergency transfer and the parent or guardian is unavailable.

E. *General Supervision*—the service is furnished under a physician's overall direction and control, but the physician's presence shall not be required during the provision of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1376 (July 2017).

Subchapter B. Prohibitions

§5709. Unauthorized Practices

A. No person shall hold himself out to the public, any public educational institution, any athletic organization, or any individual student, amateur, or professional athlete as an "athletic trainer" or licensed athletic trainer in the state of Louisiana, nor identify or designate himself as such, nor use in connection with his name the letters, "AT," "LAT" or "ATC," or any other words, letters, abbreviations, insignia, or signs tending to indicate or imply that the person is a licensed athletic trainer, unless he is currently licensed by the board as a licensed athletic trainer.

B. No person shall undertake to perform or actually perform, for compensation or other remuneration, *the activities of an athletic trainer*, as defined in this Chapter (§5705) unless he is currently licensed by the board as an athletic trainer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1376 (July 2017).

§5711. Exemptions

A. The prohibitions of Subsection 5709.B of this Chapter shall not apply to:

1. an assigned athletic coach administering and supervising his normal sports activities;
2. a person who undertakes to perform or actually performs the activities of an athletic trainer in the employment of an educational institution or athletic organization domiciled in another state, while accompanying and attending athletes of an educational institution or athletic organization domiciled in another state during or in connection with an athletic contest conducted in Louisiana;
3. a person acting under and within the scope of professional licensure issued by another licensing agency of the state of Louisiana; or
4. any person enrolled in a CAATE accredited athletic training education program and who is designated by a title which clearly indicates his status as a student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1377 (July 2017).

§5713. Prohibitions: Licensed Athletic Trainers

A. A licensed athletic trainer shall not:

1. undertake to perform or actually perform any activities, preventive measures, emergency management, physical rehabilitation of injury, or any other functions, treatments, modalities, procedures, or regimes, except under the direction and general supervision of a physician, employed or engaged as a team or consulting physician by the educational institution or athletic organization by which the licensed athletic trainer is employed or engaged;
2. prescribe, dispense, or administer any controlled substances; or
3. dispense or administer any medications for ingestion, subcutaneous, transdermal, intramuscular, or intravenous injection or topical application, except upon the prescription and direction, or pursuant to the written protocol of a physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1377 (July 2017).

Subchapter C. Ethical Guidelines and Standards of Practice

§5715. Ethical Guidelines

A. A licensed athletic trainer shall, in performance of the activities of an athletic trainer, observe and abide by the code of ethics of the Board of Certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1377 (July 2017).

§5717. Standards of Practice

A. A licensed athletic trainer shall, in performance of the activities of an athletic trainer, observe and abide by the

standards of practice announced and promulgated from time to time by the board pursuant to rules and regulations, advisory opinions, and interpretations and statements of position.

B. It shall be deemed a violation of minimum standards of practice applicable to licensed athletic trainers for a licensed athletic trainer to violate of the code of ethics of the Board of Certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1377 (July 2017).

Subchapter D. Grounds for Administrative Action

§5719. Causes for Administrative Action

A. The board may refuse to issue a license to, or suspend, revoke, or impose probationary conditions and restrictions on the license of an applicant for licensure or a licensed athletic trainer for any of the causes provided by R.S. 37:3308.1 of the Louisiana athletic trainers law (R.S. 37:3301-3313) if the licensee or applicant:

1. has been convicted of or entered a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered;
2. has been convicted of or entered a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of an athletic trainer;
3. commits perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a license to practice as an athletic trainer;
4. provides false testimony before the board or provides false sworn information to the board;
5. engages in habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;
6. solicits patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading;
7. makes or submits false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company, indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;
8. demonstrates cognitive or clinical incompetency;
9. engages in unprofessional conduct;
10. engages in continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of practice as an athletic trainer in this state;
11. knowingly performs any act which in any way assists an unlicensed person to practice as an athletic trainer, or having professional connection with or lending one's name to an illegal practitioner;
12. pays or gives anything of economic value to another person, firm, or corporation to induce the referral of injured athletes to an athletic trainer;
13. has been interdicted by due process of law;
14. is unable to practice as an athletic trainer with reasonable competence, skill, or safety to patients because of

mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol;

15. refuses to submit to an examination and inquiry by an examining committee of physicians appointed by the board to inquire into the applicant's or licensee's physical or mental fitness and ability to practice as an athletic trainer with reasonable skill or safety;

16. practices or otherwise engages in any conduct or functions beyond the scope of practice of an athletic trainer as defined by this Chapter or the board's rules;

17. has been subjected to the refusal of the licensing authority or another state to issue or renew a license, permit, or certificate to practice as an athletic trainer in that state, or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts, or conditions practice, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate;

18. has been subjected to denial, revocation, suspension, probation, or other disciplinary sanction from the BOC or its successor for violation of the standards of professional practice;

19. has violated any rules and regulations of the board, or any provisions of this Chapter.

B. The board may reinstate any license suspended or revoked hereunder, or restore to unrestricted status any license subjected to probationary conditions or restrictions by the board upon payment of the reinstatement fee and satisfaction of such terms and conditions as may be prescribed by the board; provided, however, that an application for reinstatement of a license revoked by the board shall not be made or considered by the board prior to the expiration of one year following the date on which the board's order of revocation became final.

C. The board may, as part of a decision, consent order, or other agreed order, require the applicant or license holder to pay all costs of the board's proceedings and a fine not to exceed \$1,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1377 (July 2017).

§5723. Causes for Action; Definitions

A. As used in R.S. 37:3308.1 of the law, a person who has "secured a license by fraud or deceit" means and includes a person who:

1. makes any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to an application for licensure under Chapter 31 of these rules; or

2. makes any representation, or fails to make a representation, or engages in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the questions for licensure required by Chapter 31 of these rules.

B. As used in §5719.A of this Chapter, the term *convicted*, as applied to a licensed athletic trainer or

applicant for licensure as an athletic trainer, means that a judgment has been entered against such person by a court of competent jurisdiction on the basis of a finding or verdict of guilt or a plea of guilty or nolo contendere. Such a judgment provides cause for administrative action by the board so long as it has not been reversed by an appellate court of competent jurisdiction and notwithstanding the fact that an appeal or other application for relief from such judgment is pending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:1378 (July 2017).

Keith C. Ferdinand, M.D.
Interim Executive Director

1707#037

RULE

Department of Health Board of Nursing

Composition of Board (LAC 46:XLVII.3105)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, that the Louisiana State Board of Nursing (LSBN) has added language to Chapter 31, Section 3015. The added language affects the composition of the Louisiana State Board of Nursing board members. Currently, we have nine registered nurse members and two physicians who serve as ex-officio non-voting members of the board. During the 2016 Legislative Session, the two seats that are currently held by physicians changed to allow any citizen of the United States and resident of Louisiana and who have never practiced nursing to obtain either seat. These two consumer members will be voting members of the Louisiana State Board of Nursing. In order to be in compliance, the Nurse Practice Act and the rules and regulations should have the same language, therefore we are adding additional language to the *Louisiana Administrative Code*, Title 46, Professional and Occupational Standards, Part XLVII, Nurses: Practical Nurses and Registered Nurses, Subpart 2, Registered Nurses, Chapter 31, Section 3105.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 31. Introductory Information

§3105. History

A. - D. ...

E.1. The 2016 Legislature amended the Nurse Practice Act, Act 598, to remove the two ex officio, non-voting physician members and replace them with two representatives of the consumers of Louisiana from the state at-large, appointed by the governor and neither of whom shall be a nurse. The consumer members must:

- a. be a citizen of the United States and a resident of Louisiana for at least one year immediately prior to appointment;
- b. have attained the age of majority;
- c. have never engaged in any activity directly related to the practice of professional nursing; and
- d. have never been convicted of a felony.

2. The consumer members will be fully active, voting members of the Louisiana State Board of Nursing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:183 (April 1977), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended by the Department of Health, Board of Nursing, LR 43:1378 (July 2017).

Dr. Karen C. Lyon, E.D.
Executive Director

1707#009

RULE

**Department of Health
Board of Nursing**

Disciplinary Proceedings; Alternative to
Disciplinary Proceedings (LAC 46:XLVII.3405)

The Louisiana State Board of Nursing in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918 has repealed Chapter 34, Section 3405, Subsection A, *other causes*, Subparagraph o under Title 46, Professional and Occupational Standards, Part XLVII. The request is to repeal the definition that states “failing to report to the board one's status when one performs or participates in exposure-prone procedures and is known to be a carrier of the hepatitis B virus or human immunodeficiency virus (HIV), in accordance with LAC XLVII.4005.” This specific definition is no longer relevant with the deletion of Chapter 40, Prevention of Transmission of Hepatitis B Virus (HBV), Hepatitis C Virus (HBV) and Human Immunodeficiency Virus (HIV), which required that nurses report their status. With the removal of Chapter 40, the Louisiana State Board of Nursing would not have the authority to take disciplinary action if a nurse has not reported self-exposure to an infectious disease.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XLVII. Nurses: Practical Nurses and Registered
Nurses**

Subpart 2. Registered Nurses

**Chapter 34. Disciplinary Proceedings; Alternative to
Disciplinary Proceedings**

§3405. Definition of Terms

A. ...

Other Causes—includes, but is not limited to:

- a - n. ...
- o. Repealed.
- p - x. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), R.S. 37:921, and R.S. 37:1744-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), LR 21:271 (March 1995), LR 24:1293 (July 1998), LR 31:1585 (July 2005), LR 35:1535 (August 2009), LR 36:2278 (October 2010), amended by the Department of Health, Board of Nursing, LR 43:1379 (July 2017).

Karen C. Lyon, E.D.
Executive Director

1707#008

RULE

**Department of Health
Bureau of Health Services Financing**

Behavioral Health Service Providers
Licensing Standards
(LAC 48:I.Chapter 56)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 56 as authorized by R.S. 36:254 and R.S. 40:2151-2161. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5601. Introduction

A. Pursuant to R.S. 40:2151-2161, the Department of Health (LDH) hereby establishes licensing standards for behavioral health service (BHS) providers. The purpose of these Chapters is to provide for the development, establishment and enforcement of statewide licensing standards for the care of clients receiving services from BHS providers, to ensure the maintenance of these standards, and to regulate conditions of these providers through a program of licensure that shall promote safe and adequate treatment of clients of BHS providers.

B. - E.11. ...

12. school-based health clinics/centers that are certified by the Department of Health, Office of Public Health, and enrolled in the Medicaid Program;

13. - 14.b. ...

c. maintains continuous, uninterrupted accreditation through an LDH authorized accreditation organization;

d. maintained continuous, uninterrupted enrollment with the statewide management organization for the LBHP, and maintains continuous, uninterrupted enrollment with Medicaid managed care entities as of December 1, 2015;

NOTE: This exemption from licensure encompasses those mental health rehabilitation providers performing mental health rehabilitation services as previously regulated by the Medicaid Mental Health Rehabilitation Program. It does not include a mental health rehabilitation provider that performs other services that were not previously regulated under the Medicaid Mental Health Rehabilitation Program (e.g.

addiction services, inpatient services, residential services). If a mental health rehabilitation provider performs behavioral health services in addition to those previously regulated under the Medicaid Mental Health Rehabilitation Program, the provider shall be licensed according to these licensing rules.

15. - 17. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1379 (July 2017).

§5603. Definitions

* * *

Department—the Louisiana Department of Health (LDH) or any office or agency thereof designated by the secretary to administer the provisions of this Chapter.

* * *

DHH Authorized Accreditation Organization—Repealed.

* * *

Health Standards Section (HSS)—the licensing and certification section of the Department of Health.

* * *

Intensive Outpatient Treatment Program (ASAM Level II.1)—professionally directed assessment, diagnosis, treatment and recovery services provided in an organized non-residential treatment setting, including individual, group, family counseling and psycho-education on recovery as well as monitoring of drug use, medication management, medical and psychiatric examinations, crisis mitigation coverage and orientation to community-based support groups. Services may be offered during the day, before or after work or school, in the evening or on a weekend, and the program shall provide nine or more hours of structured programming per week for adults and six or more hours of structured programming per week for children/adolescents.

LDH Authorized Accreditation Organization—any organization authorized by LDH to accredit behavioral health providers.

* * *

Mental Health Clinic—an entity through which outpatient behavioral health services are provided, including screening, diagnosis, management or treatment of a mental disorder, mental illness, or other psychological or psychiatric condition or problem and 24-hour emergency services that are provided either directly or through formal affiliation with other agencies by an interdisciplinary team of mental health professionals and subordinates in accordance with a plan of treatment or under the direction of a psychiatrist or another qualified physician with psychiatric consultation.

Mental Health Rehabilitation (MHR)—an outpatient healthcare program provider of any psychosocial rehabilitation (PSR), crisis intervention (CI) and/or community psychiatric support and treatment (CPST) services that promotes the restoration of community functioning and well-being of an individual diagnosed with a mental health or mental or emotional disorder. The MHR provider utilizes evidence based supports and interventions designed to improve individual and community outcomes.

Mental Health Rehabilitation Services (MHRS)—outpatient services for adults with serious mental illness and children with emotional/behavioral disorders which are medically necessary to reduce the disability resulting from mental illness and assist in the recovery and resiliency of the

recipient. These services are home and community-based and are provided on an as needed basis to assist recipients in coping with the symptoms of their illness. The intent of MHRS is to minimize the disabling effects on the individual's capacity for independent living and to prevent or limit the periods of inpatient treatment.

OBH—the LDH Office of Behavioral Health.

* * *

OPH—the LDH Office of Public Health.

* * *

Partial Hospital Program (PHP-ASAM Level II.5)—an organized outpatient service that delivers treatment to adolescents and adults. This level encompasses services that meet the multidimensional instability and complex needs of people with addiction and co-occurring conditions which do not require 24-hour care.

* * *

Registered Addiction Counselor (RAC)—pursuant to R.S. 37:3387.2, any person who, by means of his/her specific knowledge acquired through formal education and practical experience, is qualified to provide addictive disorder counseling services and is registered by the ADRA as a RAC. The RAC may not practice independently and may not render a diagnostic impression.

* * *

Secretary—the secretary of the Department of Health or his/her designee.

* * *

Take-Home Dose(s)—a dose of opioid agonist treatment medication dispensed by a dispensing physician or pharmacist to a client for unsupervised use, including for use on Sundays, state and federal holidays, and emergency closures per LDH directive

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017).

Subchapter B. Licensing

§5605. General Provisions

A. All BHS providers shall be licensed by the LDH. It shall be unlawful to operate as a BHS provider without a license issued by the department.

B. - C.1. ...

2. be valid only for the BHS provider to which it is issued and only for one geographic address of that provider approved by LDH;

C.3. - D.1. ...

a. have established operational hours for a minimum of 20 hours per week, as indicated on the license application or change notification approved by LDH;

b. have services available and the required direct care staff on duty at all times during operational hours to meet the needs of the clients;

c. be able to accept referrals during operational hours; and

d. at any time that the BHS provider has an interruption in services or a change in the licensed location due to an emergency situation, the provider shall notify the HSS no later than the next business day.

D.2. - H.2.a. ...

b. the current *Louisiana Administrative Code* (LAC) provisions;

H.2.c. - I. ...

1. The secretary of the LDH may, within his/her sole discretion, grant waivers to building and construction guidelines which are not part of or otherwise required under the provisions of the *LAC Title 51, Public Health Sanitary Code* or the OSFM.

2. ...

a. how client safety and quality of care are not compromised by the waiver;

I.2.b. - K.2. ...

L. An owner, officer, member, manager, administrator, clinical director, medical director, managing employee or clinical supervisor is prohibited from being a BHS provider, who has been convicted of or entered a guilty or nolo contendere plea to a felony related to:

1. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1687 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017).

§5607. Initial Licensure Application Process

A. Any entity, organization or person seeking to operate as a BHS provider shall submit a completed initial license application packet to the department for approval. Initial BHS provider licensure application packets are available from HSS.

B. - B.5. ...

6. a current (within 90 days prior to the submission of the application packet) statewide criminal background check, including sex offender registry status, on all owners and managing employees;

7. - 12. ...

C. Deadline for Submitting Initial Licensure Application for Unlicensed Agencies

1. Any unlicensed agency that is a provider of any psychosocial rehabilitation, crisis intervention and/or community psychiatric support and treatment services prior to the promulgation of this Rule and is required to be licensed as a BHS provider has 180 days from the promulgation of this Rule to submit an initial licensing application packet to HSS.

2. Any such unlicensed agency may continue to operate without a license during the licensing process until the department acts upon the initial license application and any and all appeal processes associated with the initial licensure is complete or the delay for taking an appeal has expired, whichever is later.

C.3. - G.2. ...

3. facility need approval, if applicable.

H. - I.2. ...

3. an agency that is a provider of psychosocial rehabilitation, community psychiatric support and treatment, and/or crisis intervention services.

J. Off-Sites. In order to operate an off-site, the provider shall submit:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1688 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017).

§5611. Types of Licenses

A. - A.4.g.ii. ...

iii. facility need approval, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1690 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017).

§5613. Changes in Licensee Information or Personnel

A. - C. ...

1. Key administrative personnel include the following:

- a. ...
- b. medical director;
- c. clinical director; and
- d. clinical supervisor.

C.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1690 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017).

§5615. Renewal of License

A. ...

B. To renew a license, the BHS provider shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet shall include:

1. ...
2. a current OSFM report (for on-site and residential services);
3. a current OPH inspection report (for on-site and residential services);

B.4. - G.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1691 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017).

§5617. Deemed Status

A. A licensed BHS provider may request deemed status once the provider becomes accredited by an LDH authorized accreditation organization, or if the applicant has achieved accreditation prior to initial licensure and becomes licensed.

B. The department may approve the deemed status request and accept accreditation in lieu of periodic licensing surveys when the provider provides documentation to the department that shows:

1. the accreditation is current and was obtained through the LDH authorized accreditation organization;
2. - 3. ...

C. If deemed status is approved, accreditation will be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic relicensure surveys.

D. ...

E. The department may conduct unannounced complaint investigations on all behavioral health service providers, including those with deemed status.

1. - 7. Repealed.

F. The department may rescind deemed status and conduct a licensing survey for the following:

1. any valid complaint within the preceding 12 months;
2. an addition of services;
3. a change of ownership;
4. issuance of a provisional license in the preceding 12-month period;
5. deficiencies identified in the preceding 12-month period that placed clients at risk for harm;
6. treatment or service resulting in death or serious injury; or
7. a change in geographic location.

G. The provider shall notify HSS upon change in accreditation status within two business days.

H. The department shall rescind deemed status when the provider loses its accreditation.

I. A BHS provider approved for deemed status is subject to and shall comply with all provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1692 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017).

§5621. Complaint Investigations

A. - E. ...

1. A provider that is cited with deficiencies found during a complaint investigation has the right to request an informal reconsideration of the deficiencies. The provider's written request for an informal reconsideration shall be received by HSS within 10 calendar days of the provider's receipt of the statement of deficiencies and shall identify each disputed deficiency or deficiencies and the reason for the dispute that demonstrates the findings were cited in error.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1692 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1382 (July 2017).

§5623. Statement of Deficiencies

A. - B. ...

C. Informal Dispute Resolution

1. - 2. ...

3. The BHS provider's written request for IDR shall be received by HSS within 10 calendar days of the provider's receipt of the statement of deficiencies and shall identify each disputed deficiency or deficiencies and the reason for the dispute that demonstrates the findings were cited in error.

4. - 6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

41:1692 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1382 (July 2017).

§5625. Cessation of Business

A. Except as provided in §5677 and §5678 of these licensing regulations, a license shall be immediately null and void if a BHS provider ceases to operate.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1693 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1382 (July 2017).

§5627. Sanctions

A. - B. ...

C. The department may deny an initial license, revoke a license or deny a license renewal for any of the following reasons, including, but not limited to:

1. - 10.e. ...

11. knowingly making a false statement or providing false, forged or altered information or documentation to LDH employees or to law enforcement agencies;

12. ...

13. the BHS provider, an owner, officer, member, manager, administrator, medical director, clinical director, managing employee or clinical supervisor that has pled guilty or nolo contendere to a felony, or is convicted of a felony, as documented by a certified copy of the record of the court, related to:

C.13.a. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1693 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1382 (July 2017).

§5629. Notice and Appeal of License Denial, License Revocation and Denial of License Renewal

A. - B. ...

1. If the BHS provider chooses to request an administrative reconsideration, the request shall:

B.1.a. - D. ...

1. If the BHS provider chooses to request an administrative appeal, the request shall be received:

D.1.a. - G. ...

H. Administrative Reconsiderations of Deficiencies Cited Resulting in the Expiration of a Provisional Initial License or Provisional License

1. ...

2. The BHS provider's request for an administrative reconsideration shall:

2.a. - 4. ...

a. To request a stay, the BHS provider shall submit its written application to the DAL at the time the administrative appeal is filed.

H.4.b. - I.4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

41:1694 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1382 (July 2017).

Subchapter C. Organization and Administration

§5633. Governing Body

A. - B.4. ...

C. The responsibilities of a BHS provider's governing body, include, but are not limited to:

1. - 4. ...

5. at least once a year, formulating and reviewing, in consultation with the administrator, the clinical supervisor, clinical director and/or medical director, written policies concerning:

C.5.a. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1696 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1383 (July 2017).

§5635. Policies and Procedures

A. Each BHS provider shall develop, implement and comply with provider-specific written policies and procedures related to compliance with this Chapter, including, but not limited to policies and procedures that address:

1. - 3. ...

4. uniform screening for client placement and quality assessment, diagnosis, evaluation, and referral to appropriate level of care;

5. - 6. ...

7. confidentiality and security of client records and files and any prohibitions related to social media;

A.8. - B.8. ...

9. procedures to ensure that the staff's credentials are verified, legal and from accredited institutions;

10. procedure to obtain statewide criminal background checks, ensuring no staff is providing unsupervised direct care prior to obtaining the results of the statewide criminal background check and addressing the results of the background check, if applicable; and

11. a written policy to address prohibited use of social media. The policy shall ensure that all staff, either contracted or directly employed, receive training relative to the restrictive use of social media and include, at a minimum, ensuring confidentiality of client information and preservation of client dignity and respect, including protection of client privacy and personal and property rights.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1697 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1383 (July 2017).

Subchapter D. Provider Operations

§5639. Quality Improvement Plan

A. - D.2. ...

E. The QI program outcomes shall be documented and reported to the administrator, clinical director and/or medical director for action, as necessary, for any identified systemic problems.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1698 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1383 (July 2017).

Subchapter E. Personnel

§5643. Core Staffing Personnel Qualifications and Responsibilities

A. - B. ...

1. a medical director who:

a. is a physician, or an advanced practice registered nurse, or a medical psychologist, with a current, unrestricted license to practice in the state of Louisiana with two years of qualifying experience in treating psychiatric disorders;

EXCEPTION: Mental health rehabilitation providers exclusively providing the evidence-based practice multi-systemic therapy (MST), functional family therapy (FFT), or Homebuilders® are excluded from the requirement of having a medical director. Such shall have a clinical director in accordance with §5643.B.2.

b. ...

i. ensures that the necessary medical services are provided to meet the needs of the clients;

ii. provides oversight for provider policy/procedure, client plans of care (POCs) and staff regarding the medical needs of the clients according to the current standards of medical practice;

b.iii. - c.iii. ...

iv. provides consultative and on-call coverage to ensure the health and safety of clients;

v. collaborates with the client's primary care physician and psychiatrists as needed for continuity of the client's care; and

d. may also fulfill the role of the clinical director, if the individual is qualified to perform the duties of both roles;

2. a clinical director who, for those mental health rehabilitation providers which exclusively provide the evidenced-based practice multi-systemic therapy (MST), functional family therapy (FFT) or Homebuilders®:

a. is a licensed psychiatrist, psychologist, clinical social worker, professional counselor (LPC) or marriage and family therapist (LMFT) with a minimum of two years qualifying experience in treating psychiatric disorders and who maintains a current, unrestricted license to practice in the state of Louisiana;

b. has the following assigned responsibilities:

i. ensures that the necessary services are provided to meet the needs of the clients;

ii. provides oversight for provider policy/procedure, client plans of care (POCs) and staff regarding the clinical needs of the clients according the current standards of clinical practice;

iii. directs the specific course of clinical treatment for all clients;

iv. reviews reports of all accidents/incidents occurring on the premises and identifies hazards to the administrator;

v. participates in the development and implementation of policies and procedures for the delivery of services;

vi. periodically reviews delivery of services to ensure care meets the current standards of practice; and

vii. participates in the development of new programs and modifications; and

c. has the following responsibilities or designates the duties to a qualified practitioner:

i. provides consultative and on-call coverage to ensure the health and safety of clients; and

ii. collaborates with the client's primary care physician and psychiatrist as needed for continuity of the client's care.

3. an administrator who:

a. has either a bachelor's degree from an accredited college or university or one year of qualifying experience that demonstrates adequate knowledge, experience and expertise in business management;

b. is responsible for the on-site day to day operations of the BHS provider and supervision of the overall BHS provider's operation commensurate with the authority conferred by the governing body; and

c. shall not perform any programmatic duties and/or make clinical decisions unless licensed to do so;

d. - d.viii. Repealed.

4. a clinical supervisor who, with the exception of opioid treatment programs:

a. is an LMHP that maintains a current and unrestricted license with its respective professional board or licensing authority in the state of Louisiana;

b. shall be on duty and on call as needed;

i. - ii. Repealed.

c. has two years of qualifying clinical experience as an LMHP in the provision of services provided by the provider;

d. shall have the following responsibilities:

i. provide supervision utilizing evidenced-based techniques related to the practice of behavioral health counseling;

ii. serve as resource person for other professionals counseling persons with behavioral health disorders;

iii. attend and participate in care conferences, treatment planning activities, and discharge planning;

iv. provide oversight and supervision of such activities as recreation, art/music or vocational education;

v. function as client advocate in treatment decisions;

vi. ensure the provider adheres to rules and regulations regarding all behavioral health treatment, such as group size, caseload, and referrals;

vii. provide only those services that are within the person's scope of practice; and

viii. assist the clinical director and/or medical director and governing body with the development and implementation of policies and procedures;

5. nursing staff who, for those BHS providers whose services include medication management and/or addiction treatment services,:

a. provide the nursing care and services under the direction of a registered nurse necessary to meet the needs of the clients; and

b. have a valid current nursing license in the State of Louisiana.

i. A BHS provider with clients who are unable to self-administer medication shall have a sufficient number of nurses on staff to meet the medication needs of its clients.

ii. Nursing services may be provided directly by the BHS provider or may be provided or arranged via written contract, agreement, policy, or other document. The BHS provider shall maintain documentation of such arrangement.

C. - C.1. ...

a. The provider shall maintain a sufficient number of LMHPs, who are licensed to practice independently in the state of Louisiana to diagnose and treat mental illness and/or substance abuse, to meet the needs of the provider's clients.

1.b. - 3.d.vi. ...

vii. provide input regarding client progress to the interdisciplinary team;

C.d.viii. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1700 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1383 (July 2017).

Subchapter G. Services

§5655. Core Services

A. A BHS provider shall provide the following services to its clients when needed:

1. - 7. ...

8. rehabilitation services;

9. crisis mitigation; and

10. medication management.

EXCEPTION: Mental health rehabilitation providers exclusively providing the evidence-based practice multi-systemic therapy (MST), functional family therapy (FFT) or Homebuilders® are excluded from the requirement of §5655.A.10.

B. A BHS provider that is a mental health rehabilitation provider exclusively providing the evidence-based practice multi-systemic therapy (MST), functional family therapy (FFT) or Homebuilders® shall:

1. provide services in accordance with §5655.A.1-9; and

a. - b. Repealed.

2. develop policies and procedures to ensure:

a. screening of clients for medication management needs;

b. referral to appropriate community providers for medication management including assistance to the client/family to secure services; and

c. collaboration with the client's medication management provider as needed for coordination of the client's care.

3. Repealed.

C. Crisis Mitigation Services

1. The BHS provider's crisis mitigation plan shall:

a. identify steps to take when a client suffers from a medical, psychiatric, medication or relapse crisis; and

b. specify names and telephone numbers of staff or organizations to assist clients in crisis.

2. If the provider contracts with another entity to provide crisis mitigation services, the BHS provider shall have a written contract with the entity providing the crisis mitigation services.

3. The qualified individual, whether contracted or employed by the BHS provider, shall call the client within 30 minutes of receiving notice of the client's call.

D. Referral

1. The provider shall provide:

a. appropriate resource information regarding local agencies to client and family, if applicable, upon need or request; and

b. procedures to access vocational services, community services, transitional living services and transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1704 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1384 (July 2017).

Subchapter I. Physical Environment

§5669. Interior Space for Residential Facilities

A. - C.3. ...

D. Client Bedrooms. The provider shall ensure that each client bedroom in the facility:

1. contains at least 80 square feet for single bedrooms, exclusive of fixed cabinets, fixtures, furniture and equipment;

2. - 5. ...

a. Repealed.

EXCEPTION: Providers licensed as substance abuse/addiction treatment residential facilities at the time this Rule is promulgated that have more than four clients per bedroom, may maintain the existing bedroom space that allows more than four clients per bedroom provided that the bedroom space has been previously approved by a LDH waiver. This exception applies only to the currently licensed physical location.

D.6. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1707 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1385 (July 2017).

Subchapter J. Safety and Emergency Preparedness

§5675. Emergency Preparedness

A. The BHS provider shall have written disaster and emergency preparedness plans which are based on a risk assessment using an all hazards approach for both internal and external occurrences, developed and approved by the governing body and updated annually:

1. - 2. ...

3. that are prepared in coordination with the provider's local and/or parish Office of Homeland Security and Emergency Preparedness (OHSEP) and include provisions for persons with disabilities.

B. The BHS provider shall develop and implement policies and procedures based on the emergency plan, risk assessment and communication plan which shall be reviewed and updated at least annually. Such policies shall include a system to track on duty staff and sheltered clients, if any, during the disaster or emergency.

1. - 4. Repealed.

C. The BHS provider shall develop and maintain a disaster and emergency preparedness plan that complies with both federal and state laws. Client care shall be well-

coordinated within the BHS provider, across health care providers and with state and local public health departments and emergency systems.

1. - 6. Repealed.

D. The BHS provider shall develop and maintain training and testing programs, including initial training in policies and procedures and demonstrate knowledge of disaster and emergency procedures. Such training shall be provided at least annually.

1. - 3. Repealed.

E. Additional Requirements. The residential facility or outpatient clinic shall:

1. post floor plans with diagrams giving clear directions on how to exit the building safely and in a timely manner at all times;

2. post emergency numbers by all telephones;

3. have a separate floor plan or diagram with designated safe zones or sheltering areas for non-fire emergencies;

4. train its employees in emergency or disaster preparedness. Training shall include orientation, ongoing training and participation in planned drills for each employee and on each shift; and

5. ensure that emergency equipment and supplies are:

a. immediately available for use during emergency situations;

b. appropriate for the BHS provider's client population;

c. maintained by appropriate personnel; and

d. are specified by the medical staff and approved by the governing body for treatment of all age groups serviced by the BHS provider.

6. - 7.e. Repealed.

F. The residential BHS provider's disaster and emergency preparedness plans shall include, at a minimum:

1. in the event of a disaster or an emergency, an assessment of all clients to determine the clients:

a. who continue to require services and should remain in the care of the provider; or

b. who may be discharged to receive services from another provider;

2. the determination as to when the provider will shelter in place and when the provider will evacuate for a disaster or emergency and the conditions that guide these determinations in accordance with local or parish OHSEP;

3. provisions for when the provider shelters-in-place that include:

a. the decision to take this action is made after reviewing all available and required information on the emergency/disaster, the provider, the provider's surroundings, and consultation with the local or parish OHSEP;

b. provisions for seven days of necessary supplies to be provided by the provider prior to the emergency, including drinking water or fluids and non-perishable food; and

c. the delivery of essential services to each client;

4. provisions for when the provider evacuates with clients:

a. the delivery of essential provisions and services to each client, whether the client is in a shelter or other location;

b. the provider's method of notifying the client's family or caregiver, including:

i. the date and approximate time that the provider or client is evacuating;

ii. the place or location to which the client(s) is evacuating which includes the name, address and telephone number; and

iii. a telephone number that the family or responsible representative may call for information regarding the client's evacuation;

c. provisions for ensuring that supplies, medications, clothing and a copy of the treatment plan are sent with the client, if the client is evacuated;

d. the procedure or methods that will be used to ensure that identification accompanies the client. The identification shall include the following information:

i. current and active diagnosis;

ii. all medication, including dosage and times administered;

iii. allergies;

iv. special dietary needs or restrictions; and

v. legal representative, if applicable, including contact information;

e. transportation or arrangements for transportation for an evacuation that is adequate for the current census;

5. provisions for staff to maintain continuity of care during an emergency; and

6. staff distribution and assignment of responsibilities and functions during an emergency.

G. The outpatient clinic's disaster and emergency preparedness plan shall include, at a minimum:

1. in the event of an emergency or disaster, an assessment of all clients to determine the clients:

a. who continue to require services; or

b. who may be discharged to receive services from another provider;

2. a plan for each client to continue to receive needed services during a disaster or emergency either by the provider or referral to another program; and

3. measures to be taken to locate clients after an emergency or disaster and determine the need for continued services and/or referral to other programs.

H. The provider shall:

1. follow and execute its disaster and emergency preparedness plan in the event of the occurrence of a declared disaster or other emergency;

2. if the state, parish or local OHSEP orders a mandatory evacuation of the parish or the area in which the agency is serving, ensure that all clients are evacuated according to the provider's disaster and emergency preparedness plan;

3. review and update its disaster and emergency preparedness plan at least once a year;

4. cooperate with the department and with the local or parish OHSEP in the event of an emergency or disaster and provide information as requested;

5. monitor weather warnings and watches as well as evacuation orders from local and state emergency preparedness officials;

6. upon request by the department, submit a copy of its emergency preparedness plan for review; and

7. upon request by the department, submit a written summary attesting how the emergency plan was followed and executed. The summary shall contain, at a minimum:

a. pertinent plan provisions and how the plan was followed and executed;

b. plan provisions that were not followed;

c. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;

d. contingency arrangements made for those plan provisions not followed; and

e. a list of all injuries and deaths of clients that occurred during execution of the plan, evacuation or temporary relocation including the date, time, causes and circumstances of the injuries and deaths.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1710 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1385 (July 2017).

§5678. Inactivation of License due to a Non-Declared Emergency or Disaster

A. A licensed BHS provider in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the licensed BHS provider shall submit written notification to the Health Standards Section within 30 days of the date of the non-declared emergency or disaster stating that:

a. the BHS provider has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the licensed BHS provider intends to resume operation as a BHS provider in the same service area;

c. the licensed BHS provider attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the licensed BHS provider's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding or replacement of the facility.

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

2. the licensed BHS provider continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the licensed BHS provider continues to submit required documentation and information to the department, including but not limited to cost reports.

B. Upon receiving a completed written request to temporarily inactivate a BHS provider license, the department shall issue a notice of inactivation of license to the BHS provider.

C. Upon the provider's receipt of the department's approval of request to inactivate the provider's license, the provider shall have 90 days to submit plans for the repairs, renovations, rebuilding or replacement of the facility, if applicable, to the OSFM and the OPH as required.

D. The licensed BHS provider shall resume operating as a BHS provider in the same service area within one year of

the approval of renovation/construction plans by the OSFM and the OPH as required.

EXCEPTION: If the provider requires an extension of this timeframe due to circumstances beyond the provider's control, the department will consider an extended time period to complete construction or repairs. Such written request for extension shall show the provider's active efforts to complete construction or repairs and the reasons for request for extension of the provider's inactive license. Any approval for extension is at the sole discretion of the department.

E. Upon completion of repairs, renovations, rebuilding or replacement of the facility, a BHS provider which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the BHS provider shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey, where applicable; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate a BHS provider license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the provider has met the requirements for licensure including the requirements of this Subsection.

G. No change of ownership in the BHS provider shall occur until such BHS provider has completed repairs, renovations, rebuilding or replacement construction and has resumed operations as a BHS provider.

H. The provisions of this Subsection shall not apply to a BHS provider which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the BHS provider license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1386 (July 2017).

Subchapter K. Additional Requirements for Children/Adolescent Programs

NOTE: In addition to the requirements applicable to all Behavioral Health Service providers, programs that treat children and/or adolescents shall meet the applicable requirements below.

Subchapter L. Additional Requirements for Mental Health Programs

NOTE: In addition to the requirements applicable to all BHS providers, a provider that provides mental health services shall meet the requirements of Subchapter L.

§5683. Staffing Requirements

A. Medical Director. The provider with a mental health program shall ensure that its medical director, when the provider is required to have a medical director, holds a current, unrestricted license to practice in the state of Louisiana in accordance with the practitioner's state licensing board, and meets the requirements of §5643.B.1.a Exception.

1. - 2. Repealed.

NOTE: The medical director may fulfill the role of the clinical director if the individual is qualified to perform the duties of the clinical director.

B. Clinical Director. The provider with a mental health program shall ensure that its clinical director holds a current, unrestricted license to practice in the state of Louisiana in accordance with the practitioner's state licensing board and meets the requirements of §5643.B.2.a.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1712 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1387 (July 2017).

Subchapter M. Additional Requirements for Substance Abuse/Addiction Treatment Programs

NOTE: In addition to the requirements applicable to all BHS providers, a provider that provides substance abuse/addiction treatment services shall meet the requirements of Subchapter M.

§5693. General Requirements

A. - B.1.b. ...

c. The APRN shall have a collaborative practice agreement with a physician in accordance with the Louisiana State Board of Nursing.

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1714 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1387 (July 2017).

§5698. Partial Hospitalization Services (substance abuse only) (ASAM Level II.5)

A. The provider shall:

1. only admit clients clinically appropriate for ASAM level II.5 into this program;

a. services may be offered during the day or evening hours, before or after work or on weekends, while also allowing the patient to apply their new skills and strategies in the community;

2. maintain a minimum of 20 contact hours per week for adults, at a minimum of three days per week;

3. maintain a minimum of 20 hours per week for children/adolescents, daily or as specified in the patient's treatment plan and may occur during school hours;

a. adolescents shall have access to educational services; or

b. the provider shall be able to coordinate with the school system to ensure that the adolescent's educational needs are met; and

4. review and update the treatment plan in collaboration with the client as needed or at a minimum of every 30 days.

B. Staffing. The provider shall ensure that:

1. a licensed physician is on site as needed for the management of psychiatric and medical needs and on call 24 hours per day, seven days per week;

2. there is a clinical supervisor on-site 10 hours a week and on call 24 hours per day, seven days per week;

3. there is at least one LMHP or UP on site when clinical services are being provided;

4. each LMHP/UP caseload does not exceed 1:25 active clients; and

5. there are nursing services available as needed to meet the nursing needs of the clients.

a. Nursing services may be provided directly by the BHS provider or may be provided or arranged via written contract, agreement, policy, or other document. The BHS provider shall maintain documentation of such arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1387 (July 2017).

Subchapter N. Additional Requirement for Substance Abuse/Addictive Residential Treatment Programs

NOTE: In addition to the requirements applicable to all BHS providers, residential programs that treat substance abuse/addiction shall meet the applicable requirements below.

§5715. Dietary Services

A. - A.6. ...

7. all equipment and utensils used in the preparation and serving of food are properly cleaned, sanitized and stored in accordance with the LAC 51, *Public Health—Sanitary Code*; and

A.8. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1719 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017).

Subchapter O. Additional Requirements for Opioid Treatment Programs

NOTE: In addition to the requirements applicable to all BHS providers, opioid treatment programs shall also meet the requirements of Subchapter O.

§5723. General Provisions

A. - A.3.c. ...

d. adhere to all protocols established by LDH on the death of a client; and

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1720 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017).

§5729. Medications

A. - B.4. ...

5. Exceptions to the Standard Schedule. The provider shall request and obtain approval for an exception to the standard schedule from the state opioid authority. Any exception shall be for an emergency or severe travel hardship.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1722 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017).

Rebekah E. Gee, MD, MPH
Secretary

1707#052

RULE

**Department of Health
Bureau of Health Services Financing**

Inpatient Hospital Services
Graduate Medical Education
Supplemental Payments Pool Elimination
(LAC 50:V.1331)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:V.1331 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 13. Teaching Hospitals

Subchapter B. Reimbursement Methodology

§1331. Acute Care Hospitals

A. Effective for dates of service on or after February 1, 2012, medical education payments for inpatient services which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be paid monthly by Medicaid as interim lump sum payments.

1. Hospitals with qualifying medical education programs shall submit a listing of inpatient claims paid each month by each MCO.

a. Qualifying medical education programs are defined as graduate medical education, paramedical education, and nursing schools.

2. Qualifying hospitals must have a direct medical education add-on component included in their prospective Medicaid per diem rates as of January 31, 2012 which was carved-out of the per diem rate reported to the MCOs.

3. Monthly payments shall be calculated by multiplying the number of qualifying inpatient days submitted by the medical education costs component included in each hospital's fee-for-service prospective per diem rate. Monthly payment amounts shall be verified by the department semi-annually using reports of MCO covered days generated from encounter data. Payment adjustments or recoupments shall be made as necessary based on the MCO encounter data reported to the department.

B. - F.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:877 (May 2008), amended LR 38:2773 (November 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017).

Rebekah E. Gee, MD, MPH
Secretary

1707#053

RULE

**Department of Health
Bureau of Health Services Financing**

Inpatient Hospital Services
High Medicaid Hospitals
Supplemental Payments Pool Reduction
(LAC 50:V.953)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:V.953 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter B. Reimbursement Methodology

§953. Acute Care Hospitals

A. - S. ...

T. Effective for dates of service on or after March 1, 2017, supplemental payments to non-rural, non-state acute care hospitals that qualify as a high Medicaid hospital shall be annual. The amount appropriated for annual supplemental payments shall be reduced to \$1,000. Each qualifying hospital's annual supplemental payment shall be calculated based on the pro rata share of the reduced appropriation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended LR 34:877 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895, 1896 (September 2009), repromulgated LR 35:2182 (October 2009), amended LR 36:1552 (July 2010), LR 36:2561 (November 2010), LR 39:3095 (November 2013), LR 39:3297 (December 2013), LR 40:312 (February 2014), repromulgated LR 40:1939, 1940 (October 2014), LR 41:133 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1389 (July 2017).

Rebekah E. Gee, MD, MPH
Secretary

1707#054

RULE

**Department of Health
Bureau of Health Services Financing**

Medicaid Eligibility
Former Foster Care Adolescents
(LAC 50:III.2308)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:III.2308 in the Medical Assistance Program as authorized by R.S. 36:254 and

pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2308. Former Foster Care Adolescents

A. Pursuant to the Patient Protection and Affordable Care Act of 2010 (collectively referred to as the Affordable Care Act), the Department of Health implemented a Medicaid eligibility group, effective December 31, 2013, to provide health care coverage to youth who are transitioning out of foster care to self-sufficiency upon reaching age 18 or at a higher age selected by the department. This eligibility group is called former foster care adolescents.

B. Eligibility Requirements. Youth who age out of foster care in Louisiana and meet all of the following requirements may receive Medicaid health care coverage under this eligibility group.

1. The youth must be from age 18 up to age 26.

2. The youth must have been in foster care and in Louisiana state custody, and receiving Medicaid upon turning age 18 or upon aging out of foster care at a higher age selected by the department.

B.3. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:2260 (November 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1389 (July 2017).

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

Rebekah E. Gee, MD, MPH
Secretary

1707#055

RULE

**Department of Health
Bureau of Health Services Financing**

Professional Services Program
Reimbursement Methodology
Supplemental Payments
(LAC 50:IX.15151 and 15153)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:IX.15151 and §15153 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter F. Supplemental Payments

§15151. State-Owned or Operated Professional Services Practices

A. Qualifying Criteria. Effective for dates of service on or after February 20, 2017, in order to qualify to receive supplemental payments, physicians and other eligible professional service practitioners must be:

1. ...
2. enrolled as a Louisiana Medicaid provider; and
3. employed by, or under contract to provide services in affiliation with, a state-owned or operated entity, such as a state-operated hospital or other state entity, including a state academic health system, which:
 - a. has been designated by the bureau as an essential provider. Essential providers include:
 - i. LSU School of Medicine—New Orleans;
 - ii. LSU School of Medicine—Shreveport;
 - iii. LSU School of Dentistry; and
 - iv. LSU—state-operated hospitals (Lallie Kemp Regional Medical Center and Villa Feliciana Geriatric Hospital); and
 - b. has furnished satisfactory data to LDH regarding the commercial insurance payments made to its employed physicians and other professional service practitioners.

B. Qualifying Provider Types. For purposes of qualifying for supplemental payments under this Section, services provided by the following professional practitioners will be included:

1. physicians;
2. physician assistants;
3. certified registered nurse practitioners;
4. certified nurse anesthetists;
5. nurse midwives;
6. psychiatrists;
7. psychologists;
8. speech-language pathologists;
9. physical therapists;
10. occupational therapists;
11. podiatrists;
12. optometrists;
13. social workers;
14. dentists;
15. audiologists;
16. chemical dependency counselors;
17. mental health professionals;
18. opticians;
19. nutritionists;
20. paramedics; and
21. doctors of chiropractic.

C. Payment Methodology

1. The supplemental payment to each qualifying physician or other eligible professional services practitioner in the practice plan will equal the difference between the Medicaid payments otherwise made to these qualifying providers for professional services and the average amount

that would have been paid at the equivalent community rate. The *community rate* is defined as the average amount that would have been paid by commercial insurers for the same services.

2. The supplemental payments shall be calculated by applying a conversion factor to actual charges for claims paid during a quarter for Medicaid services provided by the state-owned or operated practice plan providers. The commercial payments and respective charges shall be obtained for the state fiscal year preceding the reimbursement year. If this data is not provided satisfactorily to LDH, the default conversion factor shall equal "1". This conversion factor shall be established annually for qualifying physicians/practitioners by:

- a. determining the amount that private commercial insurance companies paid for commercial claims submitted by the state-owned or operated practice plan or entity; and
- b. dividing that amount by the respective charges for these payers.

3. The actual charges for paid Medicaid services shall be multiplied by the conversion factor to determine the maximum allowable Medicaid reimbursement. For eligible non-physician practitioners, the maximum allowable Medicaid reimbursement shall be limited to 80 percent of this amount.

4. The actual base Medicaid payments to the qualifying physicians/practitioners employed by a state-owned or operated entity shall then be subtracted from the maximum Medicaid reimbursable amount to determine the supplemental payment amount.

D. Supplemental payments for services provided by the qualifying state-owned or operated physician practice plan will be implemented through a quarterly supplemental payment to providers, based on specific Medicaid paid claim data.

E. - F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:544 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1390 (July 2017).

§15153. Non-State-Owned or Operated Professional Services Practices

A. Qualifying Criteria. Effective for dates of service on or after February 20, 2017, in order to qualify to receive supplemental payments, physicians and other eligible professional service practitioners must be:

1. licensed by the state of Louisiana;
2. enrolled as a Louisiana Medicaid provider; and
3. employed by, or under contract to provide services at a non-state owned or operated governmental entity and identified by the non-state owned or operated governmental entity as a physician that is employed by, or under contract to provide services at said entity.

B. Qualifying Provider Types. For purposes of qualifying for supplemental payments under this Section, services provided by the following professional practitioners will be included:

1. physicians;
2. physician assistants;

3. certified registered nurse practitioners;
4. certified nurse anesthetists;
5. nurse midwives;
6. psychiatrists;
7. psychologists;
8. speech-language pathologists;
9. physical therapists;
10. occupational therapists;
11. podiatrists;
12. optometrists;
13. social workers;
14. dentists;
15. audiologists;
16. chemical dependency counselors;
17. mental health professionals;
18. opticians;
19. nutritionists;
20. paramedics; and
21. doctors of chiropractic.

C. The supplemental payment will be determined in a manner to bring payments for these services up to the community rate level.

1. For purposes of this Section, the *community rate* shall be defined as the rates paid by commercial payers for the same service.

D. The non-state governmental entity shall periodically furnish satisfactory data for calculating the community rate as requested by LDH.

E. Payment Methodology

1. The supplemental payment amount shall be determined by establishing a Medicare to community rate conversion factor for the physician or physician practice plan.

2. At the end of each quarter, for each Medicaid claim paid during the quarter, a Medicare payment amount will be calculated and the Medicare to community rate conversion factor will be applied to the result.

3. Medicaid payments made for the claims paid during the quarter will then be subtracted from this amount to establish the supplemental payment amount for that quarter.

F. The supplemental payments shall be made on a quarterly basis and the Medicare to community rate conversion factor shall be recalculated periodically as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:544 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1390 (July 2017).

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

Rebekah E. Gee, MD, MPH
Secretary

1707#056

RULE

Department of Health Office of Public Health

Dairy Products (LAC 51:VII.101)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), has amended Part VII (Dairy Products Regulations) of Title 51. These amendments update the references to the most current version of the federal Food and Drug Administration's *Pasteurized Milk Ordinance* (PMO) as well as revising certain references to the *Code of Federal Regulations* (CFR) cited in the text. Such amendments are required in order for LDH-OPH to be able to enforce the 2015 PMO regulations over the production and distribution of milk and dairy products.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part VII. Dairy Products Regulations

Chapter 1. Milk and Dairy Products

§101. Definitions

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the *Sanitary Code*, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

* * *

Code of Federal Regulations (CFR)—except as otherwise indicated, the April 1, 2010 edition, as amended, of title 21 (21 CFR, *Food and Drugs*) and the January 1, 2010 edition, as amended, of title 7 (7 CFR, *Agriculture*) of the document, so titled and published by the United States Office of the Federal Register, National Archives and Records Administration.

* * *

Good Manufacturing Practices (GMP)—practices used in the manufacturing, packing, or holding of dairy products that comply with the requirements contained in this Part and in 21 CFR 110 and 21 CFR 117 as revised on April 1, 2016, when applicable.

* * *

Methods of Making Sanitation Ratings of Milk Shippers—2007 revision, as amended, published by the U.S. Department of Health and Human Services, Public Health Service, FDA; (internet URL address: <http://www.fda.gov/downloads/Food/GuidanceRegulation/UCM290758.pdf>).

* * *

PMO—the 2015 edition, as amended, of the *Grade "A" Pasteurized Milk Ordinance*, Public Health Service/Food and Drug Administration.

* * *

AUTHORITY NOTE: The first source of authority for promulgation of the Sanitary Code is R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40. This Part is promulgated in accordance with specific provisions of R.S.

40: 4(A)(1)(a). Also see R.S. 40:5.A.(2)(3)(5)(7) (15)(17) and R.S. 40:922.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1258 (June 2002), amended LR 37:2633 (September 2011), LR 38:2793 (November 2012), amended by the Department of Health, Office of Public Health, LR 43:1391 (July 2017).

Jimmy Guidry, MD
State Health Officer
and
Rebecca E. Gee, MD, MPH
Secretary

1707#025

RULE

**Department of Health
Office of Public Health**

Milk Products Laboratory Testing (LAC 51:VII.309)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), has amended parts of Section 309 of Part VII (Dairy Products Regulations) of Title 51. This Rule eliminates a requirement that certain testing of raw milk samples be performed at a state-run facility.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part VII. Dairy Products Regulations

**Chapter 3. Sampling, Examination, Inspections,
Grading, Enforcement Procedures and
Standards of Dairy Products including
Frozen Desserts**

**Subchapter A. Sampling and Examination of Dairy
Products including Frozen Desserts**

**§309. Laboratory Examination of Dairy Products
including Frozen Desserts and Tests for
Environmental Pathogens**

A. The following laboratory examinations shall be performed on milk and dairy products, including frozen desserts.

1. - 2. ...

3. Sediment tests, tests for aflatoxins, beta lactams, tetracyclines, sulfonamides, tests for added water and other tests determined to be necessary by the state health officer shall be performed on raw milk samples collected from each farm bulk milk tank truck load of raw milk that unloaded at each dairy plant, transfer station and receiving station on two consecutive days during each consecutive six-month period.

4. All raw milk samples collected from each farm bulk milk tank represented on each load of raw milk that was found to have a USDA sediment standard that exceed number three or was found to be positive for any of the other tests listed in §309.A.3 above shall be tested using the same test from which the sediment result that exceed three or the positive result on the other tests were obtained on the sample from the load of raw milk.

A.5. - C. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(1)(a). Also see R.S. 40:5(2)(3)(5)(7) (15)(17) and R.S. 40:922.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 37:2651 (September 2011), amended by the Department of Health, Office of Public Health, LR 43:1392 (July 2017).

Jimmy Guidry, MD
State Health Officer
and
Rebecca E. Gee, MD, MPH
Secretary

1707#024

RULE

**Department of Health
Office of Public Health**

Molluscan Shellfish Reuse (LAC 51:XXIII.2101)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Department of Health, Office of Public Health (LDH-OPH), has amended Title 51, *Public Health—Sanitary Code*, Part XXIII (Retail Food Establishments), Chapter 21, (Equipment and Utensils), Section 2101, (General). This action is necessary to assure that mollusk and crustacean shells are not used more than once as serving containers. The changes are as follows.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIII. Retail Food Establishments

Chapter 21. Equipment and Utensils

§2101. General

[formerly paragraph 22:13]

A. ...

B. Mollusk and crustacean shells may not be used more than once as serving containers. This prohibition does not apply to the removal of the animal from the shell for preparation then returning the same animal to the same shell for service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:324 (February 2002), repromulgated LR 28:1417 (June 2002), amended LR 28:2532 (December 2002), amended by the Department of Health, Office of Public Health, LR 43:1392 (July 2017).

Jimmy Guidry, MD
State Health Officer
and
Rebecca E. Gee, MD, MPH
Secretary

1707#023

RULE

**Department of Health
Office of Public Health**

Notice of Parental Rights Form (LAC 48:V.12317)

Under the authority of R.S. 40:4 and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), has amended Part V (Preventive Health Services) of the *Louisiana Administrative Code* (LAC 48). The amendments are necessary to ensure that following a fetal demise, parents are given notice of their rights to choose to provide for the disposition of any fetal remains.

As required by Act 59 of the 2016 Regular Legislative Session, the notice of parental rights form and procedures are to be adopted to Part V (Preventive Health Services) of the *Louisiana Administrative Code* (LAC 48, *Public Health—General*). For this reason, Part V (Preventive Health Services) of the *Louisiana Administrative Code* (LAC 48:V.12317) was amended as follows.

Title 48

PUBLIC HEALTH—GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 123. Preparation of Certificates

§12317. Notice of Parental Rights Form

A. Procedure of Notice of Parental Rights

1. Prior to the final disposition of a miscarried child, but not more than 24 hours after the miscarriage occurs in a health facility, the facility shall notify the patient, or if the patient is incapacitated, the spouse of the patient, both orally and in writing, of both of the following:

- a. the parent’s right to arrange for the final disposition of the child through the use of a parental rights form;
- b. the availability of a chaplain or other counseling services concerning the death of the child, if such services are provided by the health facility.

B. Notice of Parental Rights Form

1. The notice of parental rights form shall contain, at a minimum, all of the following:

- a. a definitive statement that reads as follows: “This notice of parental rights form is required to be provided to you pursuant to Louisiana law;”
- b. a brief description of the provisions of R.S. 40:1191 along with concise instructions for the patient to follow regarding how to properly complete the form and return it to the health facility in the event the patient desires to arrange for the final disposition of the child;
- c. a concise statement of the timelines that must be satisfied in order for the patient to arrange for the final disposition of the miscarried child;
- d. a listing of state, regional, or national grief counseling organizations that may provide counseling services concerning the death of a child.

2. The form should be in substantially the following form or in conformance therewith.

Notice of Parental Rights

Louisiana law requires this form to be given to you to inform you of your right to arrange for the final disposition of

fetal remains resulting from a miscarriage. Please read carefully.

You are only required to sign and return this form if you would like to make arrangements for the burial or cremation of the fetal remains. If you do not sign and return this form the health facility will be allowed to make final disposition of the remains according to state law.

By signing and returning this form, you are choosing to make arrangements for the final disposition of the remains and agree to the following:

1. I understand that Louisiana law requires me to return this completed and signed form to the location listed below within forty-eight (48) hours of the health facility providing me the form. Failure to return the form within forty-eight hours will allow the facility to make final disposition of the remains according to state law. Return the form to:

(Health Facility Contact Information Here)

2. I understand that the health facility will notify me or my designee that the fetal remains may be obtained from the facility within seventy-two (72) hours from the time the facility notifies me or my designee. Failure to obtain the remains within seventy-two (72) hours will allow the hospital to make final disposition of the remains according to state law. Please provide below your contact information and the contact information of your designee who will be taking possession of the remains.

Patient/Spouse/Legal Guardian Signature Date

3. I understand that choosing to arrange for the final disposition of the fetal remains is at my expense and it is my responsibility to ensure that the final disposition of the fetal remains is in accordance with Louisiana law.

I have read and understand the information presented to me on this form and my signature indicates my desire to arrange for the final disposition of the fetal remains.

You may inquire about the chaplain or other counseling services that may be offered by this facility. Other counseling options can be located on the Louisiana Department of Health website at <http://new.dhh.louisiana.gov/index.cfm/page/2656>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1191.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 43:1393 (July 2017).

Jimmy Guidry, MD
State Health Officer
and
Rebekah E. Gee, MD, MPH
Secretary

1707#022

RULE

**Department of Insurance
Office of the Commissioner**

Regulation 46—Long-Term Care Insurance
(LAC 37:XIII.Chapter 19)

The Department of Insurance, pursuant to the authority of the Louisiana insurance code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Regulation 46, Long-Term Care Insurance.

The purpose of the amendments to Regulation 46 is as follows:

1. to adopt changes made to date to the National Association of Insurance Commissioners’ long-term care insurance model regulation (“model regulation”), to adopt model regulation definitions, and to make necessary technical amendments and redesignations to existing

sections of Regulation 46 to accommodate the model regulation;

2. to amend §1937.B for clarity, consistent with the drafting notes of the model regulation;

3. to update cross-references to redesignated sections of title 22 of the *Louisiana Revised Statutes*, which were redesignated pursuant to Act 415 of the 2008 Regular Session;

4. to amend §1907.A consistent with Act 811 of the 2014 Regular Session, revising terminology referring to persons with disabilities and other persons with exceptionalities.

The following table shows new placement for some of the Sections being amended.

Placement as of July 20, 2017	Former Placement
§1939. Premium Rate Schedule Increases for Policies Subject to Loss Ratio Limits Related to Original Filings (new)	-
§1941. Filing Requirement	§1939
§1943. Filing Requirements for Advertising	§1941
§1945. Standards for Marketing	§1943
§1947. Suitability	§1945
§1949. Prohibition Against Pre-Existing Conditions and Probationary Periods in Replacement Policies or Certificates	§1947
§1951. Availability of New Services or Providers (new)	-
§1953. Right to Reduce Coverage and Lower Premiums (new)	-
§1955. Nonforfeiture Benefit Requirement	§1949
§1957. Standards for Benefit Triggers	§1951
§1959. Additional Standards for Benefit Triggers for Qualified Long-Term Care Insurance Contracts	§1953
§1961. Appealing an Insurer's Determination that the Benefit Trigger Is Not Met (new)	-
§1963. Standard Format Outline of Coverage	§1955
§1965. Requirement to Deliver Shopper's Guide	§1957
§1967. Penalties	§1959
§1969. Appendices	§1961

**Title 37
INSURANCE**

Part XIII. Regulations

Chapter 19. Regulation 46—Long-Term Care Insurance

§1901. Purpose

A. The purpose of this regulation is to implement R.S. 22:1181-1191, Long-Term Care Insurance Act, to promote the public interest; to promote the availability of long-term care insurance coverage; to protect applicants for long-term care insurance, as defined, from unfair or deceptive sales or enrollment practices; to facilitate public understanding and comparison of long-term care insurance coverages; and to facilitate flexibility and innovation in the development of long-term care insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:462 (February 2005), LR 43:1394 (July 2017) (effective January 1, 2018).

§1905. Definitions

A. For the purpose of this regulation, the terms *applicant*, *certificate*, *commissioner*, *group long-term care insurance*, *long-term care insurance*, *policy*, and *qualified*

long-term care insurance shall have the meanings set forth in R.S. 22:1184. In addition, the following definitions will apply.

Benefit Trigger—for the purposes of independent review, a contractual provision in the insured's policy of long-term care insurance conditioning the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. For purposes of a tax-qualified long-term care insurance contract, as defined in section 7702B of the *Internal Revenue Code* of 1986, as amended, "benefit trigger" shall include a determination by a licensed health care practitioner that an insured is a chronically ill individual.

* * *

Independent Review Organization—an organization that conducts independent reviews of long-term care benefit trigger decisions.

Licensed Health Care Professional—an individual qualified by education and experience in an appropriate field, to determine, by record review, an insured's actual functional or cognitive impairment.

* * *

Similar Policy Forms—all of the long-term care insurance policies and certificates issued by an insurer in the same long-term care benefit classification as the policy form being considered. Certificates of groups that meet the definition in R.S. 22:1184(4)(a) are not considered similar to certificates or policies otherwise issued as long-term care insurance, but are similar to other comparable certificates with the same long-term care benefit classifications. For purposes of determining similar policy forms, long-term care benefit classifications are defined as follows: institutional long-term care benefits only, non-institutional long-term care benefits only, or comprehensive long-term care benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:462 (February 2005), LR 43:1394 (July 2017) (effective January 1, 2018).

§1907. Policy Definitions

A. ...

* * *

Adult Day Care—a program for six or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting adults who are frail, impaired and elderly, or have other disabilities and who can benefit from care in a group setting outside the home.

* * *

Home Health Care Services—medical and nonmedical services provided in their residences to persons who are ill, have a disability, or have an infirmity. Such services may include homemaker services, assistance with activities of daily living, and respite care services.

* * *

Skilled Nursing Care, Personal Care, Home Care, Specialized Care, Assisted Living Care, and Other Services—shall be defined in relation to the level of skill required, the nature of the care, and the setting in which care must be delivered.

* * *

B. All providers of services including, but not limited to, skilled nursing facility, extended care facility, convalescent nursing home, personal care facility, specialized care providers, assisted living facility, and home care agency shall be defined in relation to the services and facilities required to be available and the licensure, certification, registration, or degree status of those providing or supervising the services. When the definition requires that the provider be appropriately licensed, certified, or registered, it shall also state what requirements a provider must meet in lieu of licensure, certification, or registration when the state in which the service is to be furnished does not require a provider of these services to be licensed, certified, registered, or when the state licenses, certifies, or registers the provider of services under another name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:976 (August 1997), LR 43:1394 (July 2017) (effective January 1, 2018).

§1909. Policy Practices and Provisions

A. - B.8. ...

a. Subsection 1909.B is not intended to prohibit exclusions and limitations by type of provider. However, no long-term care issuer may deny a claim because services are provided in a state other than the state of policy issued under the following conditions:

i. when the state other than the state of policy issue does not have the provider licensing, certification, or registration required in the policy, but where the provider satisfies the policy requirements outlined for providers in lieu of licensure, certification, or registration; or

ii. when the state other than the state of policy issue licenses, certifies, or registers the provider under another name.

b. For purposes of §1909.B.8:

i. *state of policy issue*—the state in which the individual policy or certificate was originally issued.

9. Subsection 1909.B is not intended to prohibit territorial limitations.

C. - F.1.b. ...

2. The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under §1955, the portion of the premium attributable to the additional coverage shall be added to and considered part of the initial annual premium.

3. A reduction in benefits shall not be considered a premium change, but for purposes of the calculation required under §1955, the initial annual premium shall be based on the reduced benefits.

G. Electronic Enrollment for Group Policies

1. In the case of a group defined in R.S. 22:1184(4)(a), any requirement that a signature of an insured be obtained by a producer or insurer shall be deemed satisfied if:

1.a. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:462 (February 2005), LR 43:1395 (July 2017) (effective January 1, 2018).

§1913. Required Disclosure Provisions

A. - G. ...

H. A qualified long-term care insurance contract shall include a disclosure statement in the policy, and in the outline of coverage as contained in §1963 that the policy is intended to be a qualified long-term care insurance contract under section 7702B(b) of the *Internal Revenue Code* of 1986, as amended.

I. A nonqualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in §1963 that the policy is not intended to be a qualified long-term care insurance contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:978 (August 1997), LR 31:465 (February 2005), amended LR 43:1395 (July 2017) (effective January 1, 2018).

§1915. Required Disclosure of Rating Practices to Consumers

A. - A.1. ...

A.2. For certificates issued on or after the effective date of this amended regulation under a *group long-term care insurance policy* as defined in R.S. 22:1184(4), which policy was in force at the time this amended regulation became effective, the provisions of §1915 shall apply on the policy anniversary following February 19, 2006.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:465 (February 2005), amended LR 43:1395 (July 2017) (effective January 1, 2018).

§1917. Initial Filing Requirements

A. This Section applies to any long-term care policy issued in this state on or after August 19, 2005, except that §1917.B.2.d and §1917.B.3 apply to any long-term care policy issued in this state on or after January 1, 2018.

B. - B.2.c. ...

d. a statement that the premiums contain at least the minimum margin for moderately adverse experience defined in §1917.B.2.d.i or the specification of and justification for a lower margin as required by §1917.B.2.d.ii:

i. a composite margin shall not be less than 10 percent of lifetime claims;

ii. a composite margin that is less than 10 percent may be justified in uncommon circumstances. The proposed amount, full justification of the proposed amount, and methods to monitor developing experience that would be the basis for withdrawal of approval for such lower margins must be submitted;

iii. a composite margin lower than otherwise considered appropriate for the stand-alone long-term care policy may be justified for long-term care benefits provided through a life policy or an annuity contract. Such lower composite margin, if utilized, shall be justified by appropriate actuarial demonstration addressing margins and volatility when considering the entirety of the product;

iv. a greater margin may be appropriate in circumstances where the company has less credible

experience to support its assumptions used to determine the premium rates;

e.i. - e.ii. ...

f. a statement that reserve requirements have been reviewed and considered. Support for this statement shall include:

i. sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held; and

ii. a statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement cannot be made, a complete description of the situations where this does not occur. An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship.

3. An actuarial memorandum prepared, dated, and signed by a member of the Academy of Actuaries shall be included and shall address and support each specific item required as part of the actuarial certification and provide at least the following information:

a. an explanation of the review performed by the actuary prior to marking the statements in §1917.B.2.b and §1917.B.2.c;

b. a complete description of pricing assumptions;

c. sources and levels of margins incorporated into the gross premiums that are the basis for the statement in §1917.B.2.a of the actuarial certification and an explanation of the analysis and testing performed in determining the sufficiency of the margins. Deviations in margins between ages, sexes, plans, or states shall be clearly described. Deviations in margins required to be described are other than those produced utilizing generally accepted actuarial methods for smoothing and interpolating gross premium scales; and

d. a demonstration that the gross premiums include the minimum composite margin specified in §1917.B.2.d.

C. In any review of the actuarial certification and actuarial memorandum, the commissioner may request review by an actuary with experience in long-term care pricing who is independent of the company. In the event the commissioner asks for additional information as a result of any review, the period in §1917.B does not include the period during which the insurer is preparing the requested information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:466 (February 2005), amended LR 43:1395 (July 2017) (effective January 1, 2018).

§1919. Requirements to Offer Inflation Protection

A. - A.3. ...

B. Where the policy is issued to a group, the required offer in §1919.A shall be made to the group policyholder; except, if the policy is issued to a group defined in R.S. 22:1184(4)(d), other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.

C. - G.2. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1156 (September 1993), amended LR 23:975 (August 1997), LR 31:467 (February 2005), LR 43:1396 (July 2017) (effective January 1, 2018).

§1921. Prohibition against Post-Claim Underwriting (Formerly §1915)

A. - D. ...

E. Every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those which the insured voluntarily effectuated, and shall annually furnish this information to the insurance commissioner in the format prescribed by the National Association of Insurance Commissioners in §1969, Appendix A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:467 (February 2005), LR 43:1396 (July 2017) (effective January 1, 2018).

§1923. Minimum Standards for Home Health and Community Care Benefits in Long-Term Care Insurance Policies (Formerly §1917)

A. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1158 (September 1993), amended LR 23:982 (August 1997), repromulgated LR 31:467 (February 2005), amended LR 43:1396 (July 2017) (effective January 1, 2018).

§1925. Requirements for Application Forms and Replacement Coverage (Formerly §1921)

A. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and producer, except where the coverage is sold without a producer, containing such questions may be used. With regard to a replacement policy issued to a group defined by R.S. 22:1184(4)(a), the following questions may be modified only to the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced, provided that the certificateholder has been notified of the replacement:

A.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:468 (February 2005), LR 43:1396 (July 2017) (effective January 1, 2018).

**§1927. Reporting Requirements
(Formerly §1923)**

- A. ...
- B. Each insurer shall report annually, by June 30, the 10 percent of its producers with the greatest percentages of lapses and replacements, as measured by §1927.A (§1969, Appendix G).
- C. ...
- D. Every insurer shall report annually, by June 30, the number of lapsed policies as a percentage of its total annual sales and as a percentage of its total number of policies in force as of the end of the preceding calendar year (§1969, Appendix G).
- E. Every insurer shall report annually, by June 30, the number of replacement policies sold as a percentage of its total annual sales and as a percentage of its total number of policies in force as of the preceding calendar year (§1969, Appendix G).
- F. Every insurer shall report annually, by June 30, for qualified long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied (§1969, Appendix E).

G - H. ...

I. Annual rate certification requirements

1. Section 1927.I applies to any long-term care policy issued in this state on or after January 1, 2018.

2. The following annual submission requirements apply subsequent to initial rate filings for individual long-term care insurance policies made under §1927:

a. an actuarial certification prepared, dated, and signed by a member of the American Academy of Actuaries who provides the information shall be included and shall provide at least the following information:

i. a statement of the sufficiency of the current premium rate schedule including:

(a). for the rate schedules currently marketed:

(i). the premium rate schedule continues to be sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated; or

(ii). if the above statement cannot be made, a statement that margins for moderately adverse experience may no longer be sufficient. In this situation, the insurer shall provide to the commissioner, within 60 days of the date the actuarial certification is submitted to the commissioner, a plan of action, including a time frame, for the re-establishment of adequate margins for moderately adverse experience so that the ultimate premium rate schedule would be reasonably expected to be sustainable over the future life of the form with no future premium increases anticipated. Failure to submit a plan of action to the commissioner within 60 days or to comply with the time frame stated in the plan of action constitutes grounds for the commissioner to withdraw or modify approval of the form for future sales pursuant to R.S. 22:972;

(b). for the rate schedules that are no longer marketed:

(i). that premium rate schedule continues to be sufficient to cover anticipated costs under best estimate assumptions; or

(ii). that the premium rate schedule may no longer be sufficient. In this situation the insurer shall provide to the commissioner, within 60 days of the date the actuarial certification is submitted to the commissioner, a plan of action, including a time frame, for the re-establishment of adequate margins for moderately adverse experience;

ii. a description of the review performed that led to the statement;

b. an actuarial memorandum dated and signed by a member of the American Academy of Actuaries who prepares the information shall be prepared to support the actuarial certification and provide at least the following information:

i. a detailed explanation of the data sources and review performed by the actuary prior to making the statement in §1927.I.2.a;

ii. a complete description of experience assumptions and their relationship to the initial pricing assumptions;

iii. a description of the credibility of the experience data;

iv. an explanation of the analysis and testing performed in determining the current presence of margins;

c. the actuarial certification required pursuant to §1927.I.2.a must be based on calendar year data and submitted annually no later than May 1 of each year starting in the second year following the year in which the initial rate schedules are first used. The actuarial memorandum required pursuant to §1927.I.2.b must be submitted at least once every three years with the certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:469 (February 2005), LR 43:1397 (July 2017) (effective January 1, 2018).

§1929. Licensing

(Formerly §1925)

A. A producer is not authorized to market, sell, solicit, or negotiate with respect to long-term care except as authorized by R.S. 22:1543 and R.S. 22:1547(A)(1) and (2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:470 (February 2005), LR 43:1397 (July 2017) (effective January 1, 2018).

§1933. Reserve Standards

(Formerly §1929)

A. When long-term care benefits are provided through the acceleration of benefits under group or individual life policies or riders to such policies, policy reserves for the benefits shall be determined in accordance with R.S. 22:751, R.S. 22:752, and R.S. 22:753. Claim reserves shall also be established in the case when the policy or rider is in claim status.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:470 (February 2005), LR 43:1397 (July 2017) (effective January 1, 2018).

§1935. Loss Ratio

(Formerly §1931)

A. This Section shall apply to all long-term care insurance policies or certificates except those covered under §1917, §1937, and §1939.

B. - C.1. ...

2. the portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of R.S. 22:936;

3. the policy meets the disclosure requirements of R.S. 22:1186(H), (I) and (J);

4. - 5.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:470 (February 2005), LR 43:1398 (July 2017) (effective January 1, 2018).

§1937. Premium Rate Schedule Increases

A. This Section shall apply as follows.

1. Except as provided in §1937.A.2, §1937 applies to any long-term care policy or certificate issued in this state on or after August 19, 2005 and prior to January 1, 2018.

2. For certificates issued on or after the effective date of this amended regulation under a group long-term care insurance policy as defined in R.S. 22:1184(4)(a), which policy was in force at the time this amended regulation became effective, the provisions of §1937 shall apply on the policy anniversary following February 19, 2006.

B. An insurer shall request approval of a pending premium rate schedule increase, including an exceptional increase, to the commissioner at least 45 days prior to the notice to the policyholders and shall include:

1. - 2.b. ...

c. the insurer may request a premium rate schedule increase less than what is required under §1937, and the commissioner may approve such premium rate schedule increase, without submissions of the certification in §1937.B.2.a, if the actuarial memorandum discloses the premium rate schedule increase necessary to make the certification required under §1937.B.2.a, the premium rate schedule increase filing satisfies all other requirements of §1937 and is, in the opinion of the commissioner, in the best interest of policyholders;

3. - 3.a.iv.(a). ...

(b). in the event the commissioner determines as provided in §1905 that offsets may exist, the insurer shall use appropriate net projected experience;

b. - c. ...

d. a statement that policy design, underwriting and claims adjudication practices have been taken into consideration;

e. in the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase, the insurer will need to file composite rates reflecting projections of new certificates; and

f. a demonstration that actual and projected costs exceed costs anticipated at the time of initial pricing under moderately adverse experience and that the composite margin specified in §1917.B.2.d. is projected to be exhausted;

B.4. - C.3. ...

4. all present and accumulated values used to determine rate increases shall use the maximum valuation interest rate for contract reserves as defined annually under R.S. 22:753. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

D. - I.2. ...

J. Section 1937.A through I shall not apply to policies for which the long-term care benefits provided by the policy are *incidental*, as defined in §1905, if the policy complies with all of the following provisions:

1. ...

2. the portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

a. R.S. 22:936;

b. R.S. 22:952; and

c. R.S. 22:914;

3. the policy meets the disclosure requirements of R.S. 22:1186(H), (I), and (J);

4. - 5.h. ...

K. Section 1937.F and §1937.H shall not apply to group insurance policies as defined in R.S. 22:1184(4)(a) where:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:471 (February 2005), amended LR 43:1398 (July 2017) (effective January 1, 2018).

§1939. Premium Rate Schedule Increases for Policies Subject to Loss Ratio Limits Related to Original Filings

A. Section 1939 shall apply as follows.

1. Except as provided in §1939.A.2, §1939 applies to any long-term care policy or certificate issued in this state on or after January 1, 2018.

2. For certificates issued on or after the effective date of this amended regulation under a group long-term care insurance policy as defined in R.S. 22:1184(4)(a), which policy was in force at the time this amended regulation became effective, the provisions of §1939 shall apply on the policy anniversary following January 1, 2018.

B. An insurer shall request approval of a pending premium rate schedule increase, including an exceptional increase, to the commissioner at least 45 days prior to the notice to the policyholders and shall include:

1. information required by §1915;

2. certification by a qualified actuary that:

a. if the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated;

b. the premium rate filing is in compliance with the provisions of §1939;

c. the insurer may request a premium rate schedule increase less than what is required under §1939 and the commissioner may approve such premium rate schedule increase, without submissions of the certification in §1939.B.2.a, if the actuarial memorandum discloses the premium rate schedule increase necessary to make the certification required under §1939.B.2.a, the premium rate

schedule increase filing satisfies all other requirements of §1939 and is, in the opinion of the commissioner, in the best interest of policyholders;

3. an actuarial memorandum justifying the rate schedule change request that includes:

a. lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale:

i. annual values for the five years preceding and the three years following the valuation date shall be provided separately;

ii. the projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;

iii. the projections shall demonstrate compliance with §1939.C; and

iv. for exceptional increases:

(a). the projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(b). in the event the commissioner determines as provided in §1905 that offsets may exist, the insurer shall use appropriate net projected experience;

b. disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

c. disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary;

d. a statement that policy design, underwriting, and claims adjudication practices have been taken into consideration;

e. in the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase, the insurer will need to file composite rates reflecting projections of new certificates; and

f. a demonstration that actual and projected costs exceed costs anticipated at the time of initial pricing under moderately adverse experience and that the composite margin specified in §1917.B.2.d is projected to be exhausted;

4. a statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the commissioner; and

5. sufficient information for review and approval of the premium rate schedule increase by the commissioner.

C. All premium rate schedule increases shall be determined in accordance with the following requirements:

1. exceptional increases shall provide that 70 percent of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

2. premium rate schedule increases shall be calculated such that the sum of the lesser of the accumulated value of incurred claims, without the inclusion of active life reserves,

or the accumulated value of historic expected claims, without the inclusion of active life reserves, plus the present value of the future expected incurred claims, projected without the inclusion of active life reserves, will not be less than the sum of the following:

a. the accumulated value of the initial earned premium times the greater of 58 percent and the lifetime loss ratio consistent with the original filing including margins for moderately adverse experience;

b. 85 percent of the accumulated value of prior premium rate schedule increases on an earned basis;

c. the present value of future projected initial earned premiums times the greater of 58 percent and the lifetime loss ratio consistent with the original filing including margins for moderately adverse experience; and

d. 85 percent of the present value of future projected premiums not in §1939.C.2.c on an earned basis;

3. expected claims shall be calculated based on the original filing assumptions assumed until new assumptions are filed as part of a rate increase. New assumptions shall be used for all periods beyond each requested effective date of a rate increase. Expected claims are calculated for each calendar year based on the in-force at the beginning of the calendar year. Expected claims shall include margins for moderately adverse experience; either amounts included in the claims that were used to determine the lifetime loss ratio consistent with the original filing or as modified in any rate increase filing;

4. in the event that a policy form has both exceptional and other increases, the values in §1939.C.2.b and d will also include 70 percent for exceptional rate increase amounts; and

5. all present and accumulated values used to determine rate increases, including the lifetime loss ratio consistent with the original filing reflecting margins for moderately adverse experience, shall use the maximum valuation interest rate for contract reserves as defined annually under R.S. 22:753. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

D. For each rate increase that is implemented, the insurer shall file for approval by the commissioner updated projections, as defined in §1939.B.3.a, annually for the next three years and include a comparison of actual results to projected values. The commissioner may extend the period to greater than three years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in §1939.K, the projections required by §1939.D shall be provided to the policyholder in lieu of filing with the commissioner.

E. If any premium rate in the revised premium rate schedule is greater than 200 percent of the comparable rate in the initial premium schedule, lifetime projections, as defined in §1939.B.3.a, shall be filed for approval by the commissioner every five years following the end of the required period in §1939.D. For group insurance policies that meet the conditions in §1939.K, the projections required by §1939.E shall be provided to the policyholder in lieu of filing with the commissioner.

F.1. If the commissioner has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current

projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in §1939.C, the commissioner may require the insurer to implement any of the following:

- a. premium rate schedule adjustments; or
- b. other measures to reduce the difference between the projected and actual experience.

2. In determining whether the actual experience adequately matches the projected experience, consideration should be given to §1939.B.3.e, if applicable.

G. If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file a plan, subject to commissioner approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the commissioner may impose the condition in §1939.H.1-2.

H.1. For a rate increase filing that meets the following criteria, the commissioner shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

- a. the rate increase is not the first rate increase requested for the specific policy form or forms;
- b. the rate increase is not an exceptional increase; and
- c. the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

2. In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the commissioner may determine that a rate spiral exists. Following the determination that a rate spiral exists, the commissioner may require the insurer to offer, without underwriting, to all in force insureds subject to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates.

- a. The offer shall:
 - i. be subject to the approval of the commissioner;
 - ii. be based on actuarially sound principles, but not be based on attained age; and
 - iii. provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.
- b. The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:
 - i. the maximum rate increase determined based on the combined experience; and
 - ii. the maximum rate increase determined based only on the experience of the insureds originally issued the form plus 10 percent.

I. If the commissioner determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the commissioner may, in addition to the provisions of §1939.H.1-2, prohibit the insurer from either of the following:

1. filing and marketing comparable coverage for a period of up to five years; or
2. offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

J. Section 1939.A through I shall not apply to policies for which the long-term care benefits provided by the policy are *incidental*, as defined in §1905, if the policy complies with all of the following provisions:

1. the interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;
2. the portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:
 - a. R.S. 22:936;
 - b. R.S. 22:952; and
 - c. R.S. 22:914;
3. the policy meets the disclosure requirements of R.S. 22:1186(H), (I), and (J);
4. the portion of the policy that provides insurance benefits other than long-term care coverage meets the requirements as applicable in the following:
 - a. policy illustrations as required by Regulation 55;
 - b. disclosure requirements in Regulation 28;
5. an actuarial memorandum is filed with the insurance department that includes:
 - a. a description of the basis on which the long-term care rates were determined;
 - b. a description of the basis for the reserves;
 - c. a summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;
 - d. a description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any;
 - e. a description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;
 - f. the estimated average annual premium per policy and the average issue age;
 - g. a statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and
 - h. a description of the effect of the long-term care policy provision on the required premiums, nonforfeiture

values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

K. Section 1939.F and H shall not apply to group insurance policies as defined in R.S. 22:1184(4)(a) where:

1. the policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

2. the policyholder, and not the certificate holders, pays a material portion of the premium, which shall not be less than 20 percent of the total premium for the group in the calendar year prior to the year a rate increase is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:1398 (July 2017) (effective January 1, 2018).

§1941. Filing Requirement

(Formerly §1939)

A. Prior to a long-term care insurer or other similar organization offering group long-term care insurance to a resident of this state, pursuant to R.S. 22:1185, it shall file with the commissioner evidence that the group meets the requirements of R.S. 22:1184(4)(d); and such insurers shall file for approval any group policy or certificate to be offered to residents of this state, regardless of from where it was issued or delivered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:473 (February 2005), LR 43:1401 (July 2017) (effective January 1, 2018).

§1943. Filing Requirements for Advertising

(Formerly §1941)

A. Every insurer, health care service plan, or other entity providing long-term care insurance or benefits in this state shall provide a copy of any long-term care insurance advertisement intended for use in this state, whether through written, radio, or television medium, to the commissioner of insurance of this state for review or approval by the commissioner to the extent it may be required under state law. In addition, all advertisements shall be retained by the insurer, health care service plan, or other entity for at least three years from the date the advertisement was first used.

B. The commissioner may exempt from these requirements any advertising form or material when, in the commissioner's opinion, this requirement may not be reasonably applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), repromulgated LR 31:473 (February 2005), amended LR 43:1401 (July 2017) (effective January 1, 2018).

§1945. Standards for Marketing

(Formerly §1943)

A. Every insurer, health care service plan, or other entity marketing long-term care insurance coverage in this state, directly or through its producers, shall:

1. establish marketing procedures and producer training requirements to assure that:

a. any marketing activities, including any comparison of policies by its producers or other producers will be fair and accurate; and

b. excessive insurance is not sold or issued;

2. display prominently by type, stamp, or other appropriate means, on the first page of the outline of coverage and policy the following:

Notice to Buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations.

3. provide copies of the disclosure forms required in §1915.D (Appendices B and F) to the applicant;

4. inquire, and otherwise make every reasonable effort to identify, whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness, or long-term care insurance and the types and amounts of any such insurance, except that in the case of qualified long-term care insurance contracts, an inquiry into whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance is not required;

5. establish auditable procedures for verifying compliance with §1943.A;

6. if the state in which the policy or certificate is to be delivered or issued for delivery has a senior insurance counseling program, approved by the commissioner, the insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder that such a program is available and the name, address and telephone number of the program;

7. for long-term care health insurance policies and certificates, use the terms *noncancellable* or *level premium* only when the policy or certificate conforms to §1909.A.3 of this regulation;

8. provide an explanation of contingent benefit upon lapse provided in §1955.D.3 and, if applicable, the additional contingent benefit upon lapse provided to policies with fixed or limited premium paying periods in §1955.D.4.

B. In addition to the practices prohibited in R.S. 22:1961 et seq., the following acts and practices are prohibited.

Cold Lead Advertising—making use directly, or indirectly, of any method of marketing which fails to disclose, in a conspicuous manner, that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

High Pressure Tactics—employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

Misrepresentation—misrepresenting a material fact in selling or offering to sell a long-term care insurance policy.

Twisting—knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.

C.1. With respect to the obligations set forth in §1945.C.1, the primary responsibility of an association, as defined in R.S. 22:1184(4)(b), when endorsing or selling long-term care insurance shall be to educate its members concerning long-term care issues, in general, so that its members can make informed decisions. Associations shall provide objective information regarding long-term care insurance policies or certificates endorsed or sold by such associations to ensure that members of such associations receive a balanced and complete explanation of the features in the policies or certificates that are being endorsed or sold.

2. The insurer shall file with the insurance department the following material:

- a. the policy and certificate;
- b. a corresponding outline of coverage; and
- c. all advertisements requested by the insurance department.

3. The association shall disclose in any long-term care insurance solicitation:

- a. the specific nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support) that the association receives from endorsement or sale of the policy or certificate to its members; and
- b. a brief description of the process under which the policies, and the insurer issuing the policies, were selected.

4. If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose that fact to its members.

5. The board of directors of associations selling or endorsing long-term care insurance policies or certificates shall review and approve the insurance policies as well as the compensation arrangements made with the insurer.

6.a. The association shall also:

- i. at the time of the association's decision to endorse, engage the services of a person with expertise in long-term care insurance, not affiliated with the insurer, to conduct an examination of the policies, including its benefits, features, and rates and update the examination thereafter in the event of material change;

- ii. actively monitor the marketing efforts of the insurer and its producers; and

- iii. review and approve all marketing materials or other insurance communications used to promote sales or sent to members regarding the policies or certificates.

b. Clauses 1945.C.6.a.i-iii shall not apply to qualified long-term care insurance contracts.

7. No group long-term care insurance policy or certificate may be issued to an association unless the insurer files with the state insurance department the information required in §1945.C. 2.a-e.

8. The insurer shall not issue a long-term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in §1945.C.2.a-e.

9. Failure to comply with the filing and certification requirements of §1943 constitutes an unfair trade practice in violation of R.S. 22:1961 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:473 (February 2005), LR 43:1401 (July 2017) (effective January 1, 2018).

§1947. Suitability

(Formerly §1945)

A. Section 1947 shall not apply to life insurance policies that accelerate benefits for long-term care.

B. Every insurer, health care service plan, or other entity marketing long-term care insurance (the *issuer*) shall:

1. develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;

2. train its producers in the use of its suitability standards; and

3. maintain a copy of its suitability standards and make them available for inspection, upon request, by the commissioner.

C.1. To determine whether the applicant meets the standards developed by the issuer, the producer and issuer shall develop procedures that take the following into consideration:

- a. the ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;

- b. the applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and

- c. the values, benefits, and costs of the applicant's existing insurance, if any, when compared to the values, benefits, and costs of the recommended purchase or replacement.

2. The issuer, and where a producer is involved, the producer shall make reasonable efforts to obtain the information set out in §1947.C.1. The efforts shall include presentation to the applicant at, or prior to, application the "Long-Term Care Insurance Personal Worksheet." The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in §1969.B, Appendix B, in not less than 12-point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the commissioner.

3. A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

4. The sale or dissemination outside the company or agency by the issuer or producer of information obtained through the personal worksheet in §1969.B, Appendix B, is prohibited.

D. The issuer shall use the suitability standards it has developed, pursuant to §1947, in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

E. Producers shall use the suitability standards developed by the issuer in marketing long-term care insurance.

F. At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled

“Things You Should Know Before You Buy Long-Term Care Insurance” shall be provided. The form shall be in the format contained in §1969.C, Appendix C, in not less than 12-point type.

G. If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a letter similar to §1969.D, Appendix D. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

H. The issuer shall report annually to the commissioner the total number of applications received from residents of this state, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards, and the number of those who chose to confirm after receiving a suitability letter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:475 (February 2005), LR 43:1402 (July 2017) (effective January 1, 2018).

§1949. Prohibition against Pre-Existing Conditions and Probationary Periods in Replacement Policies or Certificates (Formerly §1947)

A. If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to pre-existing conditions and probationary periods in the new long-term care policy for similar benefits, to the extent that similar exclusions have been satisfied under the original policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), repromulgated LR 31:475 (February 2005), LR 43:1403 (July 2017) (effective January 1, 2018).

§1951. Availability of New Services or Providers

A. An insurer shall notify policyholders of the availability of a new long-term care policy series that provides coverage for new long-term care services or providers material in nature and not previously available through the insurer to the general public. The notice shall be provided within 12 months of the date that the new policy series is made available for sale in this state.

B. Notwithstanding §1951.A above, notification is not required for any policy issued prior to the effective date of §1951 or to any policyholder or certificateholder who is currently eligible for benefits, within an elimination period or on a claim, or who previously had been in claim status, or who would not be eligible to apply for coverage due to issue age limitations under the new policy. The insurer may require that policyholders meet all eligibility requirements,

including underwriting and payment of the required premium to add such new services or providers.

C. The insurer shall make the new coverage available in one of the following ways:

1. by adding a rider to the existing policy and charging a separate premium for the new rider based on the insured's attained age;

2. by exchanging the existing policy or certificate for one with an issue age based on the present age of the insured and recognizing past insured status by granting premium credits toward the premiums for the new policy or certificate. The premium credits shall be based on premiums paid or reserves held for the prior policy or certificate;

3. by exchanging the existing policy or certificate for a new policy or certificate in which consideration for past insured status shall be recognized by setting the premium for the new policy or certificate at the issue age of the policy or certificate being exchanged. The cost for the new policy or certificate may recognize the difference in reserves between the new policy or certificate and the original policy or certificate; or

4. by an alternative program developed by the insurer that meets the intent of §1951 if the program is filed with and approved by the commissioner.

D. An insurer is not required to notify policyholders of a new proprietary policy series created and filed for use in a limited distribution channel. For purposes of §1951.D, “limited distribution channel” means through a discrete entity, such as a financial institution or brokerage, for which specialized products are available that are not available for sale to the general public. Policyholders that purchased such a new proprietary policy shall be notified when a new long-term care policy series that provides coverage for new long-term care services or providers material in nature is made available to that limited distribution channel.

E. Policies issued pursuant to §1951 shall be considered exchanges and not replacements. These exchanges shall not be subject to §1925 and §1947 and the reporting requirements of §1927.A through E.

F. Where the policy is offered through an employer, labor organization, professional, trade, or occupational association, the required notification in §1951.A above shall be made to the offering entity. However, if the policy is issued to a group defined in R.S. 22:1184(4)(d), the notification shall be made to each certificateholder.

G. Nothing in §1951 shall prohibit an insurer from offering any policy, rider, certificate, or coverage change to any policyholder or certificateholder. However, upon request, any policyholder may apply for currently available coverage that includes the new services or providers. The insurer may require that policyholders meet all eligibility requirements, including underwriting and payment of the required premium to add such new services or providers.

H. Section 1951 does not apply to life insurance policies or riders containing accelerated long-term care benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:1403 (July 2017) (effective January 1, 2018).

§1953. Right to Reduce Coverage and Lower Premiums

A.1. Every long-term care insurance policy and certificate shall include a provision that allows the policyholder or certificateholder to reduce coverage and lower the policy or certificate premium in at least one of the following ways:

- a. reducing the maximum benefits; or
- b. reducing the daily, weekly or monthly benefit amount.

2. The insurer may also offer other reduction options that are consistent with the policy or certificate design or the carrier’s administrative processes.

3. In the event the reduction in coverage involves the reduction or elimination of the inflation protection provision, the insurer shall allow the policyholder or certificateholder to continue the benefit amount in effect at the time of the reduction.

B. The provision shall include a description of the process for requesting and implementing a reduction in coverage.

C. The premium for the reduced coverage shall:

- 1. be based on the same age and underwriting class used to determine the premium for the coverage currently in force; and
- 2. be consistent with the approved rate table.

D. The insurer may limit any reduction in coverage to plans or options available for that policy form or certificate and to those for which benefits will be available after consideration of claims paid or payable.

E. If a policy or certificate is about to lapse, the insurer shall provide a written reminder to the policyholder or certificateholder of his or her right to reduce coverage and premiums in the notice required by §1911.A.1.d.

F. Section 1953 does not apply to life insurance policies or riders containing accelerated long-term care benefits.

G. The requirements of §1953.A through F shall apply to any long-term care policy issued in this state on or after January 1, 2018.

H. A premium increase notice required by §1915.E shall include:

- 1. an offer to reduce policy benefits provided by the current coverage consistent with the requirements of §1953;
- 2. a disclosure stating that all options available to the policyholder or certificateholder may not be of equal value; and
- 3. in the case of a partnership policy or certificate, a disclosure that some benefit reduction options may result in a loss in partnership status that may reduce policyholder or certificateholder protections.

I. The requirements of §1953.H shall apply to any rate increase implemented in this state on or after January 1, 2018.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22: 1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:1404 (July 2017) (effective January 1, 2018).

§1955. Nonforfeiture Benefit Requirement (Formerly §1949)

A. Section 1955 does not apply to life insurance policies or riders containing accelerated long-term care benefits.

B. To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of R.S. 22:1188:

1. a policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in §1955.E; and

2. the offer shall be in writing if the nonforfeiture benefit is not otherwise described in the outline of coverage or other materials given to the prospective policyholder.

C. If the offer required to be made under R.S. 22:1188 is rejected, the insurer shall provide the contingent benefit upon lapse described in §1955. Even if this offer is accepted for a policy with a fixed or limited premium paying period, the contingent benefit on lapse in §1955.D.4 shall still apply.

D.1. After rejection of the offer required under R.S. 22:1188, for individual and group policies without nonforfeiture benefits issued after the effective date of §1955, the insurer shall provide a contingent benefit upon lapse.

2. In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

3. A contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured’s initial annual premium set forth below based on the insured’s issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least 45 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase	
Issue Age	Percent Increase over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%

Triggers for a Substantial Premium Increase	
Issue Age	Percent Increase over Initial Premium
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

4.a. A contingent benefit on lapse shall also be triggered for policies with a fixed or limited premium paying period every time an insurer increases the premium rates to a level that results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, the policy or certificate lapses within 120 days of the due date of the premium so increased, and the ratio in §1955.D.6.b is 40 percent or more. Unless otherwise required, policyholders shall be notified at least 45 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase	
Issue Age	Percent Increase over Initial Premium
Under 65	50%
65-80	30%
Over 80	10%

b. This provision shall be in addition to the contingent benefit provided by §1955.D.3 above and, where both are triggered, the benefit provided shall be at the option of the insured.

5. On or before the effective date of a substantial premium increase as defined in §1955.D.3, the insurer shall:

a. offer to reduce policy benefits provided by the current coverage consistent with the requirements of §1953 so that required premium payments are not increased;

b. offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of §1955.E. This option may be elected at any time during the 120-day period referenced in §1955.D.3; and

c. notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in §1955.D.3 shall be deemed to be the election of the offer to convert in §1955.D.5.b above unless the automatic option in §1955.D.6.c applies.

6. On or before the effective date of a substantial premium increase as defined in §1955.D.4 above, the insurer shall:

a. offer to reduce policy benefits provided by the current coverage consistent with the requirements of §1953 so that required premium payments are not increased;

b. offer to convert the coverage to a paid-up status where the amount payable for each benefit is 90 percent of the amount payable in effect immediately prior to lapse times the ratio of the number of completed months of paid premiums divided by the number of months in the premium

paying period. This option may be elected at any time during the 120-day period reference in §1955.D.4; and

c. notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in §1955.D.4 shall be deemed to be the election of the offer to convert in §1955.D.6.b above if the ratio is 40 percent or more.

7. For any long-term care policy issued in this state on or after January 1, 2018:

a. in the event the policy or certificate was issued at least 20 years prior to the effective date of the increase, a value of 0 percent shall be used in place of all values in the above table; and

b. values above 100 percent in the table in §1955.D.3 above shall be reduced to 100 percent.

E. Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse in accordance with §1955.D.3 but not §1955.D.4, are described in §1955.E.

1. For purposes of §1955.E, *attained age rating* is defined as a schedule of premiums, starting from the issue date, which increases with increasing age at least 1 percent per year prior to age 50, and at least 3 percent per year beyond age 50.

2. For purposes of §1955.E, the nonforfeiture benefit shall be a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in §1955.E.3.

3. The standard nonforfeiture credit will be equal to 100 percent of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of §1955.F.

4.a. The nonforfeiture benefit shall begin not later than the end of the third year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first three years as well as thereafter.

b. Notwithstanding §1955.E.4.a, for a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of:

i. the end of the tenth year following the policy or certificate issue date; or

ii. the end of the second year following the date the policy or certificate is no longer subject to attained age rating.

5. Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

F. All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would

have been payable if the policy or certificate had remained in premium paying status.

G. There shall be no difference in the minimum nonforfeiture benefits, as required under §1955, for group and individual policies.

H. The requirements set forth in §1955 shall be effective January 1, 1999 and shall apply as follows.

1. Except as provided in §1955.H.2 and §1955.H.3 below, the provisions of §1955 apply to any long-term care policy issued in this state on or after the effective date of this amended regulation.

2. For certificates issued on or after the effective date of §1955, under a group long-term care insurance policy, as defined in R.S. 22:1184(4)(a), which policy was in force at the time this amended regulation became effective, the provisions of §1955 shall not apply.

3. The last sentence in §1955.C and §1955.D.4 and §1955.D.6 shall apply to any long-term care insurance policy or certificate issued in this state after January 1, 2018, except new certificates on a group policy as defined in R.S. 22:1184(4)(a) after July 1, 2018.

I. Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of §1935, §1937, or §1939, whichever is applicable, treating the policy as a whole.

J. To determine whether contingent nonforfeiture upon lapse provisions are triggered under §1955.D.3 or §1955.D.4, a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

K. A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

1. the nonforfeiture provision shall be appropriately captioned;

2. the nonforfeiture provision shall provide that the amount of the benefit available in the event of a default in the payment of any premiums, and the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency, and interest, as reflected in changes in rates for premium paying contracts approved by the commissioner for the same contract form; and

3. the nonforfeiture provision shall provide at least one of the following:

- a. reduced paid-up insurance;
- b. extended term insurance;
- c. shortened benefit period; or
- d. other similar offerings approved by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:475 (February 2005), LR 43:1404 (July 2017) (effective January 1, 2018).

§1957. Standards for Benefit Triggers (Formerly §1951)

A. A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three of the activities of daily living or the presence of cognitive impairment.

B.1. Activities of daily living shall include at least the following as defined in §1907 and in the policy:

- a. bathing;
- b. continence;
- c. dressing;
- d. eating;
- e. toileting; and
- f. transferring.

2. Insurers may use activities of daily living to trigger covered benefits in addition to those contained in §1957.B.1, as long as they are defined in the policy.

C. An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however the provisions shall not restrict, and are not in lieu of, the requirements contained in §1957.A-B.

D. For purposes of §1957, the determination of a deficiency shall not be more restrictive than:

1. requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or
2. if the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.

E. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses, or social workers.

F. Long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

G. The requirements set forth in §1957 shall be effective January 1, 1999 and shall apply as follows.

1. Except as provided in §1957.G.2, the provisions of §1957 apply to a long-term care policy issued in this state on or after the effective date of the amended regulation.

2. For certificates issued on or after the effective date of §1957, under a group long-term care insurance policy, as defined in R.S. 22:1184(4)(a) that was in force at the time this amended regulation became effective, the provisions of §1957 shall not apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), repromulgated LR 31:477 (February 2005), amended LR 43:1406 (July 2017) (effective January 1, 2018).

§1959. Additional Standards for Benefit Triggers for Qualified Long-Term Care Insurance Contracts (Formerly §1953)

A. For purposes of this Section the following definitions apply.

1. Qualified long-term care services means services that meet the requirements of Section 7702B(c)(1) of the Internal Revenue Code of 1986, as amended, as follows: necessary diagnostic, preventive, therapeutic, curative, treatment, mitigation and rehabilitative services, and maintenance or personal care services which are required by a chronically ill individual, and are provided pursuant to a plan of care prescribed by a licensed health care practitioner.

2.a. Chronically ill individual has the meaning prescribed for this term by Section 7702B(c)(2) of the Internal Revenue Code of 1986, as amended. Under this provision, a chronically ill individual means any individual who has been certified by a licensed health care practitioner as:

i. being unable to perform (without substantial assistance from another individual) at least two activities of daily living for a period of at least 90 days due to a loss of functional capacity; or

ii. requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

b. The term *chronically ill individual* shall not include an individual otherwise meeting these requirements unless within the preceding 12-month period a licensed health care practitioner has certified that the individual meets these requirements.

3. Licensed health care practitioner means a physician, as defined in Section 1861(r)(1) of the Social Security Act, a registered professional nurse, licensed social worker or other individual who meets requirements prescribed by the secretary of the treasury.

4. Maintenance or personal care services means any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual (including the protection from threats to health and safety due to severe cognitive impairment).

B. A qualified long-term care insurance contract shall pay only for qualified long-term care services received by a chronically ill individual provided pursuant to a plan of care prescribed by a licensed health care practitioner.

C. A qualified long-term care insurance contract shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity or to severe cognitive impairment.

D. Certifications regarding activities of daily living and cognitive impairment required pursuant to §1959.C shall be performed by the following licensed or certified professionals: physicians, registered professional nurses, licensed social workers, or other individuals who meet requirements prescribed by the secretary of the treasury.

E. Certifications required pursuant to §1959.C may be performed by a licensed health care professional at the direction of the carrier as is reasonably necessary with respect to a specific claim, except that when a licensed health care practitioner has certified that an insured is unable to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity and the insured is in claim status, the certification may not be rescinded and additional certifications may not be performed until after the expiration of the 90-day period.

F. Qualified long-term care contracts shall include a clear description of the process for appealing and resolving disputes with respect to benefit determinations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:477 (February 2005), amended LR 43:1406 (July 2017) (effective January 1, 2018).

§1961. Appealing an Insurer's Determination That the Benefit Trigger is Not Met

A. For purposes of §1961, "authorized representative" is authorized to act as the covered person's personal representative within the meaning of 45 CFR 164.502(g) promulgated by the secretary of the U.S. Department of Health and Human Services under the administrative simplification provisions of the Health Insurance Portability and Accountability Act and means the following:

1. a person to whom a covered person has given express written consent to represent the covered person in an external review;

2. a person authorized by law to provide substituted consent for a covered person; or

3. a family member of the covered person or the covered person's treating health care professional only when the covered person is unable to provide consent.

B. If an insurer determines that the benefit trigger of a long-term care insurance policy has not been met, it shall provide a clear, written notice to the insured and the insured's authorized representation, if applicable, of all of the following:

1. the reason that the insurer determined that the insured's benefit trigger has not been met;

2. the insured's right to internal appeal in accordance with §1961.C, and the right to submit new or additional information relating to the benefit trigger denial with the appeal request; and

3. the insured's right, after exhaustion of the insurer's internal appeal process, to have the benefit trigger determination reviewed under the independent review process in accordance with §1961.D.

C. Internal Appeal. The insured or the insured's authorized representative may appeal the insurer's adverse benefit trigger determination by sending a written request to the insurer, along with any additional supporting information, within 120 calendar days after the insured and the insured's authorized representative, if applicable, receives the insurer's benefit determination notice. The internal appeal shall be considered by an individual or group of individuals designated by the insurer, provided that the individual or individuals making the internal appeal decision may not be the same individual or individuals who made the initial benefit determination. The internal appeal shall be completed and written notice of the internal appeal decision shall be sent to the insured and the insured's authorized representative, if applicable, within 30 calendar days of the insurer's receipt of all necessary information upon which a final determination can be made.

1. If the insurer's original determination is upheld upon internal appeal, the notice of the internal appeal decision shall describe any additional internal appeal rights

offered by the insurer. Nothing herein shall require the insurer to offer any internal appeal rights other than those described in §1961.C.

2. If the insurer's original determination is upheld after the internal appeal process has been exhausted, and new or additional information has not been provided to the insurer, the insurer shall provide a written description of the insured's right to request an independent review of the benefit determination as described in §1961.D to the insured and the insured's authorized representative, if applicable.

3. As part of the written description of the insured's right to request an independent review, an insurer shall include the following, or substantially equivalent, language: "We have determined that the benefit eligibility criteria ("benefit trigger") of your [policy] [certificate] has not been met. You may have the right to an independent review of our decision conducted by long-term care professionals who are not associated with us. Please send a written request for independent review to us at [address]. You must inform us, in writing, of your election to have this decision reviewed within 120 days of receipt of this letter. Listed below are the names and contact information of the independent review organizations approved by your state insurance commissioner's office to conduct long-term care insurance benefit eligibility reviews. If you wish to request an independent review, please choose one of the listed organizations and include its name with your request for independent review. If you elect independent review but do not choose an independent review organization with your request, we will choose one of the independent review organizations for you and refer the request for independent review to it."

4. If the insurer does not believe the benefit trigger decision is eligible for independent review, the insurer shall inform the insured and the insured's authorized representative, if applicable, and include in the notice the reasons for its determination of independent review ineligibility.

5. The appeal process described in §1961.C is not deemed to be a "new service or provider" as referenced in §1951, Availability of New Services or Providers, and therefore does not trigger the notice requirements of §1951.

D. Independent Review of Benefit Trigger Determination

1. Request. The insured or the insured's authorized representative may request an independent review of the insured's benefit trigger determination after the internal appeal process outlined in §1961.C has been exhausted. A written request for independent review may be made by the insured or the insured's authorized representative to the insurer within 120 calendar days after the insurer's written notice of the final internal appeal decision is received by the insured and the insured's authorized representative, if applicable.

2. Cost. The cost of the independent review shall be borne by the insurer.

3. Independent Review Process

a. Within five business days of reviewing a written request for independent review, the insurer shall refer the request to the independent review organization that the insured or the insured's authorized representative has chosen from the list of approved organizations the insurer has provided to the insured. If the insured or the insured's

authorized representative does not choose an approved independent review organization to perform the review, the insurer shall choose an independent review organization approved by the state. The insurer shall vary its selection of authorized independent review organizations on a rotating basis.

b. The insurer shall refer the request for independent review of a benefit trigger determination to an independent review organization subject to the following:

i. the independent review organization shall be on a list of approved independent review organizations that satisfy the requirements of a qualified long-term care insurance independent review organization contained in §1961;

ii. the independent review organization shall not have any conflicts of interest with the insured, the insured's authorized representative, if applicable, or the insurer; and

iii. such review shall be limited to the information or documentation provided to and considered by the insurer in making its determination, including any information or documentation considered as part of the internal appeal process.

c. If the insured or the insured's authorized representative has new or additional information not previously provided to the insurer, whether submitted to the insurer or the independent review organization, such information shall first be considered in the internal review process, as set forth in §1961.C.

i. While this information is being reviewed by the insurer, the independent review organization shall suspend its review and the time period for review is suspended until the insurer completes its review.

ii. The insurer shall complete its review of the information and provide written notice of the results of the review to the insured and the insured's authorized representative, if applicable, and the independent review organization within five business days of the insurer's receipt of such new or additional information.

iii. If the insurer maintains its denial after such review, the independent review organization shall continue its review and render its decision within the time period specified in §1961.D.3.i below. If the insurer overturns its decision following its review, the independent review request shall be considered withdrawn.

d. The insurer shall acknowledge in writing to the insured and the insured's authorized representative, if applicable, that the request for independent review has been received, accepted, and forwarded to an independent review organization for review. Such notice will include the name and address of the independent review organization.

e. Within five business days of receipt of the request for independent review, the independent review organization assigned pursuant to §1961.D.3 shall notify the insured and the insured's authorized representative, if applicable, and the insurer that it has accepted the independent review request and identify the type of licensed health care professional assigned to the review. The assigned independent review organization shall include in the notice a statement that the insured or the insured's authorized representative may submit in writing to the independent review organization within seven days following the date of receipt of the notice of additional information and

supporting documentation that the independent review organization should consider when conducting its review.

f. The independent review organization shall review all of the information and documents received pursuant to §1961.D.3.e that has been provided to the independent review organization. The independent review organization shall provide copies of any documentation or information provided by the insured or the insured's authorized representative to the insurer for its review, if it is not part of the information or documentation submitted by the insurer to the independent review organization. The insurer shall review the information and provide its analysis of the new information in accordance with the §1961.D.3.h.

g. The insured or the insured's authorized representative may submit, at any time, new or additional information not previously provided to the insurer but pertinent to the benefit trigger denial. The insurer shall consider such information and affirm or overturn its benefit trigger determination. If the insurer affirms its benefit trigger determination, the insurer shall promptly provide such new or additional information to the independent review organization for its review, along with the insurer's analysis of such information.

h. If the insurer overturns its benefit trigger determination:

i. the insurer shall provide notice to the independent review organization and the insured and the insured's authorized representative, if applicable, of its decision; and

ii. the independent review process shall immediately cease.

i. The independent review organization shall provide to the insured and the insured's authorized representative, if applicable, and the insurer written notice of its decision, within 30 calendar days from receipt of the referral referenced in §1961.D.3.b. If the independent review organization overturns the insurer's decision, it shall:

i. establish the precise date within the specific period of time under review that the benefit trigger was deemed to have been met;

ii. specify the specific period of time under review for which the insurer declined eligibility but during which the independent review organization deemed the benefit trigger to have been met; and

iii. for tax-qualified long-term care insurance contracts, provide a certification (made only by a licensed health care practitioner as defined in section 7702B(c)(4) of the *Internal Revenue Code*) that the insured is a chronically ill individual.

j. The decision of the independent review organization with respect to whether the insured met the benefit trigger will be final and binding on the insurer.

k. The independent review organization's determination shall be used solely to establish liability for benefit trigger decisions and is intended to be admissible in any proceeding only to the extent it establishes the eligibility of benefits payable.

l. Nothing in §1961 shall restrict the insured's right to submit a new request for benefit trigger determination

after the independent review decision, should the independent review organization uphold the insurer's decision.

m. The insurance department shall utilize the criteria set forth in §1969.H, Appendix H, Guidelines for Long-Term Care Independent Review Entities, in certifying or approving entities to review long-term care insurance benefit trigger decisions.

n. The commissioner shall maintain and periodically update a list of approved independent review organizations.

E. Approval of Long-Term Care Insurance Independent Review Organizations. The commissioner shall approve a qualified long-term care insurance independent review organization, provided the independent review organization demonstrates to the satisfaction of the commissioner that it is unbiased and meets the following qualifications.

1. Have on staff, or contract with, a qualified and licensed health care professional in an appropriate field for determining an insured's functional or cognitive impairment (e.g. physical therapy, occupational therapy, neurology, physical medicine, and rehabilitation) to conduct the review.

2. Neither it nor any of its licensed health care professionals may, in any manner, be related to or affiliated with an entity that previously provided medical care to the insured.

3. Utilize a licensed health care professional who is not an employee of the insurer or related in any manner to the insured.

4. Neither it nor its licensed health care professional who conducts the reviews may receive compensation of any type that is dependent on the outcome of the review.

5. Be state approved to conduct such reviews if the state requires such approvals.

6. Provide a description of the fees to be charged by it for independent reviews of a long-term care insurance benefit trigger decision. Such fees shall be reasonable and customary for the type of long-term care insurance benefit trigger decision under review.

7. Provide the name of the medical director or health care professional responsible for the supervision and oversight of the independent review procedure.

8. Have on staff, or contract with, a licensed health care practitioner, as defined by Section 7702B(c)(4) of the Internal Revenue Code of 1986, as amended, who is qualified to certify that an individual is chronically ill for purposes of a qualified long-term care insurance contract.

F. Maintenance of Records and Reporting Obligations by Independent Review Organizations. Each approved independent review organization shall comply with the following:

1. maintain written documentation establishing the date it receives a request for independent review, the date each review is conducted, the resolution, the date such resolution was communicated to the insurer and the insured, the name and professional status of the reviewer conducting such review in an easily accessible and retrievable format for the year in which it received the information, plus two calendar years;

2. be able to document measures taken to appropriately safeguard the confidentiality of such records and prevent unauthorized use and disclosures in accordance with applicable federal and state law;

3. report annually to the commissioner, by June 30, in the aggregate and for each long-term care insurer all of the following:

a. the total number of requests received for independent review of long-term care benefit trigger decisions;

b. the total number of reviews conducted and the resolution of such reviews (i.e., the number of reviews which upheld or overturned the long-term care insurer's determination that the benefit trigger was not met);

c. the number of reviews withdrawn prior to review;

d. the percentage of reviews conducted within the prescribed timeframe set forth in §1961.D.3.i; and

e. such other information the commissioner may require.

4. Report immediately to the commissioner any change in its status which would cause it to cease meeting any of the qualifications required of an independent review organization performing independent reviews of long-term care benefit trigger decisions.

G. Additional Rights. Nothing contained in this Section shall limit the ability of an insurer to assert any rights an insurer may have under the policy related to:

1. an insured's misrepresentation;
2. changes in the insured's benefit eligibility; and
3. terms, conditions, and exclusions of the policy, other than failure to meet the benefit trigger.

H. Applicability. The requirements of §1961 apply to a benefit trigger request made under a long-term care insurance policy on or after July 1, 2018.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:1407 (July 2017) (effective January 1, 2018).

§1963. Standard Format Outline of Coverage (Formerly §1955)

A. Section 1963 of the regulation implements, interprets, and makes specific the provisions of R.S. 22:1186(G) in prescribing a standard format and the content of an outline of coverage.

B. The outline of coverage shall be a free-standing document, using no smaller than 10-point type.

C. The outline of coverage shall contain no material of an advertising nature.

D. Text that is capitalized or underscored in the standard format outline of coverage may be emphasized by other means that provide prominence equivalent to the capitalization or underscoring.

E. Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

F. Format for outline of coverage:

[COMPANY NAME]
[ADDRESS—CITY AND STATE]
[TELEPHONE NUMBER]
LONG-TERM CARE INSURANCE
OUTLINE OF COVERAGE

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

CAUTION: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).

2. **PURPOSE OF OUTLINE OF COVERAGE.** This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you **READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!**

3. **FEDERAL TAX CONSEQUENCES.**

(a) This [POLICY] [CERTIFICATE] is intended to be a federally tax-qualified long-term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986, as amended.

OR

(b) Federal Tax Implications of this [POLICY] [CERTIFICATE]. This [POLICY] [CERTIFICATE] is not intended to be a federally tax-qualified long-term care insurance contract under Section 7702B(b) of the Internal Revenue Code of 1986 as amended. Benefits received under the [POLICY] [CERTIFICATE] may be taxable as income.

4. **TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.**

(a) [For long-term care health insurance policies or certificates describe one of the following permissible policy renewability provisions:

(1) Policies and certificates that are guaranteed renewable shall contain the following statement:]

RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your policy, [certificate] to continue this policy as long as you pay your premiums on time. [company name] cannot change any of the terms of your policy on its own, except that, in the future, **IT MAY INCREASE THE PREMIUM YOU PAY.**

(2) [Policies and certificates that are noncancellable shall contain the following statement:]

RENEWABILITY: THIS POLICY [CERTIFICATE] IS NONCANCELLABLE. This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [company name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company Name] may increase your premium at that time for those additional benefits.

(b) [For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy;]

(c) [Describe waiver of premium provisions or state that there are not such provisions;]

5. **TERMS UNDER WHICH THE COMPANY MAY CHANGE PREMIUMS.**

[In bold type larger than the maximum type required to be used for the other provisions of the outline of coverage, state whether or not the company has a right to change the

premium, and if a right exists, describe clearly and concisely each circumstance under which the premium may change.]

6. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

(a) [Provide a brief description of the right to return—"free look" provision of the policy.]

(b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

7. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the *Medicare Supplement Buyer's Guide* available from the insurance company.

(a) [For producers] Neither [insert company name] nor its producers represent Medicare, the federal government or any state government.

(b) [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

8. LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home. This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

9. BENEFITS PROVIDED BY THIS POLICY.

(a) [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]

(b) [Institutional benefits, by skill level.]

(c) [Noninstitutional benefits, by skill level.]

(d) Eligibility for Payment of Benefits

[Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and must be defined and described as part of the outline of coverage.]

[Any additional benefit triggers must also be explained. If these triggers differ for different benefits, explanation of the triggers should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified.]

10. LIMITATIONS AND EXCLUSIONS.

[Describe:

(a) Pre-existing conditions;

(b) Noneligible facilities and provider;

(c) Noneligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);

(d) Exclusions and exceptions;

(e) Limitations.]

[This Section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in Number 9 above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

11. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

(a) That the benefit level will not increase over time;

(b) Any automatic benefit adjustment provisions;

(c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;

(d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;

(e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

12. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

13. PREMIUM.

[(a) State the total annual premium for the policy;

(b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

14. ADDITIONAL FEATURES.

[(a) Indicate if medical underwriting is used;

(b) Describe other important features.]

15. CONTACT THE STATE SENIOR HEALTH INSURANCE ASSISTANCE PROGRAM IF YOU HAVE GENERAL QUESTIONS REGARDING LONG-TERM CARE INSURANCE. CONTACT THE INSURANCE COMPANY IF YOU HAVE SPECIFIC QUESTIONS REGARDING YOUR LONG-TERM CARE INSURANCE POLICY OR CERTIFICATE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:478 (February 2005), LR 43:1410 (July 2017) (effective January 1, 2018).

§1965. Requirement to Deliver Shopper's Guide (Formerly §1957)

A. A long-term care insurance shopper's guide in the format developed by the NAIC, or a guide developed or approved by the commissioner, shall be provided to all prospective applicants of a long-term care insurance policy or certificate.

1. In the case of producer solicitations, a producer must deliver the shopper's guide prior to the presentation of an application or enrollment form.

2. In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.

B. Life insurance policies or riders containing accelerated long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under R.S. 22:1186(I).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September 1993), amended LR 23:975 (August 1997), LR 31:480 (February 2005), amended LR 43:1411 (July 2017) (effective January 1, 2018).

§1967. Penalties (Formerly §1959)

A. In addition to any other penalties provided by the law, any insurer and any producer found to have violated any requirement of this state relating to the regulation of long-term care insurance or the marketing of such insurance shall be subject to a fine of up to three times the amount of any commissions paid for each policy involved in the violation or up to \$10,000, whichever is greater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 19:1153 (September

1993), amended LR 23:975 (August 1997), LR 31:480 (February 2005), LR 43:1411 (July 2017) (effective January 1, 2018).

§1969. Appendices (Formerly 1961)

A. Appendix A

**RESCISSION REPORTING FORM FOR
LONG-TERM CARE POLICIES
FOR THE STATE OF LOUISIANA
FOR THE REPORTING YEAR 20[]**

Company Name: _____
Address: _____

Phone Number: _____

Due: March 1 annually

Instructions:

The purpose of this form is to report all rescissions of long-term care insurance policies or certificates. Those rescissions voluntarily effectuated by an insured are not required to be included in this report. Please furnish one form per rescission.

Policy Form Number	Policy and Certificate Number	Name of Insured	Date of Policy Issuance	Date/s Claim/s Submitted	Date of Rescission

Detailed reason for rescission:

Signature _____

Name and Title (please type) _____

Date _____

B. Appendix B

**LONG-TERM CARE INSURANCE
PERSONAL WORKSHEET**

People buy long-term care insurance for many reasons. Some don't want to use their own assets to pay for long-term care. Some buy insurance to make sure they can choose the type of care they get. Others don't want their family to have to pay for care or don't want to go on Medicaid. But long-term care insurance may be expensive, and may not be right for everyone.

By state law the insurance company must fill out part of the information on this worksheet and ask you to fill out the rest to help you and the company decide if you should buy this policy.

PREMIUM INFORMATION

Policy Form Numbers

The premium for the coverage you are considering will be [\$ _____ per month, or \$ _____ per year.] [a one-time single premium of \$ _____.]

Type of Policy (noncancellable/guaranteed renewable):

The Company's Right to Increase Premiums:

[The company cannot raise your rates on this policy.] [The company has a right to increase premiums on this policy form in the future, provided it raises rates for all policies in the same class in this state.] [Insurers shall use appropriate bracketed statement. Rate guarantees shall not be shown on this form.]

Rate Increase History

The company has sold long-term care insurance since [year] and has sold this policy since [year]. [The company has never raised its rates for any long-term care policy it has sold in this state or any other state.] [The company has not raised its rates for this policy form or similar policy forms in this state or any other state in the last 10 years.] [The company has raised its premium rates on this policy form or similar policy forms in the last 10 years. Following is a summary of the rate increases.]

Questions Related to Your Income

How will you pay each year's premiums?

- From my Income From my Savings/Investments
 My Family will Pay

What is your annual income? (check one)

- Under \$10,000 \$[10-20,000] \$[20-30,000]
 \$[30-50,000] Over \$50,000

How do you expect your income to change over the next 10 years? (check one)

- No change Increase Decrease

If you will be paying premiums with money received only from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7 percent of your income.

Will you buy inflation protection? (check one) Yes No
If not, have you considered how you will pay for the difference between future costs and your daily benefit amount?

- From my Income From my Savings/Investments
 My Family will Pay

The national average annual cost of care in [insert year] was [insert \$ amount], but this figure varies across the country. In ten years the national average annual cost would be about [insert \$ amount] if costs increase 5% annually.

What elimination period are you considering?

Number of days _____ Approximate cost \$ _____ for that period of care.

How are you planning to pay for your care during the elimination period? (check one)

- From my Income From my Savings/Investments
 My Family will Pay

Have you considered whether you could afford to keep this policy if the premiums went up, for example, by 20%?

Questions Related to Your Savings and Investments

Not counting your home, about how much are all of your assets (your savings and investments) worth? (check one)

- Under \$20,000 \$20,000-\$30,000 \$30,000-\$50,000
 Over \$50,000

How do you expect your assets to change over the next ten years? (check one)

- Stay about the same Increase Decrease

If you are buying this policy to protect your assets and your assets are less than \$30,000, you may wish to consider other options for financing your long-term care.

Disclosure Statement

The answers to the questions above describe my financial situation.

or

I choose not to complete this information.
(Check one.)

I acknowledge that the carrier and/or its producer (below) has reviewed this form with me including the premium, premium rate increase history and potential for premium increases in the future. [For direct mail situations, use the following: I acknowledge that I have reviewed this form including the premium, premium rate increase history and potential for premium increases in the future.] I understand the above disclosures. **I understand that the rates for this policy may increase in the future. (This box must be checked).**

Signed: _____ (Applicant) _____ (Date)

[I explained to the applicant the importance of completing this information.]

Signed: _____
(Producer) (Date)

Producer's Printed Name: _____]

[In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My producer has advised me that this policy does not seem to be suitable for me. However, I still want the company to consider my application.]

Signed: _____
(Applicant) (Date)

The company may contact you to verify your answers.

C. Appendix C

THINGS YOU SHOULD KNOW BEFORE

YOU BUY LONG-TERM CARE INSURANCE

- Long-Term Care Insurance**
- A long-term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.
 - [You should not buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]
 - The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.
- Medicare**
- Medicare does **not** pay for most long-term care.
- Medicaid**
- Medicaid will generally pay for long-term care if you have very little income **and** few assets. You probably should not buy this policy if you are now eligible for Medicaid.
 - Many people become eligible for Medicaid after they have used up their own financial resources by paying for long-term care services.
 - When Medicaid pays your spouse's nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.
 - Your choice of long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or state Medicaid agency.
- Shopper's Guide**
- Make sure the insurance company or producer gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Long-Term Care Insurance." Read it carefully. If you have decided to apply for long-term care insurance, you have the right to return the policy within 30 days and get back any premium you have paid if you are dissatisfied for any reason or choose not to purchase the policy.

- Counseling**
- Free counseling and additional information about long-term care insurance are available through your state's insurance counseling program. Contact your state insurance department or department on aging for more information about the senior health insurance counseling program in your state.

- Facilities**
- Some long-term care insurance contracts provide for benefit payments in certain facilities only if they are licensed or certified, such as in assisted living centers. However, not all states regulate these facilities in the same way. Also, many people move into a different state from where they purchased their long-term care insurance policy. Read the policy carefully to determine what types of facilities qualify for benefit payments, and to determine that payment for a covered service will be made if you move to a state that has a different licensing scheme for facilities than the one in which you purchased the policy.

D. Appendix D

LONG-TERM CARE INSURANCE SUITABILITY LETTER

Dear [Applicant]:

Your recent application for long-term care insurance included a "personal worksheet," which asked questions about your finances and your reasons for buying long-term care insurance. For your protection, state law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the page titled "Things You Should Know Before Buying Long-Term Care Insurance." Your state insurance department also has information about long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide any financial information for us to review.]

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next 60 days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next 60 days, we will close your file and not issue you a policy. You should understand that you will not have any coverage until we hear back from you, approve your application and issue you a policy.

Please check one box and return in the enclosed envelope.

- Yes, [although my worksheet indicates that long-term care insurance may not be a suitable purchase,] I wish to purchase this coverage. Please resume review of my application.
- No. I have decided not to buy a policy at this time.

Applicant Signature

Date

Please return to [issuer] at [address] by [date].

E. Appendix E

**CLAIMS DENIAL REPORTING FORM
LONG-TERM CARE INSURANCE**

For the State of _____
For the Reporting Year of _____

Company Name: _____ Due: June 30 annually
Company Address: _____

Company NAIC Number: _____
Contact Person: _____ Phone Number: _____
Line of Business: _____ Individual _____ Group _____

Instructions

The purpose of this form is to report all long-term care claim denials under in force long-term care insurance policies. Indicate the manner of reporting by checking one of the boxes below:

- Per claimant – counts each individual who makes one or a series of claim requests.
 - Per transaction – counts each claim payment request.
- "Denied" means a claim that is not paid for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition. It does not include a request for payment that is in excess of the applicable contractual limits.

Inforce Data

		State Data	Nationwide Data ¹
	Total Number of Inforce Policies [Certificates] as of December 31s		

Claims and Denial Data

		State Data	Nationwide Data ¹
1	Total Number of Long-Term Care Claims Reported		
2	Total Number of Long-Term Care Claims Denied/Not Paid		
3	Number of Claims Not Paid due to Preexisting Condition Exclusion		
4	Number of Claims Not Paid due to Waiting (Elimination) Period Not Met		
5	Net Number of Long-Term Care Claims Denied for Reporting Purposes (Line 2 Minus Line 3 Minus Line 4)		
6	Percentage of Long-Term Care Claims Denied of Those Reported (Line 5 Divided By Line 1)		
7	Number of Long-Term Care Claim Denied due to:		
8	• Long-Term Care Services Not Covered under the Policy ²		
9	• Provider/Facility Not Qualified under the Policy ³		
10	• Benefit Eligibility Criteria Not Met ⁴		
11	• Other		

1. The nationwide data may be viewed as a more representative and credible indicator where the data for claims reported and denied for your state are small in number.

2. Example—home health care claim filed under a nursing home only policy.
3. Example—a facility that does not meet the minimum level of care requirements or the licensing requirements as outlined in the policy.
4. Examples—a benefit trigger not met, certification by a licensed health care practitioner not provided, no plan of care.

F. Appendix F

Instructions:

This form provides information to the applicant regarding premium rate schedules, rate schedule adjustments, potential rate revisions, and policyholder options in the event of a rate increase.

Insurers shall provide all of the following information to the applicant:

**LONG-TERM CARE INSURANCE
POTENTIAL RATE INCREASE DISCLOSURE FORM**

1. **[Premium Rate] [Premium Rate Schedules]:** [Premium rate] [Premium rate schedules] that [is][are] applicable to you and that will be in effect until a request is made and [filed][approved] for an increase [is][are] [on the application][(\$ _____)].
2. **The [premium] [premium rate schedule] for this policy [will be shown on the schedule page of] [will be attached to] your policy.**
3. **Rate Schedule Adjustments:**
The company will provide a description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.) (fill in the blank): _____.
4. **Potential Rate Revisions:**
This policy is Guaranteed Renewable. This means that the rates for this product may be increased in the future. Your rates can NOT be increased due to your increasing age or declining health, but your rates may go up based on the experience of all policyholders with a policy similar to yours.
If you receive a premium rate or premium rate schedule increase in the future, you will be notified of the new premium amount and you will be able to exercise at least one of the following options:
 - Pay the increased premium and continue your policy in force as is.
 - Reduce your policy benefits to a level such that your premiums will not increase. (Subject to state law minimum standards.)
 - Exercise your nonforfeiture option if purchased. (This option is available for purchase for an additional premium.)
 - Exercise your contingent nonforfeiture rights.* (This option may be available if you do not purchase a separate nonforfeiture option.)

Turn the Page

***Contingent Nonforfeiture**

If the premium rate for your policy goes up in the future and you didn't buy a nonforfeiture option, you may be eligible for contingent nonforfeiture. Here's how to tell if you are eligible: You will keep some long-term care insurance coverage, if:

- Your premium after the increase exceeds your original premium by the percentage shown (or more) in the following table; and
- You lapse (not pay more premiums) within 120 days of the increase.

The amount of coverage (i.e., new lifetime maximum benefit amount) you will keep will equal the total amount of premiums you've paid since your policy was first issued. If you have already received benefits under the policy, so that

the remaining maximum benefit amount is less than the total amount of premiums you've paid, the amount of coverage will be that remaining amount.

Except for this reduced lifetime maximum benefit amount, all other policy benefits will remain at the levels attained at the time of the lapse and will not increase thereafter.

Should you choose this Contingent Nonforfeiture option, your policy, with this reduced maximum benefit amount, will be considered "paid-up" with no further premiums due.

Example:

- You bought the policy at age 65 and paid the \$1,000 annual premium for 10 years, so you have paid a total of \$10,000 in premium.
- In the eleventh year, you receive a rate increase of 50%, or \$500 for a new annual premium of \$1,500, and you decide to lapse the policy (not pay any more premiums).
- Your "paid-up" policy benefits are \$10,000 (provided you have a least \$10,000 of benefits remaining under your policy.)

Turn the Page

Contingent Nonforfeiture Cumulative Premium Increase over Initial Premium That qualifies for Contingent Nonforfeiture	
(Percentage increase is cumulative from date of original issue. It does NOT represent a one-time increase.)	
Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

[The following contingent nonforfeiture disclosure need only be included for those limited pay policies to which §1955.D.4 and §1955.D.6 are applicable.

In addition to the contingent nonforfeiture benefits described above, the following reduced "paid-up" contingent nonforfeiture benefit is an option in all policies that have a fixed or limited premium payment period, even if you selected a nonforfeiture benefit when you bought your policy. If both the reduced "paid-up" benefit AND the contingent benefit described above are triggered by the same rate increase, you can choose either of the two benefits.

You are eligible for the reduced "paid-up" contingent nonforfeiture benefit when all three conditions shown below are met:

1. The premium you are required to pay after the increase exceeds your original premium by the same percentage or more shown in the chart below;

Triggers for a Substantial Premium Increase	
Issue Age	Percent Increase Over Initial Premium
Under 65	50%
65-80	30%
Over 80	10%

2. You stop paying your premiums within 120 days of when the premium increase took effect; AND
3. The ratio of the number of months you already paid premiums is 40% or more than the number of months you originally agreed to pay.

If you exercise this option your coverage will be converted to reduced "paid-up" status. That means there will be no additional premiums required. Your benefits will change in the following ways:

- a. The total lifetime amount of benefits your reduced paid up policy will provide can be determined by multiplying 90% of the lifetime benefit amount at the time the policy becomes paid up by the ratio of the number of months you already paid premiums to the number of months you agreed to pay them.
- b. The daily benefit amounts you purchased will also be adjusted by the same ratio.

If you purchased lifetime benefits, only the daily benefit amounts you purchased will be adjusted by the applicable ratio.

Example:

- You bought the policy at age 65 with an annual premium payable for 10 years.
- In the sixth year, you receive a rate increase of 35% and you decide to stop paying premiums.
- Because you have already paid 50% of your total premium payments and that is more than the 40% ratio, your "paid-up" policy benefits are .45 (.90 times .50) times the total benefit amount that was in effect when you stopped paying your premiums. If you purchased inflation protection, it will not continue to apply to the benefits in the reduced "paid-up" policy.

G. Appendix G

**LONG-TERM CARE INSURANCE
REPLACEMENT AND LAPSE REPORTING FORM**

For the State of _____ For the Reporting Year of _____
 Company Name: _____ Due: June 30 annually
 Company Address: _____ Company NAIC Number: _____
 Contact Person: _____ Phone Number: (____) _____

Instructions

The purpose of this form is to report on a statewide basis information regarding long-term care insurance policy replacements and lapses. Specifically, every insurer shall maintain records for each producer on that producer's amount of long-term care insurance replacement sales as a percent of the producer's total annual sales and the amount of lapses of long-term care insurance policies sold by the producer as a percent of the producer's total annual sales. The tables below should be used to report the ten percent (10%) of the insurer's producers with the greatest percentages of replacements and lapses.

Listing of the 10% of Producers with the Greatest Percentage of Replacements

Producer's Name	Number of Policies Sold By This Producer	Number of Policies Replaced By This Producer	Number of Replacements As % of Number Sold By This Producer

Listing of the 10% of Producers with the Greatest Percentage of Lapses

Producer's Name	Number of Policies Sold By This Producer	Number of Policies Lapsed By This Producer	Number of Lapses As % of Number Sold By This Producer

Company Totals

Percentage of Replacement Policies Sold to Total Annual Sales _____%

Percentage of Replacement Policies Sold to Policies In Force (as of the end of the preceding calendar year) _____%

Percentage of Lapsed Policies to Total Annual Sales _____%

Percentage of Lapsed Policies to Policies In Force (as of the end of the preceding calendar year) _____%

H. Appendix H

GUIDELINE FOR LONG-TERM

CARE INDEPENDENT REVIEW ENTITIES

In order for an organization to qualify as an independent review organization for long-term care insurance benefit trigger decisions, it shall comply with all of the following:

- a. The independent review organization shall ensure that all health care professionals on its staff and with whom it contracts to provide benefit trigger determination reviews hold a current unrestricted license or certification to practice a health care profession in the United States.
- b. The independent review organization shall ensure that any health care professional on its staff with whom it contracts to provide benefit trigger determination reviews who is a physician holds a current certification by a recognized American medical specialty board in a specialty appropriate for determining an insured's functional or cognitive impairment.
- c. The independent review organization shall ensure that any health care professional on its staff with whom it contracts to provide benefit trigger determination reviews who is not a physician holds a current certification in the specialty in which that person is licensed, by a recognized American specialty board in a specialty appropriate for determining an insured's functional or cognitive impairment.
- d. The independent review organization shall ensure that all health care professionals on its staff and with whom it contracts to provide benefit trigger determination reviews have no history of disciplinary actions or sanctions including, but not limited to, the loss of staff privileges or any participation restriction taken or pending by any hospital or state or federal government regulatory agency.
- e. The independent review organization shall ensure that neither it, nor any of its employees, agents, or licensed health care professionals utilized for benefit trigger determination reviews receives compensation of any type that is dependent on the outcome of the review.
- f. The independent review organization shall ensure that neither it, nor any of its employees, agents, or licensed health care professionals it utilized for benefit trigger determination reviews are in any manner related to, employed by, or affiliated with the insurer, insured, or with a person who previously provided medical care or long-term care services to the insured.
- g. The independent review organization shall provide a description of the qualifications of the reviewers retained to

conduct independent review of long-term care insurance benefit trigger decisions, including the reviewer's current and past employment history, practice affiliations, and a description of past experience with decisions relating to long-term care, functional capacity, dependency in activities of daily living, or in assessing cognitive impairment. Specifically, with regard to reviews of tax qualified long-term care insurance contracts, it must demonstrate the ability to assess the severity of cognitive impairment requiring substantial supervision to protect the individual from harm or with assessing deficits in the ability to perform without substantial assistance from another person at least two activities of daily living for a period of at least 90 days due to a loss of functional capacity.

h. This independent review organization shall provide a description of the procedures employed to ensure that reviewers conducting independent reviews are appropriately licensed or registered; trained in the principles, procedures, and standards of the independent review organization; and knowledgeable about the functional or cognitive impairments associated with the diagnosis and disease staging processes, including expected duration of such impairment, which is the subject of the independent review.

i. The independent review organization shall provide the number of reviewers retained by the independent review organization and a description of the areas of expertise available from such reviewers and the types of cases such reviewers are qualified to review (e.g. assessment of cognitive impairment or inability to perform activities of daily living due to a loss of functional capacity).

j. The independent review organizations shall provide a description of the policies and procedures employed to protect confidentiality of protected health information, in accordance with federal and state law.

k. The independent review organization shall provide a description of its quality assurance program.

l. The independent review organization shall provide the names of all corporations and organizations owned or controlled by the independent review organization or which own or control the organization, and the nature and extent of any such ownership or control. The independent review organization shall ensure that neither it, nor any of its employees, agents, or licensed health care professionals utilized are not a subsidiary of, or owned or controlled by, an insurer or by a trade association of insurers of which the insured is a member.

m. The independent review organization shall provide the names and résumés of all directors, officers, and executives of the independent review organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:1412 (July 2017) (effective January 1, 2018).

James J. Donelon
Commissioner

1707#057

RULE

**Department of Justice
Law Enforcement Officers and
Firemen's Survivor Benefit Review Board**

Survivor Benefits
(LAC 37:I.1101 and LAC 58:XXIII.Chapter 1)

The Law Enforcement Officers and Firemen's Survivor Benefit Review Board, in accordance with R.S. 40:1665.3 and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., hereby adopts this Rule, repealing the survivor benefits regulations, LAC 37:I.1101 and adopting §101, Survivors Benefits, §103, Definitions, §105, Board

Membership and Domicile, §107, Claims Requests, §109, Procedures for Hearings, and §111, Appeals in Title 58 (Retirement), Part XXIII (Survivor Benefit Board) of the *Louisiana Administrative Code*.

The Rule applies to reviews of survivor benefits claims made on behalf of deceased law enforcement officers and firemen to the Law Enforcement Officers and Firemen's Survivor Benefit Review Board. The Rule addresses additional qualifying claim circumstances enacted by law and clarify documents necessary for adjudication of claims submitted for review by the Law Enforcement Officers and Firemen's Survivor Benefit Review Board. In order to provide continuity and a single point of contact for employee agencies reporting potential qualifying claims, the Rule provides that the attorney general or their designee shall chair the board in lieu of a rotational chairmanship by members of the board.

**Title 37
INSURANCE**

Part I. Risk Management

Subpart 1. Insurance and Related Matters

**Chapter 11. Law Enforcement Officers' and
Firemen's Survivor Benefit Review Board**

§1101. Survivor Benefits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:1947, R.S. 33:1981, R.S. 33:2201, and R.S. 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), repealed by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

**Title 58
RETIREMENT**

Part XXIII. Survivor Benefit Board

**Chapter 1. Law Enforcement Officers and Firemen's
Survivors Benefit Board
(Formerly LAC 37:I.Chapter 11)**

§101. Survivors Benefits

(Formerly LAC 37:I.1101.A-B)

A. Purpose:

1. to establish an effective and efficient mechanism for fulfilling the provisions of R.S. 39:1533(A), 40:1665, 40:1665.3, 40:1665.2(B), and 40:1665.1;

2. to govern the submission, evaluation and determination of claims submitted pursuant to R.S. 40:1665.3, 40:1665.2, 40:1665.1, 40:1665, 33:2011, and 33:2581.

B. Application

1. The rules will apply to all claims arising from R.S. 40:1665, 40:1665.2, and 40:1665.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

§103. Definitions

(Formerly LAC 37:I.1101.C)

Board—the Law Enforcement Officers and Firemen's Survivor Benefit Review Board.

Child—as defined in R.S. 40:1665.3(C)(2).

Fireman—as defined in R.S. 40:1665(B).

Law Enforcement Officer—as defined in R.S. 40:1665.2(B).

Line of Duty—shall include:

1. for law enforcement, any activity performed in which a law enforcement officer suffers death as a result of:

a. an injury arising out of and in the course of the performance of their official duties;

b. arising out of any activity while on or off duty, in their official enforcement capacity, involving the protection of life or property;

c. traveling to or from a public safety emergency or responding to a request for law enforcement assistance regarding the health, safety, or welfare of the public; or

d. traveling to or from their residence or their authorized work area while using a law enforcement vehicle provided by their employing agency;

2. for firemen, an activity performed in which a fireman suffers death as a result of:

a. an injury arising out of and in the course of the performance of their official duties;

b. an injury arising out of an activity, while on or off duty, in their capacity as a firemen, in the protection of life and property;

c. a heart attack or stroke as provided for in R.S. 40:1665.1;

d. a disabling cancer, following 10 or more years of service, as provided for in R.S. 33:2011; or

e. a disease or infirmity of the heart or lungs, which develops during employment in the classified fire service, as provided for in R.S. 33:2581.

Qualifying Claim—those claims meeting the criteria of claims request documentation, and the meaning ascribed to line of duty.

Spouse—as defined in R.S. 40:1665.3(C)(1).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

**§105. Board Membership and Domicile
(Formerly LAC 37:I.1101.D)**

A. The board's official domicile will be located in Baton Rouge. All claims hearings, presentations, etc. will be held in the board's official domicile. Claimant expenses related to claim preparation and presentation are not allowable for reimbursement. Board members serve on a gratuitous basis. The chairman of the board shall be the attorney general, or their designee.

B. The board will be comprised of those individuals or their designees as stated in R.S. 40:1665.3

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

**§107. Claims Requests
(Formerly LAC 37:I.1101.E)**

A. All claims shall be submitted to the chairman of Law Enforcement Officers and Firemen's Survivor Benefit Review Board through the Department of Justice, Attorney General.

B. All claim requests must include the following documentation:

1. notarized affidavit for decedent's date of employment, rank, duty assignment, routine work schedule, work responsibilities, years of classified service if applicable, and brief statement outlining injuries;

2. copy of decedent's commission as police officer/fireman;

3. notarized affidavits from any witnesses to incident;

4. certified copy of investigative report, or uncertified copy accompanied by notarized affidavit of reporting investigative officer, which identifies copy of report as accurate reproduction of original report;

5. certified copy of decedent's death certificate and autopsy protocol report;

6. notarized affidavit from decedent's surviving spouse stating their full name, address, date of marriage, and that they were not legally separated or divorced at time of death. Also, a certified copy of marriage license;

7. list of names and birth dates of each minor child born to or adopted by decedent, certified copies of birth certificates;

8. certified copy of letters of tutorship;

9. notarized affidavit of tutor or legal representative of surviving child stating child is unmarried and under the age of 18, or alternately, is unmarried, under the age of 23, and a student;

10. notarized affidavit of caretaker of surviving child which states the major child is physically and/or mentally handicapped, totally and permanently disabled, and solely dependent upon decedent for support. Also, copy of the major child's medical and/or psychological records; and

11. if decedent was not survived by a spouse, child or children, a notarized copy of the department's form designating decedent's chosen beneficiary. If decedent is not survived by a spouse, child or children, and no beneficiary designation form has been completed, any approved qualifying claim shall be paid to the decedent's estate.

C. Additional information required for some firemen:

1. for claims involving disabling cancer under R.S. 33:2011, a certified copy of medical diagnosis of disabling cancer originating in the bladder, brain, colon, liver, pancreas, skin, kidney, or gastrointestinal tract, and leukemia, lymphoma, and multiple myeloma;

2. for claims involving diseases or infirmity of the heart or lungs under R.S. 33:2581, a certified copy of a

medical diagnosis of disease of the heart or lung during period of classified fire service;

3. for claims involving heart attack or stroke under R.S. 40:1665.1, notarized affidavit providing that heart attack or stroke occurred while on duty while fireman was engaged in an activity which was stressful or physical, or participating in a training exercise that involved stressful or strenuous physical activity, or no later than 24 hours from engaging or participating in such activities, while on duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1418 (July 2017).

**§109. Procedures for Hearings
(Formerly LAC 37:I.1101.F)**

A. Upon receipt of a claim, the chairman will schedule the claim for board hearing within 60 days after all required documentation is received. Each claim shall be assigned a sequential number claim code which shall be utilized for official references.

B. The chairman shall notify the board members, claimant, and appointing authority of the claimant of the claim items up for consideration no later than 10 days prior to hearing.

C. At the hearing date described, the board shall officially receive and act upon all claims received.

D. The board may, at its discretion, entertain additional oral presentations from outside parties regarding the claim.

E. The board shall have the following options with regards to the claim action:

1. approval of the qualifying claim;

2. denial of the claim;

3. deferral pending receipt of additional data; or

4. conditional approval of qualifying claim, pending receipt of any outstanding documentation.

F. The board shall inform the claimant, in writing, of its determination.

G. If approved or upon receipt of outstanding documentation following conditional approval, the board chairman shall certify to the commissioner of administration and request payment in accordance with R.S. 39:1533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1418 (July 2017).

**§111. Appeals
(Formerly LAC 37:I.1101.G)**

A. Claimant may appeal within 60 days of being advised of the board's decision.

B. This appeal shall be filed in the Nineteenth Judicial District Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1418 (July 2017).

Joe Picone
Chairman

1707#034

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Digitized Driver's License (LAC 55:III.161)

In accordance with the provisions of R.S. 32:411(F)(1) and (3)(d) and (f) regarding the implementation of a digitized driver's license and the fee to install the application to display a digitized driver's license, the Department of Public Safety and Corrections, Office of Motor Vehicles, has adopted LAC 55:III, Chapter 1, Subchapter A, §161 to implement rules as are necessary to implement a digitized driver's license as no digitized driver's license is valid until such rules are adopted. This is a completely new section.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§161. Digitized Driver's License

A. As used in this Section, digitized driver's license shall have the meaning assigned to it as in Title 32 of the 1950 Louisiana Revised Statutes.

B. A licensee may obtain a digitized driver's license by purchasing the digitized driver's license application from the department or its authorized representative. The fee to initially install the application to display a digitized driver's license on a mobile device shall be six dollars.

C. The application shall be installed upon initial purchase and upon renewal of a driver's license.

D. The number of active applications per driver's license is limited to one unless the capability to add additional devices is approved by the commissioner.

E. In the case of lost, stolen, or replaced mobile devices, the holder of a digitized driver's license shall re-assign the application to another mobile device and terminate use of the application on the lost, stolen, or replaced mobile device.

F. The licensee utilizing the digitized driver's license is responsible for the successful operation of the application. If the person to whom the licensee is presenting the digitized driver's license to is unable to read the digitized driver's license, it will be as if the licensee did not present a driver's license at all.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:411(F)(1) and (3)(d) and (f).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:1419 (July 2017).

Karen G. St. Germain
Commissioner

1707#035

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Professional Engineer Licensure and Acceptable Engineering Graduate Degrees (LAC 46:LXI.903, 1105, and 1901)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.903, 1105, and 1901.

The revisions remove the expired provisions relating to applicants for licensure as a professional engineer in naval architecture/marine engineering and clarifies the requirements for acceptable engineering graduate degrees.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering or Land Surveying

§903. Professional Engineer Licensure

A. The requirements for licensure as a professional engineer under the alternatives provided in the licensure law are as follows:

1. ...

2. the applicant for licensure as a professional engineer shall be an individual who holds a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, and which were of a standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional engineer by the board.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:2564 (October 2012), LR 39:1060 (April 2013), LR 39:2801 (October 2013), LR 43:538 (March 2017), LR 43:1419 (July 2017).

Chapter 11. Curricula

§1105. Acceptable Engineering Graduate Degrees

A. Acceptable engineering graduate degrees are those in an engineering discipline or sub-discipline from a university having an undergraduate accredited engineering curriculum in the same discipline or sub-discipline and which require the removal of deficiencies in science, mathematics, engineering sciences and engineering design as a prerequisite to the graduate courses; or are those found by the board to be equivalent to such degrees. The successful completion of a minimum of 48 semester credit hours of coursework in engineering sciences and engineering design is required in order to remove deficiencies in engineering sciences and engineering design.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended 7:647 (December 1981), LR 10:805 (October 1984), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 43:1420 (July 2017).

Chapter 19. Disciplines of Engineering

§1901. Disciplines

A. ...
 B. Each individual licensed under R.S. 37:693(B)(5) shall be listed by the board as a professional engineer in the discipline of naval architecture/marine engineering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:118 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004), LR 39:1061 (April 2013), LR 43:1420 (July 2017).

Donna D. Sentell
 Executive Director

1707#039

RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2017-2018 Hunting Regulations and Seasons
 (LAC 76:XIX.Chapter 1)

The Wildlife and Fisheries Commission amends the general and wildlife management area rules and regulations for the 2017-2018 season, the resident game hunting season for the 2017-2019 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2018 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2017-2018 hunting season.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§103. Resident Game Birds and Animals

- A. ...
- B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9
Deer 2017-19	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Area 4 limit 3/season (not to exceed 2 antlered or 2 antlerless deer). Deer Area 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2017-2018

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
* * *				
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. (EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. (EITHER SEX) CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov.	OPENS: 3rd Sat. of Oct. CLOSES: Fri. Before 1st Sat. of Nov. OPENS: 2nd Sat. of Nov. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. (EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. (EITHER SEX) CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	

D. Deer Hunting Schedule 2018-2019

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs

3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. (EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov.	OPENS: 3rd Sat. of Oct. CLOSES: Fri. Before 1st Sat. of Nov. OPENS: 2nd Sat. of Nov. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. (EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
			EITHER SEX SEASON IS IN PROGRESS OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	

E. - G.2.a. ...

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting;

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017).

§107. Experimental Dove Field Leasing Program

A. - B.3. ...

4. Shot is restricted to non-toxic shot, size 6 and smaller.

5. Repealed.

6. Loaded firearms are prohibited in vehicles or at check stations.

7. Persons exhibiting unsafe gun handling as determined by LDWF staff or assigns shall be removed from the field(s).

8. Vehicles are restricted to designated areas or roads.

9. No Littering. Each hunter is responsible for removing his/her trash, including shell hulls, from the leased property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:783 and 56:109B.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 23:593 (May 1997), LR 43:1423 (July 2017).

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. - D.8. ...

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner

and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. - 12. ...

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. 2017-2018 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2018-2019 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day.

Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. - 10. ...

11. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as otherwise specified.

11.a. - 12.a.i.(c). ...

13. Hunter Orange. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a hunter orange or blaze pink cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange or blaze pink cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

14. - 15.b.iii. ...

F. Description of Areas, 2017-2019

1. - 2.c.iv. ...

3. Area 3

a. Portions of the following parishes are open:

- i. Acadia—north of I-10;
- ii. Allen—west of US 165 and south of LA 10;
- iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
- iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
- v. Jefferson Davis—north of I-10 and south of US 190;
- vi. Lafayette—west of I-49 and north of I-10;
- vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
- viii. St. Landry—west of US 167;
- ix. Vernon— east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

- i. Acadia—north of I-10;
- ii. Allen—south of US 190 and west of LA 113;
- iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
- iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
- v. Jefferson Davis—north of I-10 and south of US 190;
- vi. Lafayette—west of I-49 and north of I-10;
- vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
- viii. St. Landry—west of US 167;
- ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

b.ii. - c.v. ...

5. Area 5

a. Portions of the following parishes are open:

i. - iv. ...

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. - b.vii. ...

viii. East Baton Rouge—west of I-110 and west of US 61;

6.b.ix. - 7.a.ii. ...

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. - 10.b.v. ...

G. WMA Regulations

1. - 3.j. ...

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Ouachita, Pomme de Terre, Richard K. Yancey, Sandy Hollow, Sherburne, and Walnut Hill WMAs.

4. - 4.d. ...

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. centerfire break-action and centerfire bolt-action handguns;
- iii. centerfire scoped handguns;
- iv. shotgun slugs or shot larger than BB lead or F steel.

4.f. - 5.a. ...

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. - f. ...

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lake Charles, Opelousas, Minden, Monroe or Hammond for information.

h. - m. ...

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must

display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

5.p. - 11. ...

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. - 14. ...

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pass a Loutre, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire pistols in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. ...

17. WMAs Hunting Schedule and Regulations

a. - e. ...

f. Biloxi. ATVs, UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air-cooled propulsion vessels can only be powered by straight shaft "long tail" air-cooled mud motors that are 25 total horsepower or less on the WMA. All other types of mud boats or air cooled propulsion vessels (including "surface drive" boats) are prohibited. All ATVs, UTVs, and motorcycles are prohibited.

g. - h. ...

i. Dewey W. Wills. Crawfish: 100 pounds per person per day. Limited access area, no motorized vessels or vehicles allowed from November through January. Road Closures: Hunt Road will be closed when water levels at the Larto Lake gage (available at <http://rivergages.mvr.usace.army.mil/WaterControl/stationinfo2.cfm?sid=CE7F3AA4&fid=&dt=S>) reach 45.0 ft msl, and will reopen when water levels recede to 43.0 ft. msl; Muddy Bayou Road will be closed when water levels at the Larto Lake gage (available at <http://rivergages.mvr.usace.army.mil/WaterControl/stationinfo2.cfm?sid=CE7F3AA4&fid=&dt=S>) reach 42.0 ft. msl and

will reopen when water levels recede to 40.0 msl; and Sandy Bayou Road will be closed when water levels at the Larto Lake gage (available at <http://rivergages.mvr.usace.army.mil/WaterControl/stationinfo2.cfm?sid=CE7F3AA4&fid=&dt=S>) reach 42.0 ft. msl and will reopen when water levels recede to 40.0 msl.

j. - m. ...

n. Joyce. Swamp walk: closed between 30 minutes after sunset to 30 minutes before sunrise, no loaded firearms or hunting allowed within 100 yards of walkways. Crawfish: 100 pounds per person per day.

o. - q. ...

r. Maurepas Swamp. No loaded firearms or hunting allowed within 100 yards of nature trail. Crawfish: 100 pounds per person per day. Benchmark closure: area closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. msl and reopened to deer hunting when water levels recede to 2.5 ft. msl following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract).

s. ...

t. Pearl River. All roads closed 8 p.m. to 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of nature trail. Observe "No Hunting" signs. Rifle range open Friday, Saturday and Sunday with a fee. Crawfish: Commercial crawfishing prohibited. 100 pounds per person per day.

u. ...

v. Pointe-aux-Chenes. Parking of motorized vehicles on levees prohibited. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: gate will be open all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational fishing: shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 pounds per person per day. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by engines having total horsepower above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal and Bayou Pointe-aux-Chenes unless authorized by the LDWF. All other motorized

vehicles, horses and mules are prohibited unless authorized by the LDWF. Limited access area, no internal combustion engines allowed from September through January. See WMA map for specific locations. All ATVs, UTVs, motorcycles, horses, and mules prohibited.

w. - ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017).

§113. General and WMA Turkey Hunting Regulations

A. ...

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

B.2. - G.1. ...

2. - 4. Repealed.

5. - 5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017).

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. ...

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

D. - J.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017).

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 2-10 Oct. 7-Nov. 26 Dec. 17-Jan. 15 North Zone: Sept. 2-24 Oct. 7-Nov. 12 Dec. 17-Jan. 15	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 15-30	6	18
King and Clapper Rails	Sept. 15-30 Nov. 11-Jan. 3	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 15-30 Nov. 11-Jan. 3	25 (in aggregate)	75 (in aggregate)
Gallinules	Sep. 15-30 Nov. 11-Jan. 3	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 3 Dec. 16-Feb. 28 West Zone: Nov. 2-Dec. 3 Dec. 16-Feb. 28 East Zone: Nov. 2-Dec. 3 Dec. 16-Feb. 28	8	24
Ducks, Coots and Mergansers	Coastal Zone: Nov. 4-5 (youth only) Nov. 11-Dec. 3 Dec. 16-Jan. 21 West Zone: Nov. 4 (youth only) Nov. 11-Dec. 3 Dec. 16-Jan.21 Jan. 27 (youth only) East Zone: Nov. 11 (youth only) Nov. 18-Dec. 3	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 2 canvasback, 1 mottled duck, 1 black duck, 3 wood ducks, 3	Three times the daily bag limit.

Species	Season Dates	Daily Bag Limit	Possession Limit
	Dec. 16-Jan. 28 Feb. 3 (youth only)	scaup, 2 redheads, and 1 pintail. Daily bag limit on coots is 15. Daily bag limit on mergansers is 5, only 2 of which may be hooded mergansers. Merganser limits are in addition to the daily bag limit for ducks.	
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 4-Dec.3 Dec. 16-Feb. 11 South Zone: Nov. 4-Dec. 3 Dec. 16-Feb. 11	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 2.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 6.
Canada Geese	North Zone: Nov. 4-Dec.3 Dec. 16-Jan. 31 South Zone: Nov. 4-Dec. 3 Dec. 16-Jan. 31	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 4-15 Feb. 12-Mar. 11 South Zone: Dec. 4-15 Feb. 12-Mar. 11	No daily bag limit.	No possession limit.

C. ...

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to sunset.

D.2. - G. ...

H. Statewide Youth Waterfowl Season Regulations. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm. Youths may possess only one firearm while hunting. The supervising

adult shall maintain visual and voice contact with the youth at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017).

Chad Courville
Chairman

1707#029

Notices of Intent

NOTICE OF INTENT

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

Seeds

(LAC 7:XIII.109, 121, 131, 141, 143 and 763)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Agriculture and Forestry and the Agricultural Chemistry and Seed Commission intend to amend the following regulations related to seeds: LAC 7:XIII.109, 121, 131, 141, 143 and 763. The proposed changes to §109 clarify that a tolerance will not be applied for samples tested that contain prohibited noxious weeds; reduces the limitations for specific noxious weeds based on limitations currently listed on the federal noxious weed seed list and recognized by several other states; and corrects the spelling and updates the scientific names of specific noxious weed species. The proposed changes to §121 clarify that Louisiana can perform seed testing and reporting procedures to meet Canadian and International Seed Testing Association (ISTA) testing and reporting requirements and excludes certain AK and HI noxious weed seeds, Orbanche spp., Phelipanche spp., and Striga spp. from the noxious weed exam, and list and define the bulk exam and the fee based on an hourly fee and the complexity of the requested exam. The proposed changes to §131 permit the abbreviation of the terms “annual” and “perennial” in annual and perennial ryegrass, replace the term “inclusive” with term “exclusive” for the nine month maximum germination test date requirement and further define the correct use of germination relabeling stickers as required in the Louisiana Seed Law. The proposed rule changes to §141 clarify that the “hard seed” percentage contained within vegetable seed, known to contain hard seed, will be added to the germination percentage. The amendment to this Section also deletes the existing vegetable kind table, replaces it with the current table published by the USDA Seed Regulatory and Testing Division and adopts the minimum 50 percent germination standard for vegetable and garden seeds that are not listed in the vegetable kinds table. The proposed changes to §143 reduce the maximum total weed seed content from two and one-half percent to one percent. The proposed changes to §763 remove “eastern” from “eastern black nightshade” in the field standards in order to include all species of black nightshade as noxious weeds in certified sugarcane.

Title 7 AGRICULTURE AND ANIMALS Part XIII. Seeds

Chapter 1. General Provisions Subchapter A. Definitions, Administrative Matters §109. List of Noxious Weeds and Limitations on Noxious Weed Seed

A. The weeds listed in the following table are designated as noxious weeds. The seed of any noxious weed is permitted to be in seed sold, distributed, or offered or handled for sale only as provided in the limitation column of the table, except as otherwise provided in Subsection B. There is no tolerance applied to noxious weeds listed as prohibited.

List of Noxious Weeds and Seed Limitations	
Name	Limitations
1. Balloon Vine (<i>Cardiospermum halicacabum</i>)	Prohibited
2. Field Bindweed (<i>Convolvulus arvensis</i>)	Prohibited
3. Hedge Bindweed (<i>Calystegia sepium</i>)	Prohibited
4. Itchgrass (<i>Rottboellia cochinchinensis</i>)	Prohibited
5. Yellow Nutsedge (<i>Cyperus esculentus</i>)	Prohibited
6. Purple Nutsedge (<i>Cyperus rotundus</i>)	Prohibited
7. Tropical Soda Apple (<i>Solanum viarum</i>)	Prohibited
8. Cocklebur (<i>Xanthium</i> spp.)	5 per lb.
9. Spearhead; Beaksedge (<i>Rhynchospora</i> spp.)	5 per lb.
10. Purple Moonflower (<i>Ipomoea turbinata</i>)	9 per lb.
11. Red Rice (<i>Oryza sativa</i>)	9 per lb.
12. Wild Onion and/or Wild Garlic (<i>Allium</i> spp.)	9 per lb.
13. Morning Glory (<i>Ipomoea</i> spp.)	18 per lb.
14. Wild Poinsettia (<i>Euphorbia davidii</i>)	18 per lb.
15. Canada Thistle (<i>Cirsium arvense</i>)	100 per lb.
16. Dock (<i>Rumex</i> spp.)	100 per lb.
17. Dodder (<i>Cuscuta</i> spp.)	100 per lb.
18. Horsenettle (<i>Solanum carolinense</i>)	100 per lb.
19. Johnsongrass (<i>Sorghum halepense</i>)	100 per lb.
20. Quackgrass (<i>Elymus repens</i>)	100 per lb.
21. Russian Knapweed (<i>Rhaponticum repens</i>)	100 per lb.
22. Sheep Sorrel (<i>Rumex acetosella</i>)	100 per lb.
23. Silverleaf Nightshade (<i>Solanum elaeagnifolium</i>)	100 per lb.
24. Wild Mustard and Wild Turnips (<i>Brassica</i> spp. and <i>Sinapis</i> spp.)	100 per lb.
25. Blueweed, Texas (<i>Helianthus ciliaris</i>)	200 per lb.
26. Bermudagrass (<i>Cynodon dactylon</i>)	300 per lb.
27. Buckhorn Plantain (<i>Plantago lanceolata</i>)	300 per lb.
28. Cheat (<i>Bromus secalinus</i>)	300 per lb.
29. Corncockle (<i>Agrostemma githago</i>)	300 per lb.
30. Darnel; Poison Ryegrass (<i>Lolium temulentum</i>)	300 per lb.
31. Hairy Chess (<i>Bromus commutatus</i>)	300 per lb.
32. Hemp Sesbania, Coffeebean, Tall Indigo (<i>Sesbania exaltata</i>)	300 per lb.
33. Indian Jointvetch (<i>Aeschynomene indica</i>)	300 per lb.
34. Mexicanweed (<i>Caperonia castaneifolia</i>)	300 per lb.
Sum of Total Noxious Weed	500 per lb.
(Subject to limitations above)	

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 5:96 (May 1979), LR 7:285 (June 1981), LR 8:563 (November 1982), LR 9:197, 206 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 14:605 (September 1988), LR 23:1282 (October 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Seed Commission, LR 30:199 (February 2004), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural

Chemistry and Seed Commission, LR 39:2704 (October 2013), amended LR 40:744 (April 2014); LR 43:

Subchapter B. Fees

§121. License Fee; Laboratory and Sampling Fees (Formerly §113)

A. ...

B. Laboratory and Sampling Fees. The following laboratory and sampling fees shall be applicable to all seed testing conducted by LDAF.

1. Purity and Germination Examinations Using Association of Official Seed Analysts (AOSA), Canadian, International Seed Testing Association (ISTA) or Federal Seed Act (FSA) Testing Procedures

Seed Kind (1,2)	Purity (3,4)	Germination (4)	Tetrazolium viability	Seed kind (1,2)	Purity (3,4)	Germination (4)	Tetrazolium viability
Alfalfa	\$10.00	\$10.00	\$25.00	Leek	\$10.00	\$10.00	\$25.00
Arugula	\$10.00	\$10.00	\$25.00	Lespedeza	\$10.00	\$10.00	\$25.00
Asparagus	\$10.00	\$10.00	\$25.00	Lettuce	\$10.00	\$10.00	\$25.00
Bahiagrass	\$20.00	\$20.00	\$25.00	Melon	\$10.00	\$10.00	\$25.00
Basil, Sweet	\$10.00	\$10.00	\$25.00	Millet	\$10.00	\$10.00	\$25.00
Bean	\$10.00	\$10.00	\$25.00	Mustard	\$10.00	\$10.00	\$25.00
Beet	\$10.00	\$10.00	\$25.00	Oats	\$10.00	\$10.00	\$25.00
Bentgrass	\$20.00	\$20.00	\$25.00	Onion	\$10.00	\$10.00	\$25.00
Bermudagrass	\$20.00	\$20.00	\$25.00	Orchardgrass	\$20.00	\$20.00	\$25.00
Bluegrass	\$20.00	\$20.00	\$25.00	Pak-choi	\$10.00	\$10.00	\$25.00
Broccoli	\$10.00	\$10.00	\$25.00	Parsley	\$10.00	\$10.00	\$25.00
Brussels Sprouts	\$10.00	\$10.00	\$25.00	Peanut	\$10.00	\$10.00	\$25.00
Buckwheat	\$10.00	\$10.00	\$25.00	Peas	\$10.00	\$10.00	\$25.00
Cabbage	\$10.00	\$10.00	\$25.00	Pepper	\$10.00	\$10.00	\$25.00
Cantaloupe	\$10.00	\$10.00	\$25.00	Pine	\$10.00	\$10.00	\$25.00
Carpetgrass	\$20.00	\$20.00	\$25.00	Plantain	\$10.00	\$10.00	\$25.00
Carrot	\$10.00	\$10.00	\$25.00	Pumpkin	\$10.00	\$10.00	\$25.00
Cauliflower	\$10.00	\$10.00	\$25.00	Radish	\$10.00	\$10.00	\$25.00
Celery	\$10.00	\$10.00	\$25.00	Rape	\$10.00	\$10.00	\$25.00
Centipedegrass	\$20.00	\$20.00	\$25.00	Rice	\$10.00	\$10.00	\$25.00
Chicory	\$10.00	\$10.00	\$25.00	Rutabaga	\$10.00	\$10.00	\$25.00
Chives	\$10.00	\$10.00	\$25.00	Rye	\$10.00	\$10.00	\$25.00
Chufa	\$10.00	\$10.00	\$25.00	Ryegrass	\$20.00	\$20.00	\$25.00
Clover	\$10.00	\$10.00	\$25.00	Sage	\$10.00	\$10.00	\$25.00
Collards	\$10.00	\$10.00	\$25.00	Sorghum	\$10.00	\$10.00	\$25.00
Coriander	\$10.00	\$10.00	\$25.00	Soybeans	\$10.00	\$10.00	\$25.00
Corn	\$10.00	\$10.00	\$25.00	Spinach	\$10.00	\$10.00	\$25.00
Cornsalad	\$10.00	\$10.00	\$25.00	Squash	\$10.00	\$10.00	\$25.00
Cotton	\$10.00	\$10.00	\$25.00	Sunflower	\$10.00	\$10.00	\$25.00
Cucumber	\$10.00	\$10.00	\$25.00	Thyme	\$10.00	\$10.00	\$25.00
Dill	\$10.00	\$10.00	\$25.00	Timothy	\$20.00	\$20.00	\$25.00
Eggplant	\$10.00	\$10.00	\$25.00	Tomato	\$10.00	\$10.00	\$25.00
Endive	\$10.00	\$10.00	\$25.00	Triticale	\$10.00	\$10.00	\$25.00
Fescue	\$20.00	\$20.00	\$25.00	Turnip	\$10.00	\$10.00	\$25.00
Gourd	\$10.00	\$10.00	\$25.00	Vetch	\$10.00	\$10.00	\$25.00
Greens	\$10.00	\$10.00	\$25.00	Watermelon	\$10.00	\$10.00	\$25.00
Herb	\$10.00	\$10.00	\$25.00	Wheat	\$10.00	\$10.00	\$25.00
Kale	\$10.00	\$10.00	\$25.00	Zoysiagrass	\$20.00	\$20.00	\$25.00
Kohlrabi	\$10.00	\$10.00	\$25.00	Zucchini	\$10.00	\$10.00	\$25.00
Lab Lab	\$10.00	\$10.00	\$25.00				

(1) Samples of seeds that are unclean, field run or containing high inert matter shall be charged an additional \$10.00 per sample.

(2) Fees for tests on seed kinds not listed shall be based on the cost of a kind with a similar test.

(3) Louisiana Noxious Weed Seed Examination included in Purity Exam.

(4) For germination tests of mixtures of two or more kinds of seed, the fee is the sum of the fees established for germination tests for the components of the mixture. For a purity analysis performed in conjunction with a germination analysis of seed mixtures, the fee is the same as for that component of the mixture for which the highest charge would be made if separately analyzed. For purity analysis not performed in conjunction with a germination analysis the fee is the sum of the fees established for the purity tests for the components of the mixture if separately analyzed.

2. All State Noxious Weed Seed Examination—\$20. Species appearing on the USDA state noxious-weed seed requirements recognized in the administration of the FSA, reported as number found and rate per unit weight.

NOTE: Excludes AK and HI noxious weed seeds, Orbanche spp., Phelipanche spp., and Striga spp., which can be determined by request for an additional hourly fee.

3. Seed Count—\$10. Used to determine the number of seed per lb. or kg.

4. Seed Vigor Test—\$20. Including, but not limited to, accelerated aging and cool germination tests.

5. Varietal Purity—\$20. Including, but not limited to, seed and seedling morphology and fluorescence tests.

6. Red Rice Examination, 4 lb.—\$10; 8 lb.—\$20. Examination of rice sample for the presence of red rice.

7. Herbicide Bioassay—\$25.

8. Bulk Examination—Hourly Fee. Based on complexity of required examination. Examination conducted to determine the occurrence of particular components, including seeds of individual species or particles of specific inert matter (e.g. soil, ergot, sclerotia) in the sample.

9. Service Sample taken by LDAF Inspector—\$15. Sample taken in accordance with the AOSA or FSA seed sampling procedures.

10. Priority Rush Sample—\$25. A priority rush may be requested by the person submitting a sample for testing. Priority rush samples will be processed immediately upon receipt of sample; however, availability of sample results will depend upon the seed kind and the type of tests requested.

11. Hourly Fee—\$50. Applies to especially contaminated or extraordinary samples; also used for custom work such as sample preparation and special bulk samples. Total final cost to be negotiated and agreed upon by both parties prior to work being performed.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 7:164 (April 1981), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 14:603 (September 1988), LR 29:2632 (December 2003), LR 36:1220 (June 2010), LR 37:1373 (May 2011), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2704 (October 2013), amended LR 40:745 (April 2014), LR 41:911 (May 2015), LR 42:211 (February 2016), LR 43:

Subchapter C. Labels; Records; Samples; Tolerances; Standards; Noxious Weed Seed

§131. Analysis Test; Labeling of Seed (Formerly §121)

A. - H. ...

I. The name and kind of variety of seed shall not be abbreviated on the label, but shall be written out in full, except in the case of annual and perennial ryegrass where “ann.” or “per.” may be used for the terms “annual” and “perennial”.

J. No seed shall be sold or offered for sale more than nine months, exclusive of the month of testing, after the date on any germination label applicable to the seed or seed lot. For all vegetable seed packaged in hermetically sealed containers, this period shall be extended to 24 months, exclusive of the month of testing.

1. ...

2. A new tag or label shall be used to state the true germination date. The original tag shall not be changed in any way. If relabeling stickers are used to update the germination information, the month and year of the true germination date must be stated, as well as the lot number that matches the existing original lot number.

K. - K.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and 3:1436.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 16:492 (June 1990), LR 37:270 (January 2011), LR 37:2979 (October 2011), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2705 (October 2013), amended LR 40:746 (April 2014), LR 43:

§141. Germination Standards for Vegetable Seed (Formerly §107)

A. Germination standards for vegetable seed shall be the same as those published under *United States Department of Agriculture Service and Regulatory Announcements Number 156* and subsequent amendments. Minimum germination, which shall also include hard seed, of vegetable or garden seed shall be as follows.

Seed Kind	Percent
Artichoke	60
Asparagus	70
Asparagus bean	75
Bean, garden	70
Bean, lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Burdock, great	60
Cabbage	75
Cabbage, tronchuda	70
Cardoon	60
Carrot	55
Cauliflower	75
Celeriac	55
Celery	55
Chard, Swiss	65
Chicory	65
Chinese cabbage	75
Chives	50
Citron	65
Collards	80
Corn, sweet	75
Cornsalad	70
Cowpea	75
Cress, garden	75
Cress, upland	60
Cress, water	40
Cucumber	80
Dandelion	60
Dill	60
Eggplant	60
Endive	70
Kale	75
Kale, Chinese	75
Kale, Siberian	75
Kohlrabi	75
Leek	60
Lettuce	80
Melon	75
Mustard, India	75
Mustard, spinach	75
Okra	50
Onion	70
Onion, Welsh	70

Seed Kind	Percent
Pak-choi	75
Parsley	60
Parsnip	60
Pea	80
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Sage	60
Salsify	75
Savory, summer	55
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Tomato	75
Tomato, husk	50
Turnip	80
Watermelon	70

B. The minimum germination standard for all other vegetable and garden seed, for which a standard has not been established, shall be 50 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:104 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2707 (October 2013), LR 43:

§143. Standards for Agricultural Seed (Formerly §117)

A. ...

B. No agricultural and vegetable seed shall be sold, offered for sale or exposed for sale containing in excess of one percent of total weed seed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1444 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2708 (October 2013), LR 43:

Chapter 7. Certification of Specific Crops/Varieties Subchapter B. Grain and Row Crop Seeds

§763. Sugarcane (Tissue Culture) Certification Standards (Formerly §207)

A. - D. ...

E. Field Standards

Factor	Foundation	Registered	Certified
Isolation	10 ft.	10 ft.	10 ft.
Other Varieties (obvious)	None	1.00%	1.00%
Off-Type (definite)	None	1.00%	1.00%
Noxious Weeds:			
Johnsongrass	None	5 Plants/Acre	5 Plants/ Acre

Factor	Foundation	Registered	Certified
Itchgrass	None	1 Plant/Acre	1 Plant/ Acre
Black Nightshade	None	3 Plants/Acre	3 Plants/Acre
Harmful Diseases:			
*Sugarcane Yellow Leaf Virus	None	10.00%	10.00%
**Sugarcane Mosaic	None	10.00%	10.00%
**Sugarcane Smut	None	0.50%	0.50%
Harmful Insects:			
***Sugarcane Stem Borers	None	5.00%	5.00%
*Determined by lab analysis for the LSU Sugarcane Disease Detection Lab			
**Plants exhibiting symptoms			
***Determined by percentage of internodes bored			

F. - G.2.c. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 23:1284 (October 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Seed Commission, LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 33:1609 (August 2007), LR 36:1223 (June 2010), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2729 (October 2013), amended LR 40:756 (April 2014), LR 42:212 (February 2016), LR 43:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Lester Cannon, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3004, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on September 4, 2017. No preamble is available.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Seeds

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

The proposed rule change will not result in any costs or savings to state or local governmental units.

In addition to technical updates and clarifying language, the proposed rule (1) provides that no tolerance is applied for noxious weeds that are listed as prohibited, (2) changes the limitation of certain noxious weeds that are permitted to be in seeds from 300 weeds per pound to 100 weeds per pound, and (3) clarifies that two new seed testing services are being offered by the LA Department of Agriculture and Forestry (LDAF). The rule also codifies existing law and current practice for relabeling stickers to update germination information. Finally, the proposed rule updates the minimum germination standard list for vegetable seeds to match the Federal Seed Act list and provides that the minimum germination standard is 50% for other vegetable seeds not listed.

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

The proposed rule clarifies that LDAF offers two new seed testing services (Canadian and International Safe Transit Association testing services and detection of certain AK and HI noxious weed seed). These tests are optional. LDAF charges clients \$10-20 per test. If clients choose to use these services, there may be an increase in testing fees collected by LDAF, which offsets the cost of administering the test.

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

Seed distributors or other clients requesting the Canadian and International Safe Transit Association testing services and detection of certain AK and HI noxious weed seed will be charged a testing fee for this service.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not have an effect on competition and employment.

Dane Morgan
Assistant Commissioner
1707#061

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigation Division

In-Kind Replacements
(LAC 33:III.501)(AQ372)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.501.D (AQ372).

This Rule would allow the owner/operator of a facility that requires an air permit to replace an emissions unit with an identical or functionally equivalent unit without prior approval of the department, provided that the replacement unit:

- does not increase the potential to emit of any regulated pollutant on an hourly or annual basis;
- does not alter the basic design parameters of the process unit or facility;
- is not subject to regulatory requirements that differ from those applicable to the emissions unit being replaced; and
- does not result in a significant emissions increase of any nonattainment pollutant (if the facility is a *major stationary source* as defined in LAC 33:III.504, Nonattainment New Source Review) or regulated NSR pollutant (if the facility is a *major stationary source* as defined in LAC 33:III.509, Prevention of Significant Deterioration);
- records of in-kind replacements shall be kept on-site and available for inspection by the Office of Environmental Compliance.

The replaced emissions unit must also be removed from the facility or otherwise permanently disabled.

Currently, the owner/operator of a facility that requires an air permit must obtain approval of the department prior to replacing an emissions unit with an identical or functionally equivalent unit, even if no changes to the emission limits and monitoring, recordkeeping, and reporting requirements of the facility's permit are necessary. The basis and rationale for this rule are to allow permittees to make certain "in-kind" replacements without first having to obtain an air permit modification. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no

report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§501. Scope and Applicability

A. - C.14. ...

D. Special Provisions for In-Kind Replacements. Replacement of an existing emissions unit with an identical or functionally equivalent unit shall not constitute a modification for purposes of LAC 33:III.501.C.1 and 2, provided that all of the following criteria are met.

1. The replacement unit shall not:

- increase the potential to emit any regulated pollutant on an hourly or annual basis;
- alter the basic design parameters of the process unit or facility; or
- trigger new regulatory requirements necessitating a modification to the facility's permit.

2. The replacement unit shall comply with all emission limits, operational restrictions, performance testing conditions, and monitoring, recordkeeping, and reporting requirements imposed by the facility's permit on the replaced emissions unit.

3. For a facility that constitutes a *major stationary source*, as defined in LAC 33:III.504.K, the emissions increase of each nonattainment pollutant, as calculated in accordance with LAC 33:III.504.A.3 shall be less than the trigger values used to determine whether a calculation of the net emissions increase over the contemporaneous period must be performed.

4. For a facility that constitutes a *major stationary source*, as defined in LAC 33:III.509.B, the emissions increase of each regulated NSR pollutant, as calculated in accordance with LAC 33:III.509.A.4, shall be less than the amount deemed *significant*, as defined in LAC 33:III.509.B.

5. For purposes of LAC 33:III.504 and 509, no creditable emission reductions shall be generated from shutting down the replaced emissions unit.

6. The replaced emissions unit shall be removed from the facility or otherwise disabled.

7. Records of in-kind replacements shall be kept on-site and available for inspection by the Office of Environmental Compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:1063 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 32:1842 (October 2006), LR 33:2082 (October 2007), LR 33:2626 (December 2007), LR 35:461 (March 2009), LR 35:2351 (November 2009), LR 37:1145, 1148 (April 2011), LR 37:1391 (May 2011), LR 37:3221, 3233 (November 2011), re-promulgated

LR 37:3507 (December 2011), LR 43:520 (March 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ372. Such comments must be received no later than August 31, 2017, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ372. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on August 24, 2017, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: In-Kind Replacements

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

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule.

The proposed rule would allow the owner/operator of a facility that requires an air permit to replace an emissions unit with an identical or functionally equivalent unit without prior approval from LDEQ.

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

The proposed rule may have a nominal impact on revenue collections. The Louisiana Department of Environmental Quality (LDEQ) often addresses the replacement of emissions units with identical or functionally equivalent units via letters of response. Because LAC 33:III.Chapter 2 does not establish a fee for letters of response, there will be no decrease in revenues associated with the anticipated decline in applications for in-kind replacements. LDEQ sometimes addresses applications for in-kind replacements by permit modifications, in which case the appropriate permit modification fee would be required, where the fee is dependent upon the facility. However, because the number of permit applications which solely address the replacement of emissions units with identical or functionally equivalent units is rather limited, the decrease in revenues associated with the anticipated decline in such applications is expected to be nominal.

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

Owners/operators of facilities that require an air permit under the Louisiana Air regulations (LAC 33:III) will be directly affected by the proposed action. The proposed rule will require records of in-kind replacements to be retained. However, current regulations require the owner/operator to obtain approval of LDEQ prior to replacing an emissions unit with an identical or functionally equivalent unit, which generally entails preparation of an air permit application and, if required, payment of an air permit application fee. Therefore, costs and other administrative obligations (e.g., paperwork) associated with making in-kind replacements should decrease as a result of the proposed action. Further, owners/operators will benefit by being able to make many in-kind replacements more expeditiously.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Herman Robinson
General Counsel
1707#027

Evan Brasseur
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Board of Certified Public Accountants**

Certified Public Accountants
(LAC 46:XIX.Chapters 3-19)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the State Board of Certified Public Accountants of Louisiana (board) by the Louisiana Accountancy Act, R.S. 37:71 et seq., the board intends to amend its Rules governing certified public accountants (CPAs) Chapters 3-19, to conform them to Act 553 of the 2016 Regular Session of the Louisiana Legislature and to update the rules generally as made necessary by the passage of time and for consistency with current board practices. The proposed changes: remove the 150 semester hour requirement to sit for the CPA exam but maintain the requirement as a condition of licensure (§503); establish a minimum age for licensure as a CPA at 18 years of age (§901); and add a “CPA-retired” status category

(§1105). While fees are not being increased at this time over current levels, the proposed changes include a list of maximum fees, unchanged since 2000, for board services so that rates may be increased gradually by the board as needed over the years (§319). An increase in board member compensation, which has remained the same since 1980, is also among the proposed changes (§311). In conformity with Act 188 of the 2013 Regular Session of the Louisiana Legislature, the proposed changes also provide that practical experience be verified rather than supervised by a licensed CPA (§903). Among other items, the proposed rule changes also: modify educational provisions and delivery methods (§503); incorporate the Uniform Accountancy Act Model rules regarding testing (§505); define and include acceptable military service experience (§903); modify language providing for recognition of foreign credential equivalency and reporting disciplinary action (§1103); clarify that eight hours of CPE in accounting and auditing during a calendar year is required when a CPA participates in attest engagements (§1301); and adopt and include compliance with the American Institute of Certified Public Accountants’ Code of Professional Conduct (§1700). Finally, the proposed changes clarify or remove outdated language, incorporate corresponding standards of other states and national regulatory authorities for CPAs; renumber various provisions; delete wording or references no longer applicable or redundant from various Sections and provisions; remove gender references; and include other changes made necessary by the passage of time and for consistency with current board practices. The proposed changes are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XIX. Certified Public Accountants

Chapter 3. Operating Procedures

§301. Officers

A. The officers shall be chair, secretary, and treasurer. The duties of the respective officers shall be the usual duties assigned to the respective office. The newly elected officers shall assume the duties of their respective offices on the first day of the month following the election of the officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:2 (January 1980), amended LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1967 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

§305. Duties of the Secretary

A. The duties of the secretary include, but are not limited to the following.

1. - 4. ...

5. It shall be the responsibility of the secretary that annual listings of all certified public accountants, registrants in inactive or retired status, and CPA firms are maintained.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:2

(January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1967 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

§309. Meetings

A. Any public meeting may be called by the chair or by joint call of at least two of its members, to be held at the principal office of the board, or at such other place as may be fixed by the board. Regularly scheduled board meetings are usually held quarterly.

B. Meetings of the board shall be conducted in accordance with *Robert's Rules of Order* insofar as such rules are compatible with the laws of the state governing the board or its own resolutions as to its conduct. The chair or presiding officer shall be entitled to vote on every issue for which a vote is called.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:2 (January 1980), amended LR 9:207 (April 1983), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1067 (November 1991), LR 23:1113 (September 1997), LR 26:1967 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

§311. Monthly Compensation

A. The officers of the board shall receive compensation of \$250 per month and other members shall receive \$200 per month. This compensation shall be for time expended by such members in conducting and/or monitoring examinations, attending board meetings and hearings, issuing of certificates and firm permits, conducting investigations, and discharging other duties and powers of the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:6 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1119 (September 1997), LR 26:1968 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

§319. Assessment of Application, Annual and Other Fees

A. Certification, firm permit application, renewal, and other fees shall be assessed by the board in amounts not to exceed the following.

Application Fees	
Original certification application	\$250
Reciprocal certification application	\$120
Retired status application	\$50
Reinstatement of certificate application	\$500
Firm permit application	\$250
Annual Fees	
Renewal of certificate	\$120
Registration CPA inactive status	\$60
Registration CPA retired status	\$50
Renewal of firm permit	\$100
Plus per owner over 10 not to exceed	\$2,500
Notice of substantial equivalency	\$100

Other Fees (in amounts not to exceed)	
Temporary (provisional) licenses	\$100
Replacement of a CPA certificate	\$50*
Transfer of grades transfer fee	\$50
Written verifications	\$50
Pre-Exam Evaluation	\$100
Delinquent and other fees are cited in the Act.	

B. - B.3. ...

C. Returned Check. A fee not to exceed the allowable amount under R.S. 9:2782 will be assessed against each person who pays any obligation to the board with a returned check. Failure to pay the assessed fee within the notified period of time shall cause the application to be returned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), LR 13:13 (January 1987), LR 15:619 (August 1989), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1968 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 28:1013 (May 2002), LR 31:1330 (June 2005), LR 43:

Chapter 5. Qualifications; Education and Examination

§501. Definition

Accredited University or College—a university or college accredited by any one of the six regional accreditation associations (the Southern Association of Colleges and Schools; Middle States Commission on Higher Education; New England Association of Schools and Colleges; North Central Association of Colleges and Secondary Schools; Northwest Association on Colleges and Universities; and Western Association of Schools and Colleges).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1119 (September 1997), amended LR 26:1969 (September 2000), Office of the Governor, Board of Certified Public Accountants, LR 43:

§503. Educational Requirements

A. To be eligible for examination by and under auspices of the board, an applicant shall possess a baccalaureate or higher degree, duly conferred by an accredited university or college recognized and approved by the board. The applicant shall present evidence which shall consist of one or more official transcripts certifying that the applicant has attained the foregoing degree and educational hours, and said transcripts shall evidence award of credit for satisfactory completion of the following courses and credit hours, according to whether such courses and credits are taken as an undergraduate course and semester hour or a graduate course and semester hour.

	Undergraduate Semester Hours	Graduate Semester Hours
Accounting Courses		
Intermediate	6	3
Cost	3	3
Income tax	3	3
Auditing	3	3

	Undergraduate Semester Hours	Graduate Semester Hours
Accounting Courses		
Accounting Electives:	9	9
3 semester hours from one of the following:		
Advanced Financial Accounting,		
Not-for-profit Accounting/Auditing,		
Theory		
6 semester hours in accounting above the basic and beyond the elementary level		
Total Accounting Courses	24	21
	Undergraduate Semester Hours	Graduate Semester Hours
Business Courses (other than Accounting Courses)	24	24
Including at least 3 semester hours in Commercial Law		
Total Business Courses	24	24

1. The board will accept for business course credit semester hours earned in courses offered through the institution's College of Business and reported on official transcripts in the following areas:

a. - k. ...

1. CPA examination review courses if the curriculum is developed and taught by a faculty member under contract at the accredited college or university which is offering the course for credit.

2. ...

3. Up to six semester hours for internship and independent study may be applied to the education requirement, but may not be used to meet the accounting or business courses requirement.

4. ...

5. Remedial courses may be applied to the education requirement, but may not be used to satisfy the accounting or business courses requirement.

6. Credit hours for repeated courses for which credit has been previously earned may not be applied to the education requirement.

B. In the event that the applicant's degree does not reflect the credit hours in the courses prescribed by §503.A, the board may, on good cause shown by the applicant, allow the substitution of other courses that, in the board's judgment, are substantially equivalent to any of such prescribed courses or to the credit hours prescribed therein. Documentation of good cause for any such requested substitution shall be submitted by the applicant to the board upon affidavit sworn to and subscribed by the applicant and an officer of the university, college or other educational institution where the course to be substituted was taken. Such affidavit shall set forth a course description of the course sought to be substituted and a comparison of the content of such course to that of the course for which substitution is requested.

C. If the applicant's degree does not reflect the credit hours in the courses prescribed by §503.A, an applicant may become eligible for examination by and under the auspices of the board by having otherwise taken and completed the courses required by this rule and received credit for satisfactory completion thereof awarded by an accredited university, college, vocational or extension school recognized and approved by the board.

D. With respect to courses required for the degree, other than those specified by §503.A, the board does recognize credit received for courses granted on the basis of advanced placement examinations (such as CLEP, ACT or similar examinations). Except for correspondence or online courses at an accredited university approved by the board, the accounting and business course credits specifically listed in §503.A shall have been awarded pursuant to satisfactory completion of a course requiring personal attendance at classes in such course.

E. To be eligible for licensure by and under auspices of the board, an applicant shall have received credit for not less than 150 hours of postsecondary, graduate, or postgraduate education at and by an accredited college or university recognized and approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:6 (January 1980), amended LR 11:757 (August 1985), LR 13:13 (January 1987), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:616 (August 1989), LR 17:1072 (November 1991), LR 23:1120 (September 1997), LR 26:1969 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

§505. Examination

A. The examination shall test the knowledge and skills required for performance as a newly licensed certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the board may require. The examination shall consist of:

1. the uniform certified public accountant examination developed and scored by the American Institute of Certified Public Accountants; or

2. if applicable, the International uniform CPA qualification examination (IQEX) developed and scored by the American Institute of Certified Public Accountants.

B. General Procedures and Qualifications

1. Application. Examination candidates shall file complete application forms as provided in Chapter 7. A complete application is one that is properly filled out, accompanied by payment of the required fees and, if an initial application, accompanied by all required supporting documents and official transcripts. First time or transfer of grades candidates who have not taken their accounting courses in Louisiana must include a copy of the course description(s) of all accounting courses not clearly identified by titles listed in §503.A.

a. Applications shall be due as specified by the board in the application form or instructions. The board or its designee will forward notification of eligibility for the examination to the National Association of State Boards of Accountancy (NASBA) National Candidate Database.

b. Time and place of examination. Eligible candidates shall be notified of the time and place of the examination or shall be sent a notice to independently contact a test center provider identified by the board to schedule examination at a board-approved test site. Scheduling reexaminations must be made in accordance with Paragraph F.1 below. The board may set authorization

periods in which eligible candidates may schedule examination or reexaminations.

c. A candidate's failure to schedule in an authorization period shall result in forfeiture of examination fees.

2. - 2.a.ii. ...

3. Fee Refund. A candidate who fails to appear for the examination, or fails to schedule or reschedule an examination in the period required, shall forfeit examination fees subject to board policy. Rescheduling of appointments may be available depending on the amount of notice that is provided. A service charge may be assessed on all refunds of examination fees.

C. - D.2. ...

E. Determining and Reporting Examination Grades

1. ...

2. A candidate shall be required to pass all test sections of the examination as one component of qualifying for a license. Upon receipt of advisory grades from the examination provider, the board will review and may adopt the examination grades and will report the official results to the candidate. The candidate must attain the uniform passing grade established through a psychometrically acceptable standard-setting procedure and approved by the board.

F. Retake and Granting of Credit Requirements

1. A candidate may take the required test sections individually and in any order. Credit for any test section(s) passed shall be valid for a rolling qualifying period as measured from the actual date the candidate took that test section, without having to attain a minimum score on any failed test section(s) and without regard to whether the candidate has taken other test sections. The qualifying period shall be determined by the board and shall be comprised of no less than 18 months.

a. Candidates must pass all test sections of the examination within a single rolling qualifying period, which begins on the date that any test section(s) passed is taken.

b. Candidates shall not retake a failed test section(s) in the same testing "window." A testing window is equal to a calendar quarter (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec). Candidates will be able to test no less than two months out of each testing window.

c. In the event all test sections of the examination are not passed within a given rolling qualifying period, credit for any test section(s) passed outside that qualifying period will expire and that test section(s) must be retaken.

2. A candidate shall retain credit for any and all test sections of the examination passed as a candidate of another state if such credit would have been given under the then applicable requirements of this state.

3. The board may in particular cases extend the term of credit validity notwithstanding the requirements of Paragraphs 1 and 2, upon a showing that the credit was lost by reason of circumstances beyond the candidate's control.

4. A candidate shall be deemed to have passed the examination once the candidate holds at the same time valid credit for passing each of the test sections of the examination. For purposes of this Section, credit for passing a test section of the examination is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually receives notice of the passing grade.

5. Transfer of Credits. Credits shall be accepted from other states when a candidate for transfer of credits has met all the requirements of Louisiana candidates except that he sat for the examination as a candidate for another state.

a. Applicant must have completed the education requirements of §503 prior to sitting for the examination. An exception to this rule will be allowed for a bona fide resident of another state who took the exam in his state of residency which did not have a baccalaureate degree requirement, or prior to August 1, 2016, did not have a 150-hour requirement. Such applicants may complete their education requirements after sitting for the exam.

b. Applicant shall submit a completed initial application with an official transcript from an accredited college or university and a statement from an officer of the state board from which he is transferring as to dates of passing the examination and grades made.

c. In addition to meeting the requirements for a transfer of credits, the applicant shall be required to pay a transfer fee at the time he requests the transfer.

G. Cheating

1. ...

2. For purposes of this rule, the following actions or attempted activities, among others, may be considered cheating or misconduct:

a. - e. ...

f. violation of the security measures or candidate conduct standards at test sites, or the nondisclosure prohibitions of the examination, or aiding or abetting another in doing so, or otherwise participating in the collection of test items for use, redistribution or sale;

g. retaking or attempting to retake a test section by an individual holding valid passing grades or a certificate, or by a candidate who has unexpired credit for having already passed the same test section, unless the individual has been directed to retake a test section pursuant to board order or unless the individual has been expressly authorized by the board to participate in a "secret shopper" program.

3. - 5. ...

6. The board or its designee shall notify the NASBA National Candidate Database, the AICPA, and/or the test site provider of the circumstances, so that the candidate may be more closely monitored in future examinations, if applicable.

G.7. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:6 (January 1980), amended LR 9:208 (April 1983), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1068 (November 1991), LR 23:1119 (September 1997), LR 26:1970 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 29:1475 (August 2003), LR 32:2248 (December 2006), LR 43:

Chapter 7. Qualifications; Application for CPA Examination

§701. Application Forms

A. Application for the uniform certified public accountant examination shall be made on the appropriate forms provided or approved by the board as provided in §505.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), LR 26:1971 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 29:1478 (August 2003), LR 43:

§703. Examination Application

A. - B. ...

C. Candidates or applicants who have completed educational requirements at institutions outside the U.S. must have their credentials evaluated by the Foreign Academic Credentials Service or NASBA's International Evaluation Services.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1122 (September 1997), LR 26:1971 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 29:1478 (August 2003), LR 43:

Chapter 9. Qualifications for Initial Certificate

§901. Eligibility for an Initial Certificate

A. To be eligible for initial certification, an applicant shall present proof, documented in a form satisfactory to the board, that he has attained age 18, met the education requirements of §503.E, and obtained such professional experience as is prescribed by §903.

B. To be eligible for reinstatement of a certificate which has expired by virtue of nonrenewal, or which was registered in inactive or retired status because an exemption from CPE had been granted, the applicant must satisfy the requirements of §1105.D.

C. ...

D. In satisfaction of the education requirements, the applicant must submit official transcripts for college credits earned after initial application for the CPA examination and any supporting documents evidencing proof of additional credits as required by the board. Any courses taken outside of Louisiana must include a copy of the course description(s) not clearly identified by the course title, or as requested by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 4:223 (June 1978), amended LR 6:7 (January 1980), LR 9:208 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 26:1972 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

§903. Qualifying Experience

A. The experience required to be demonstrated for issuance of an initial certificate pursuant to R.S. 37:75.G shall meet the requirements of this rule.

1. Experience may consist of providing any type of services or advice using accounting, attest, management advisory, financial advisory, tax, or consulting skills.

2. The applicant shall have their experience verified to the board by a certificate holder or one from another state.

Acceptable experience shall include employment in government, industry, academia, or public practice. The board shall look at such factors as the complexity and diversity of the work.

a. Complexity and diversity of experience includes:

i. employment as a teacher of subjects primarily in the accounting discipline for an accredited college or university as defined in §501:

(a). the applicant shall have taught courses for academic credit in at least three different areas of accounting above the introductory or elementary level. Examples of these areas are intermediate accounting, advanced accounting, governmental accounting, international accounting, accounting theory, cost or managerial accounting, income taxes, auditing, and accounting information systems;

(b). the applicant shall have taught an accumulated course load of 24 semester hours or its equivalent for a period of no less than one year in the four years immediately preceding the date of application.

A.3. - B. ...

C. One year of experience may also include U.S. military service that consists of completion of a program of occupational training, holding an occupational specialty, or performing a specialty that is substantially equivalent to, or exceeds, all of the licensing requirements of R.S. 37:75 and the rules of the board. U.S. military specialty training, performance, and active practice that is substantially equivalent to §903.A and B is also acceptable as qualifying experience for applicants who may have satisfied the remainder of the licensing requirements outside of military service. Experience submitted under this provision must be verifiable. Recognition of military experience is subject to the following limitations.

1. Discipline by the military, or by any state or jurisdiction, for an act that would constitute grounds for refusal, suspension, or revocation of a license in this state, at the time the act was committed, provides a basis for the denial of the issuance of a certificate.

2. The provisions of this subsection shall not apply to any applicant receiving a dishonorable discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 4:223 (June 1978), amended LR 6:7 (January 1980), LR 9:208 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:617 (August 1989), LR 23:1122 (September 1997), LR 26:1972 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

Chapter 11. Issuance and Renewal of Certificate; Reinstatement

§1101. Certificate

A. When an applicant has met all the requirements for certification, the board shall issue to him a certificate that he is a certified public accountant in the state of Louisiana. All such certificates shall be valid only when signed by the chair and secretary of the board.

B. ...

C. R.S. 37:75(I) provides for the granting of a certificate under the Act to individuals who, except for the experience requirement, met the requirements to become a CPA that

existed at June 17, 1999. Accordingly, R.S. 37:75(I) pertains to individuals who, prior to June 18, 1999, the effective date of the Act, previously held a valid certificate issued under former law. Such individuals are included as eligible to apply for a certificate under R.S. 37:75(I) irrespective of whether such individuals were currently registered in good standing as of the effective date of the Act, but provided that any certificate or license that was not in good standing as of June 17, 1999, was unrelated to a suspension, restriction, revocation, or a relinquishment which resulted from a board disciplinary action, consent order, or settlement agreement.

1. Prior to obtaining a certificate under the Act, individuals referenced by the R.S. 37:75(I) are required to renew and register their inactive status with the board annually and pay the annual renewal fee.

2. The experience required to be furnished to the board to be issued a certificate under the Act must conform to all of the requirements of R.S. 37:75(G) and related board rules and must be submitted with an application form provided by the board for this purpose and with the applicable fee.

3. R.S. 37:75(I) is only available for an initial certificate after June 17, 1999 under the Act. Subsequent to any issuance of a certificate under R.S. 37:75(I), renewals and applications for reinstatements of the certificate must conform to the requirements of R.S. 37:76 and related board rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1124 (September 1997), LR 26:1973 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

§1103. By Reciprocity

A. ...

* * *

B. The board shall issue a certificate to an applicant pursuant to R.S. 37:76(C)(2) who holds a valid and in good standing certificate, license or permit issued by a substantially equivalent state as determined by the board or its designee. The applicant's experience shall be substantially equivalent to the requirements of R.S. 37:75(G) and the rules there under.

1. ...

2. Repealed.

C. For those applicants who do not qualify for reciprocity under the substantial equivalency standard, the board shall issue a certificate to a holder of a valid and in good standing certificate, license or permit issued by another state upon showing that:

1. - 4. ...

5. if the applicant's initial certificate, license, or permit was issued more than four years prior to the date of application, he/she must have fulfilled the continuing education requirements for a full compliance period as described in §1301.

D. - E.3. ...

F. International Reciprocity

1. The board may designate a professional accounting credential issued in a foreign country as substantially equivalent to a CPA certificate.

a. The board may rely on the International Qualifications Appraisal Board for evaluation of foreign credential equivalency, and may presume that an applicant with a foreign accounting credential that is covered by a current valid mutual recognition agreement (MRA) is substantially equivalent (subject to other qualifying requirements as provided in the MRA).

1.b. - 4. ...

5. The holder of a CPA certificate issued in reliance on a foreign accounting credential shall report any investigation undertaken, or sanctions imposed, by a foreign credentialing body against the CPA's foreign credential or license, or any discipline ordered by any other regulatory authority having jurisdictions over the holder's conduct in the practice of accountancy.

6. - 7. ...

8. The board shall notify the appropriate foreign credentialing authorities of any disciplinary actions or sanctions imposed against a CPA.

9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:7 (January 1980), amended LR 9:208 (April 1983), LR 12:88 (February 1986), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 23:1121 (September 1997), LR 26:1973 (September 2000), Office of the Governor, Board of Certified Public Accountants, LR 43:

§1105. Certificate Application, Annual Renewals, Inactive or Retired Registration, Reinstatement, Practice Privileges under Substantial Equivalency

A. Applications

1. ...

2. Applications shall contain all of the information required by the board including but not limited to information regarding the satisfaction and verification of the requirements of R.S. 37:75(G) and other requirements as required by the Act or by the board.

B. Renewals and Current Year Reinstatement—Certificates

1. Each certified public accountant shall renew his certificate annually during the period for renewal on or before the last day of December preceding the year for which renewal is applicable.

2. The board shall set the period of time for renewal.

3. - 4. ...

5. Application for annual renewal of certified public accountant certificates shall be made online via the Internet, or on forms that may be furnished by the board, and shall be accompanied by renewal fees fixed by the board pursuant to §319. The renewal forms shall contain all of the items and information requested in the appropriate space in order to be acceptable.

6. ...
7. A delinquent renewal fee may be assessed against those certified public accountants who have not renewed prior to February 1.

8. In addition to the above fees, a fee may be assessed against those certified public accountants who have received three suspensions within the previous six years.

9. For good cause, the board may waive or suspend in whole or in part any of the fees, due dates, and procedures provided for in this Section.

10. Certified public accountants who have not timely renewed their certificates are in violation of R.S. 37:83 and therefore may be subject to the provisions of R.S. 37:81.

11. Failure to Timely Remit or Respond

a. No certificate of any certified public accountant who has failed to timely remit full payment of any fees, fines, penalties, expenses, or reimbursement of costs incurred by the board, which the certified public accountant owes the board or has been ordered to pay to the board shall be annually renewed, or reinstated.

b. The board may refuse to renew, or to reinstate, any certificate of any certified public accountant who has failed to comply with §1707.D.

12. Failure to Comply with CPE requirements. A licensee who has renewed an active CPA license but has not satisfied the CPE report requirements as described in §1301.A shall have their certificate status changed to “CPA inactive” status effective February 1 of the renewal year in which the deficiency occurred. The certificate holder will thus be allowed to register their certificate in inactive status annually until such time as they have satisfied the requirements for reinstatement to active licensure.

C. Annual Registration of CPA Inactive or CPA Retired Status

1. Each person entitled to use the designation “CPA inactive” under R.S. 37:75(I) and “CPA inactive” or “CPA retired” under R.S. 37:76(D)(2) shall register such status annually during the period for renewal on or before the last day of December preceding the year for which renewal is applicable.

2. The board shall set the period of time for renewal.

3. Annual registration expires on the last day of each calendar year, or on a date following December 31, if another date is determined by the board for good cause.

4. The board may send a notice of default to the last known address or email address of each registrant who fails to renew.

5. Application for annual registration of “CPA inactive” or “CPA retired” status shall be made online via the Internet, or on forms that may be furnished by the board, and shall be accompanied by renewal fees fixed by the board pursuant to §319. The renewal forms shall contain all of the items and information requested in the appropriate space in order to be acceptable.

6. A delinquent renewal fee may be assessed against those registrants who have not renewed prior to February 1.

7. For good cause, the board may waive or suspend in whole or in part any of the fees, due dates, and procedures provided for in this Section.

8. The registrant shall affirm upon each annual registration form that he will abide by the applicable statutes

and rules of the board governing the use of the designation “CPA inactive” or “CPA retired”.

9. The board may reinstate the “CPA inactive” or “CPA retired” registration of any person upon the payment of the current year registration fee plus the registration fees for all years since the registrant was last registered.

D. Reinstatement of Certificate of Certified Public Accountant

1. An individual whose certificate has expired by virtue of nonrenewal, or who was registered in inactive or retired status because an exemption from CPE had been granted in a preceding year, shall present proof in a form satisfactory to the board that he has:

a. ...

b. completed no less than 120 hours of continuing professional education complying with Chapter 13 during the three-year period preceding the date of application for reinstatement.

2. applications for reinstatement of certificates pursuant to R.S. 37:76(F) shall:

a. be made on a form provided by the board; and

b. contain all of the information required by the board including but not limited to information regarding the satisfaction and verification of the experience and/or continuing education requirements referred to in Subparagraph D.1.b.

E. Practice Privileges under Substantial Equivalency

1. - 4.b.ii. ...

5. - 5.c. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:9 (January 1980), amended LR 9:208 (April 1983), LR 11:758 (August 1985), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1974 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 32:2249 (December 2006), LR 33:2634 (December 2007), LR 34:2398 (November 2008), LR 43:

§1107. Change in Address or Practice Status

A. All certified public accountants, individuals registered in inactive or retired status, and individuals who have the privilege to practice under substantial equivalency shall promptly notify the board in writing within 30 days of any change in mailing address or practice status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1125 (September 1997), LR 26:1976 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 43:

Chapter 13. Maintenance of Competency; Continuing Professional Education (CPE)

§1301. Basic Requirements

A. Each certificate holder shall participate in a minimum of 20 hours of continuing professional education (CPE) annually, and at least 80 hours of continuing professional education (CPE) within a rolling two-calendar-year period

defined as the compliance period in §1301.F.1. Prior to January 1, 2016, each certificate holder shall participate in at least 120 hours of continuing professional education (CPE) every three years.

1. Accounting and Auditing Requirements. Certificate holders who participate in one or more attest engagements during the calendar year shall complete at least 8 hours during the calendar year in the subject area described in §1307.A.1 in fulfilling the above requirements. Certificate holders participating in attest engagements include those responsible for conducting substantial portions of the procedures and those responsible for planning, directing, or reporting on attest engagements. Persons who “plan, direct, and report” generally include the in-charge accountant, the supervisor or manager, and the firm owner who signs or authorizes someone to sign the attest engagement report on behalf of the firm.

2. Professional Ethics Requirements. All certificate holders who are required to complete CPE shall complete a course in professional ethics as required by the board, the contents of which must have been pre-approved by the board.

3. - 5. ...

B. Exemption. The board may grant an exemption from CPE in accordance with R.S. 37:76(D)(2). In order to be granted an exemption, the certificate holder must register in inactive or retired status and follow the provisions of §1707.B.

C. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:4 (January 1980), amended LR 9:208 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 15:614 (August 1989), LR 23:1116 (September 1997), LR 26:1976 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 32:2249 (December 2006), LR 41:1664 (September 2015), LR 43:

Chapter 15. Firm Permits to Practice; Attest Experience; Peer Review

§1501. CPA Firm Permits; Attest Experience; Application, Renewal, Reinstatement; Internet Practice

A. - A.6. ...

B. A firm which does not have an office or a place of business in Louisiana that offers to perform or performs professional services for a client whose home office is in Louisiana may perform such services and use the title “CPA” or “CPA firm” without a permit only if:

1. the firm satisfies the ownership qualifications described in R.S. 37:77(C) and is subject to quality or peer review under a state board of accountancy approved program or under the AICPA Peer Review Program and has completed such a quality or peer review within the last three years;

2. the firm performs such services only through individual licensees with practice privileges under R.S. 37:94 or holding a license issued under R.S. 37:77; and

3. the firm can lawfully perform such services in the state where such individual licensees have their principal place of business;

4. if the firm does not satisfy one or more of the requirements cited in Paragraphs 1, 2 and 3 above, the firm must apply for a permit for a board determination as to whether the firm is qualified to practice in Louisiana.

C. Firm Permits

1. Applications by firms for initial issuance and for renewal of permits pursuant to R.S. 37:77 shall be made on a form provided by the board. Applications will not be considered filed until the applicable fee, all requested information, and the required documentation prescribed in these rules are received.

2. A firm registered pursuant to R.S. 37:77 shall file with the board a written notification of any of the following events concerning the practice of public accountancy within this state within 30 days after its occurrence:

- a. change in the firm's designated licensee;
- b. formation of a new firm;
- c. addition of a new partner, member, manager or shareholder;
- d. any change in the name of a firm;
- e. termination of the firm;
- f. the occurrence of any event or events which would cause such firm not to be in conformity with the provisions of the Act or any rules or regulations adopted by the board.

3. In the event of any change in the legal form of a firm, such new firm shall within 30 days of the change file an application for an initial permit in accordance with board rules and pay the fee required by the rules.

4. Samples of original letterhead must also be included with permit and renewal applications. Names of licensed partners, shareholders, members, managers and employees, and names of non-licensee owners, may be shown on a firm's stationery letterhead. However, names of licensed partners, shareholders, members and managers shall be separated from those of licensed employees by an appropriate line. Licensees shall be clearly identified and the names of non-licensee owners shall be separated from the name of licensees by an appropriate line.

5. Any firm which falls out of compliance with the provisions of R.S. 37:77 due to changes in firm ownership or personnel after receiving, renewing, or reinstating a firm permit shall notify the board in writing within 30 days of the occurrence of changes which caused the firm to fall out of compliance with R.S. 37:77.

a. Such notification shall include an explanation as to how and why the firm is not in compliance and the date upon which the firm fell out of compliance with R.S. 37:77.

b. The firm shall also provide any additional information or documentation the board may request concerning the firm's noncompliance with R.S. 37:77.

6. Within 30 days of written notification to the board that the firm is not in compliance with R.S. 37:77, the firm shall notify the board in writing that the firm has taken corrective action to bring the firm back into compliance.

a. Such notification shall include a description of the corrective action taken, and the dates upon which the corrective action was taken.

b. The firm shall also provide any additional information or documentation the board may request concerning the corrective actions taken to ensure the firm's compliance with R.S. 37:77.

7. For good cause shown, the board may grant additional time for a firm to take corrective action to bring the firm into compliance with R.S. 37:77.

8. Any firm permit suspended or revoked for failure to bring the firm back into compliance within the time period described above, or within the additional time granted by the board, may be reinstated by the board upon receipt of written notification from the firm that the firm has taken corrective action to bring the firm back into compliance. Such notification shall include a description of the corrective action taken, the dates upon which the corrective action was taken, and any additional information or documentation the board may request concerning the corrective actions taken.

9. The board may impose additional requirements at its discretion, including but not limited to monetary fees, on any firm as a condition for reinstatement of a firm permit suspended or revoked for failure to bring the firm into compliance with R.S. 37:77.

10. At its discretion, the board may also take action against the CPA certificate or practice privilege of the firm's designated licensee for failure to provide written notification to the board required in this Section.

D. Firm Permit Renewals

1. Firm Permit renewals shall be made available and filed generally in accordance with methods established for certificate renewals, i.e., renewals are due by December 31, delinquent if not renewed prior to February 1, and expired if not renewed prior to March 1. The renewal forms shall contain all of the items and information requested in the appropriate space in order to be acceptable. Permits shall expire on the last day of each calendar year, or such date following December 31 if another date is determined by the board for good cause.

2. Application for annual renewal of firm permits shall be accompanied by renewal fees fixed by the board pursuant to §319.

3. Delinquent fees for firm permit renewals may be assessed by the board if not renewed prior to February 1.

4. For good cause, the board may waive or suspend in whole or in part any of the fees, due dates, and procedures provided for in this Section.

E. Reinstatement of Firm Permits

1. To reinstate a firm permit which has been expired for a year or more due to non-renewal, the firm shall be required to file an initial application for a firm permit and pay the applicable application fee. The firm shall also be required to pay applicable delinquent fees.

2. For good cause shown, the board may waive in whole or in part the reinstatement fees provided for in this Section.

3. In addition to reinstatement fees, an additional fee may be assessed against those CPA firms whose firm permits expired or were cancelled pursuant to this Section three times within six years.

4. In addition to the above fees, an additional reinstatement fee may be assessed against those CPA firms which continued to practice as a CPA firm after the expiration or cancellation of the firm permit pursuant to this Section. Such fee shall be determined by the length of the period of time the firm has practiced without a permit times the annual renewal fee including additional for delinquency each year.

5. No firm permit shall be renewed or reinstated by the board if the firm applying for renewal or reinstatement has failed to remit full payment of any fees, fines, penalties, expenses, or reimbursement of costs incurred by the board, which the firm owes the board or has been ordered to pay to the board.

F. Internet Practice. A CPA firm offering or performing services via a web site shall provide on the web site the firm's name, address, and the states in which the CPA firm holds a license or permit to practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 3:308 (July 1997), amended LR 6:9 (January 1980), amended LR 9:209 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1980 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 32:2249 (December 2006), LR 33:2634 (December 2007), LR 34:2399 (November 2008), LR 43:

§1503. Peer Review and Practice Monitoring Programs

A. The board hereby requires firms that provide attest services, excluding engagements subject to a permanent inspection program of the Public Company Accounting Oversight Board, to participate in an approved peer review program enumerated in R.S. 37:77(G)(2)(a)(i), (ii), and (iii), and comply with the applicable requirements of that program. The purpose of this requirement is to improve the quality of financial reporting and to assure that the public can rely on the fairness of presentation of financial information on which CPA firms issue reports.

1. - 3.c. ...

4. Peer review reports shall be made available to the board after a review's acceptance date by the administering entity or its peer review committee. "Acceptance" shall be as described in the AICPA Peer Review Standards and its interpretations. Timely completion of peer reviews and submission of, or making available reports, in the manner and periods required under this Section, are conditions of holding a valid permit.

a. For reviews administered by another board approved administering entity or sponsoring organization, such as, a state society of CPAs, National Peer Review Committee, or state board of accountancy program with standards substantially equivalent to the AICPA's standards, peer review reports shall be submitted to the board by the firm directly or made available or submitted to the board by the sponsoring organization or administering entity by making them available on a secure website or other secure means. Such reports must be submitted or made available within 45 days of the acceptance date.

5. The reviewed firm must retain any or all of the documents related to the peer review in accordance with AICPA peer review standards. Upon request of the board, the reviewed firm shall timely submit such documentation to the board.

6. The objective of this reporting rule is primarily to reinforce the board's efforts to ensure that only appropriately qualified CPA firms are engaged in the offering and rendering of attest services subject to peer review.

7. For good cause shown, the board may grant or renew permits for a reasonable period of time pending the completion of a peer review or the submission of a report thereon.

B. - E.4.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1071 (November 1991), amended LR 23:1125 (September 1997), LR 26:1981 (September 2000), LR 35:236 (February 2009), LR 43:

Chapter 17. Rules of Professional Conduct

§1700. General

A. Preamble

1. - 3. ...

4. In the interpretation and enforcement of these rules, the board may consider relevant interpretations, rulings, and opinions issued by the boards of other jurisdictions, the Securities and Exchange Commission, recognized professional standard setting organizations, and appropriate committees of professional organizations, but will not be bound thereby.

5. All licensees and certificate holders shall comply with the AICPA *Code of Professional Conduct* revised effective December 15, 2014, incorporated herein by reference in this rule. The AICPA *Code of Professional Conduct* may be found at the AICPA website, www.aicpa.org. The board's rules of professional conduct shall prevail if a conflict exists between it and the AICPA *Code of Professional Conduct*.

B. Definition. The following term has meaning which is specific to §1700-1703.

Professional Services—services arising out of or related to the specialized knowledge or skills associated with certified public accountants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:2 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1113 (September 1997), LR 26:1982 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 32:2249 (December 2006), LR 43:

§1701. Independence, Integrity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:2 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1114 (September 1997), LR 26:1983 (September 2000), repromulgated LR 26:2240 (October 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 32:2250 (December 2006), repealed LR 43:

§1705. Responsibilities to Clients

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:3 (January 1980), amended LR 11:757 (August 1985), amended by the Department of Economic Development, Board of Certified

Public Accountants, LR 17:1067 (November 1991), LR 23:1115 (September 1997), LR 26:1984 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 32:2252 (December 2006), repealed LR 43:

§1707. Other Responsibilities and Practices

A. Acting through Others

1. A CPA or CPA firm shall not permit others to carry out on his behalf or on the firm's behalf, either with or without compensation, acts which, if carried out by the CPA or CPA firm, would place him or the CPA firm in violation of the rules of professional conduct, professional standards, or any provisions of the Act.

2. Acting through an affiliated entity (an entity that is related to or affiliated by ownership to the CPA firm and/or its owners) that has a similar name. On and after January 1, 2008, a CPA firm shall not affiliate with an entity that has a similar name unless:

a. the affiliated entity is owned in accordance with §1707.A.2.e.i, or has been issued a firm permit by the board pursuant to §1707.A.2.e.ii; or

b. the CPA firm has entered into a written agreement with the board pursuant to §1707.A.2.e.ii;

c. a CPA firm seeking issuance, renewal, or reinstatement of a firm permit, to be effective on and after January 1, 2008 shall, as a condition thereof, satisfy the requirements of this Paragraph §1707.A.2;

d. affiliated entities for purpose of this rule refers to entities which offer to clients or the public professional services or products related to the skills associated with CPAs. Conversely, entities that offer services or products that do not relate to matters of accounting and financial reporting, tax, finance, investment advice or financial planning, management, or consultation are excluded;

e. depending on the ownership structure, an affiliated entity may be required to obtain a firm permit in order to use a similar name which indicates that the CPA or CPA firm is providing services through the affiliated entity. A similar name is one that contains one or more names, or initials of the names, or reference to that/those names that are included in a CPA firm applying for or currently holding a firm permit, or one tending to indicate that such firm is a CPA firm:

i. affiliated entities wholly owned either by the owners of the CPA firm, on the same basis as the CPA firm is owned, or directly by the CPA firm may use a similar name and would not be required to obtain a firm permit;

ii. affiliated entities that are majority-owned (not wholly owned) by the owners of the CPA firm or by the CPA firm, or that are wholly owned but in different percentages are required to obtain a firm permit if the affiliated entity uses a similar name. If the affiliated entity does not qualify for a firm permit under R.S. 37:77, the CPA firm (i.e., one that does hold a firm permit) must enter into a written agreement with and acceptable to the board that sets forth that the CPA firm is responsible to the board for the actions of the affiliated entity and its owners;

iii. if the CPA firm and/or its owners (whether individually CPA licensed or not) own 50 percent or less of the other affiliated entity, a similar name may not be used for the affiliated entity;

f. under R.S. 37:77(C), a majority of the ownership of a CPA firm (in terms of financial interests and voting

rights of all partners, officers, shareholder, members, or managers) must belong to holders of valid licenses. Thus an unlicensed "holding company" cannot own a majority or 100 percent of a CPA firm. Therefore, such a "holding company" would have to apply for a CPA firm permit and qualify as such. The holding company and the CPA firm must both be registered as firms with the board even though the holding company will not directly offer services to clients. If the holding company does not otherwise meet the requirements to be licensed (e.g., the requirements that a majority ownership interest is held by licensees; the owners must be active in the firm or affiliates; and, the name must not be misleading) then such a firm structure would not be permissible.

B. Use of the "CPA Inactive" or "CPA Retired" Designation

1. Certificate only holders under prior law. Prior to applying for and obtaining a certificate under R.S. 37:75.I, individuals who annually register in inactive status may use the "CPA inactive" designation in connection with an employment position held in industry, government or academia, or in personal correspondence.

a. Any such individual who offers to perform or performs, for the public, professional services of any type involving the use of accounting, management advisory, financial advisory, tax, or consulting skills shall not use the designation CPA or "CPA inactive" in connection therewith or in any other manner or in connection with any employment.

2. Certificate Holders Subject to CPE Exemption

a. Individuals granted an exception to continuing education requirements under R.S. 37:76(D)(2) shall not perform or offer to perform for the public one or more kinds of services involving the use of accounting, attest, management advisory, financial advisory, tax, or consulting skills and must place the word "inactive" or "retired", as applicable based on the individual's registered status, adjacent to their CPA title on any business card, letterhead, or any other document or device.

b. Any individual referenced in R.S. 37:76(D)(2) who after being granted an exemption under that Section offers to perform or performs for the public professional services of any type involving the use of accounting, management advisory, financial advisory, tax, or consulting skills shall not use the designation "CPA inactive" or "CPA-retired" in connection therewith or in any other manner or in connection with any employment.

c. A "CPA-retired" may perform uncompensated volunteer services as long as the individual does not sign any documents related to such services as a CPA.

C. Firm Name

1. The name under which a licensee practices public accounting must indicate clearly whether he is an individual practicing in his own name or a named member of a firm. If the name includes the designation "and Company" or "and Associates" or "Group" or abbreviations thereof, there must be at least two licensees involved in the practice, who may be either partners, shareholders, members or employees of the firm. However, names of one or more past partners, shareholders, or members may be included in the firm name of a successor firm.

2. A partner, member or shareholder surviving the death or withdrawal of all other partners, members or shareholders may continue to practice under the partnership or corporate name for up to two years after becoming a sole practitioner, sole member or sole shareholder.

3. A CPA firm name is misleading within the meaning of R.S. 37:83(G) if, among other things:

a. the CPA firm name implies the existence of a corporation when the firm is not a corporation; or

b. the CPA firm name includes the name of a person who is not a CPA.

4. A firm name not consisting of the names of one or more present or former partners, members, or shareholders may not be used by a CPA firm unless such name has been approved by the board as not being false or misleading.

D. Communications. A holder of a certificate or firm permit, or an individual in inactive or retired status shall, when requested, respond to communications from the board in the manner requested by the board within 30 days of the mailing of such communications by certified mail, or by such other delivery methods available to the board.

E. Applicability. All of the rules of professional conduct shall apply to and be observed by Louisiana licensees and CPAs licensed in other states who may be granted rights under the substantial equivalency provisions of R.S. 37:94. Notwithstanding anything herein to the contrary, they shall also apply to and be observed by individuals registered in inactive or retired status, where applicable.

F. Cooperation with Board Inquiry or Investigation. A licensee or CPA inactive or CPA retired status registrant shall fully cooperate with the board in connection with any inquiry or investigation made by the board. Full cooperation includes, but is not limited to, fully responding in a timely manner to all inquiries of the board or representatives of the board and claiming board correspondence from the U.S. Postal Service and from other delivery services used by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 3:308 (July 1977), amended 4:358 (October 1978), LR 6:3 (January 1980), LR 9:207 (April 1983), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1068 (November 1991), LR 23:1115 (September 1997), LR 26:1985 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 32:2252 (December 2006), LR 43:

Chapter 19. Investigations; Hearings; Suspension, Revocations or Restrictions; Reinstatements

§1903. Investigating Officer

A. All charges shall be referred to the members of the board or other persons designated as investigating officers, who are appointed by the board chair. The investigating officer is the person who determines preliminary "probable cause" on behalf of the board, as referred to in R.S. 37:81(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:9 (January 1980), amended LR 12:88 (February 1986), amended by the Department of Economic Development,

Board of Certified Public Accountants, LR 23:1126 (September 1997), LR 26:1987 (September 2000), Office of the Governor, Board of Certified Public Accountants, LR 43:

§1909. Hearing

A. - B. ...

C. Hearings shall be conducted in closed session, and shall be conducted by and under the control of the board chair, or a presiding officer appointed by the board chair.

D. In any investigation or pending adjudication proceeding, no party shall serve on any other party more than 25 interrogatories. Each sub-part of an interrogatory shall count as an additional interrogatory. The board chair or presiding officer may, in his discretion, allow more than 25 interrogatories upon receipt of a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for their use.

E. - F. ...

G. In any case of adjudication noticed and docketed for hearing, counsel for respondent and complaint counsel may agree, or the board chair or presiding officer may require, that a prehearing conference be held among such counsel, or together with the board's independent counsel, if any, for the purpose of simplifying the issues for hearing and promoting stipulations as to facts and proposed evidentiary offerings which will not be disputed at hearing.

H. Motions for continuance of hearing, for dismissal of proceeding, and all other prehearing motions shall be filed not later than 10 days prior to the date of the hearing. Any response or opposition to any prehearing motion shall be filed within 5 days of the filing of such prehearing motion. For good cause shown, the board chair or presiding officer may waive or modify these requirements. Each prehearing motion shall be accompanied by a memorandum which shall set forth a concise statement of the grounds upon which the relief sought is based and the legal authority therefor.

I. - J. ...

K. Any prehearing motion, other than a mutually agreed upon request for continuance as referred to in §1909.I, shall be referred for decision to the board chair or presiding officer for ruling. The board chair or presiding officer, in his discretion, may refer any prehearing motion to the entire board for disposition.

L. Prehearing motions shall be ruled upon on the basis of the written information provided, without oral arguments. However, if the board chair or presiding officer refers the prehearing motion to the entire board for disposition, he may grant an opportunity for oral argument before the entire board, upon written request of respondent or of complaint counsel and on demonstration that there are good grounds therefor.

M. The order of proceedings at a hearing shall be as follows, but may be changed at the discretion of the board chair or presiding officer:

M.1. - N. ...

O. The board chair or presiding officer, board members, the respondent and his attorney, and complaint counsel or person presenting the case for the investigating officer, shall have the right to question or examine or cross-examine any witnesses.

P. All evidence presented at a hearing will be considered by the board unless the board chair or presiding officer determines that it is irrelevant, immaterial or unduly

repetitious. Evidence may be received provisionally, subject to a later ruling by the board chair or presiding officer. The board chair or presiding officer may in his discretion consult with the entire board in executive session or with independent board counsel in making determinations on evidence.

Q. The final decision of the board in an adjudication proceeding shall be in writing and shall include findings of fact and conclusions of law, and shall be signed by the board chair or presiding officer on behalf of and in the name of the board. Upon issuance of a final decision, a certified copy shall be served upon the respondent and the respondent's counsel, if any, in the same manner of service prescribed with respect to administrative complaints in R.S. 37:81.

R. - V. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:9 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 23:1126 (September 1997), LR 26:1988 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 33:2636 (December 2007), LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have an adverse impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below 100 percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Small Business Analysis

The proposed amendments are not anticipated to have an adverse impact on small businesses as defined in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with development disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Darla M. Saux, CPA, CGMA, Executive Director, State Board of Certified Public Accountants of Louisiana, 601 Poydras Street, Suite 1770, New Orleans, LA 70130, (504) 566-1244. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., August 21, 2017.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on August 28, 2017, at 9 a.m. at the office of the State Board of Certified Public Accountants of Louisiana, 601 Poydras Street, Suite 1770, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Darla M. Saux, CPA, CGMA
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Certified Public Accountants

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

The State Board of Certified Public Accountants (Board) will incur expenses due to the proposed rule change. Other than one-time costs for notice and rule publication, the proposed rule also includes a \$100 per month increase in Board member compensation for the seven Board members over current levels, in place since 1980. The proposed change would allow officers to receive \$250 per month and other members \$200 per month, resulting in an estimated annual increase of \$8,400. The Board also anticipates devoting some administrative resources to reviewing college transcripts for education hours earned during the period between application to sit for the Certified Public Accountant (CPA) exam and application to become licensed, but believes any additional costs can be absorbed with existing resources.

The proposed changes are primarily being made to conform the Board's rules to the Louisiana Accountancy Act, as amended by Act 553 of the 2016 Session of the Legislature. The proposed changes: remove the 150 semester hour requirement to sit for the CPA exam but maintain the requirement as a condition of licensure; establish a minimum age for licensure as a CPA at 18 years of age; add a "CPA-Retired" status category; provide for an increase in Board member compensation and a maximum range of fees which could subsequently be assessed for Board services. In accordance with Act 188 of the 2013 Regular Session of the Louisiana Legislature, the proposed changes provide that practical experience be verified rather than supervised by a licensed CPA. Among other items, the proposed changes: modify educational provisions and delivery methods; incorporate the Uniform Accountancy Act Model rules regarding testing; modify language providing for recognition of foreign credential equivalency and reporting disciplinary action; define and include acceptable military service experience; clarify the provision that 8 hours of continuing professional education in Accounting and Auditing during a calendar year is required when a CPA participates in attest engagements; adopt and include compliance with the American Institute of Certified Public Accountants' Code of Professional Conduct; clarify and remove outdated language; incorporate corresponding standards of other states and national regulatory authorities for CPAs; and include other changes made necessary by the passage of time and for consistency with current Board practices.

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

Revenue collections for the State Board of CPAs will increase in the future. The proposed maximum fees are established within the limits established by Act 553 (319A), however no fees are being increased at this time over current levels. The maximum fee schedule in Act 553 is not intended to be fully adopted or realized for many years; rather, proposed fee rates will be considered and adopted by the Board so that rates may be increased gradually as needed over the years until the maximum level is reached. Over time, the proposed maximum changes could increase revenue collections over current collections by \$487,885 (e.g., active licensees and applicants (\$199,275); inactive and retired applicants (\$50,000); firm permits (\$220,740); and delinquent applications (\$17,870) = \$487,885).

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

Persons seeking to enter the CPA profession, and individuals in the CPA profession will be affected by the proposed rule change. Individuals seeking to become a CPA will likely benefit from being able to sit for the CPA exam before completing the required education to become licensed and the changes relating to verification rather than supervision of practical experience. Licensees will also benefit from the establishment of a CPA-Retired category. The actual cost or economic benefit of these changes, which resulted from implementation of changes to the Louisiana Accountancy Act by Acts 553 and 188, is unknown. Individual CPAs, CPA firms and employers of CPAs would be directly affected by any subsequent increase in license and permit fees within the range permitted by Act 553 and the proposed changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Darla M. Saux, CPA, CGMA
Executive Director
1707#031

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Physicians—General, Licensure and Certification
(LAC 46:XLV.125, 311 and 404)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (Board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board intends to amend its Rules governing physician licensure and certification. The proposed amendments increase the post-graduate training requirement for medical licensure for U.S. and Canadian medical school graduates from one to three years (§311.A.6), on par with same requirement for international medical graduates (IMGs) e.g., graduates from medical schools in countries other than the U.S. or Canada, which has been in place for many years. The proposed amendments also: clarify the nature of the training permit for U.S. or Canadian graduates e.g., a continuing postgraduate

training temporary permit (§§125, 404); and increase the cost of such permit from \$100 to \$200 for initial issuance, as is the case for a training permit for IMGs (§125.B).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

Subchapter C. Physicians and Surgeons Fees

§125. Licenses, Permits and Examination

A. - A.2.

B. For processing applications for permits of the type indicated, the following fees shall be payable to the board.

1. Graduate medical education and, on and after January 1, 2019, a continuing postgraduate training temporary permit—\$200.

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:906 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:603 (June 1991), LR 21:467 (May 1995), LR 21:1238 (November 1995), LR 30:238 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter B. Graduates of American and Canadian Medical School and Colleges

§311. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. - 5.h. ...

6. have:

a. with respect to applications for licensure first received by the board before January 1, 2019, completed at least one year of postgraduate clinical training in a medical internship or equivalent program accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, or by the American Osteopathic Association (AOA), or by the Royal College of Physicians and Surgeons (RCPS) of Canada, and approved by the board. A combined postgraduate year one training program that is not accredited shall be deemed to satisfy the requirements of this Section provided each program comprising the combined program is accredited by the ACGME or by the AOA or by the RCPS;

b. with respect to applications for licensure first received by the board on and after January 1, 2019, completed at least three years of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the ACGME, AOA, or by the RCPS and approved by the board. To be approved by the board such program must be: offered and taken in an institution offering not fewer than two residency or equivalent programs accredited by the ACGME, AOA, or the RCPS; the program in which the applicant participates must evidence the applicant's progressive responsibility for patient care; and the three years of such a program must be in the same specialty or alternatively, constitute the applicant, upon completion of the three years of such

program, as eligible for specialty board certification or for postgraduate year four (PGY-4) training.

A.7. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, 37:1272, 37:1274 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:836 (June 2001), LR 31:1583 (July 2005), LR 37:337 (January 2011), LR 38:3173 (December 2012), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter H. Restricted Licensure, Permits

§404. Continuing Postgraduate Training beyond Year One

A. The board shall issue a temporary permit to an applicant of an approved American or Canadian medical school or college (whether allopathic or osteopathic) for the purpose of participating in an accredited program of postgraduate medical training (residency training), beyond postgraduate year one, in a Louisiana medical school, college or other medical institution that is fully accredited by (and not on probationary status with) the ACGME and approved by the board.

B. Qualifications for Permit. To be eligible for a temporary permit for postgraduate medical training beyond year one, the applicant shall:

B.1. - E.3. ...

F. Renewal, Reissuance. A permit issued under this Section which has expired may be renewed or reissued by the board for two or more successive 12 month periods, provided that:

1. prior to the expiration of the initial temporary permit, permit holder has taken and successfully passed all three steps of USMLE or all three levels of COMLEX-USA or all steps, levels, parts or components of those examinations in the manner specified by §311.A.5.a-h, within the limitations and restrictions prescribed by §387 of these rules; and

2. - 2.c. ...

G. Causes for Refusal to Issue or Renew. Notwithstanding an applicant's eligibility for a permit under this Section, under the standards and criteria set forth in this Section, the board may nevertheless deny issuance or renewal of such permit for any of the causes for which it may deny licensure under R.S. 37:1285(A) or for which it may revoke a temporary permit pursuant to §404.H.

H. - H.3. ...

I. Effect of Revocation. A permittee who has had his temporary permit revoked by the board pursuant to §404.H shall not thereafter be eligible for a permit or a license to practice medicine in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1275, 37:1277, 37:1281 and 37:1285.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:844 (June 2001), amended by the Department of Health, Board of Medical Examiners, LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any

impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below 100 percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with development disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendment to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., August 21, 2017.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Monday, August 28, 2017, 10:30 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Keith C. Ferdinand, M.D.
Interim Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Physicians
General, Licensure and Certification**

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

Other than the publication fee associated with the proposed rule change, which is estimated to cost the Louisiana State Board of Medical Examiners \$426, it is not anticipated that the Board, state, or local governmental units will incur any other costs or savings.

In addition to technical updates and clarifying language, effective January 1, 2019, the proposed amendments increase the post-graduate year (PGY) training requirement necessary for medical licensure for U.S. and Canadian medical school

graduates from one year (PGY1/internship) to three years (PGY3) of training, on par with the requirements for international medical schools graduates.

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

The proposed change is estimated to reduce revenue collected by the Louisiana State Board of Medical Examiners by \$53,478 in FY 19 and in subsequent years. The loss in revenue is as a result in the difference in the fees for a medical permit versus a medical license.

Physician residency training programs are a minimum of three years. Under current rules, after completing a PGY1/internship a resident pays a permit fee of \$100 in year 2 and \$100 in year 3. After year 1, U.S. and Canadian residents may choose to convert their permit to a license, paying an initial licensing fee of \$382 and an annual renewal fee of \$332. Historically, 32% of U.S. and Canadian residents (111) opted to do this in year 2 and 34% of residents (118) opted to do this in year 3. Because of the proposed amendment, the option to apply for a license before year 3 will no longer be available to these residents, resulting in loss of revenue for the Board. The cost for initial issuance of training permit after internship (PGY2) is also being increased from \$100 to \$200 for these residents.

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

The proposed amendment will impact U.S. and Canadian medical school graduates in a residency program that desire to apply for licensure after 1 year of post graduate medical training. Occasionally, those that applied for licensure after one year of training would have the option of practicing outside of their training programs. This would no longer be an option.

Furthermore, of those that applied for licensure, most completed a residency program; however, each year an estimated 2% of U.S./Canadian medical graduates in training in this state (7 physicians) do not complete a residency program and enter into practice. This would no longer be an option.

Finally, the cost for a PGY2 training permit for these residents is being increased by \$100, effective January 1, 2019.

However, these proposed amendments are anticipated to improve the quality of healthcare delivered. A nationally published study of the Board's data over a twenty year period reveals that physicians who completed one year, but less than three, of PGY training are more than two times likely to be disciplined for competency/standards-related issues as physicians with three or more years of post-graduate training. It is also anticipated that the proposed amendments will reduce the costs to the citizens of this state associated with quality of care deficiencies, related malpractice and associated Board action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendment may decrease employment opportunities for: (1) physicians who would have entered medical practice prior to completing at least three years of post-graduate training and (2) PGY2 and 3 residents who would have otherwise obtained a license to work outside of their training programs.

Keith C. Ferdinand, M.D.
Interim Executive Director
1707#063

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Nursing

Emergency Action (LAC 46:XLVII.3411)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, that the Louisiana State Board of Nursing (LSBN) is amending Chapter 34, §3411.H. The insertion of the word *available* would allow the LSBN an opportunity to fulfill the request in a timely manner, but without guaranteeing the issue will be heard at the next board hearing panel meeting. At present, LSBN's hearings schedule is such that we are scheduling cases 2-3 months in advance. The additional word will provide clarity for the nurses in our state related to an emergency action meeting.

LAC 46

PROFESSIONAL AND OCCUPATIONAL STANDAQRDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Chapter 34. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§3411. Formal Hearing

A. - G.3.e. ...

H. Emergency Action. If the board finds that public health, safety, and welfare requires emergency action and a finding to that effect is incorporated in its order, summary suspension of a license may be ordered by the executive director or designee pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined at the next available regularly scheduled board meeting.

I. - K.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37:923.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:75 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 31:1586 (July 2005), amended by the Department of Health, Board of Nursing, LR 43:

Family Impact Statement

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. a family's earnings and budget;
5. the behavior and personal responsibility of the children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an impact on child, individual, or family poverty in relation to individual or community asset development as described on R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments on the proposed Rule to Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before August 10, 2017.

Dr. Karen C. Lyon, E.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Emergency Action

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

Other than the publication fee associated with the proposed rule change, which is estimated to cost the Louisiana State Board of Nursing (LSBN) \$230, it is not anticipated that state or local governmental units will incur any other costs or savings. Chapter 34, Section 3411 (H) states that "If the board finds that the public health, safety, and welfare requires emergency action and a finding to that effect is incorporated in its order, summary suspension of a license may be ordered by the executive director or designee pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined at the next regularly scheduled board meeting." The proposed rule change adds that this proceeding shall be "determined at the next available regularly scheduled board meeting." The insertion of the word "available" allows the LSBN an opportunity to fulfill the request in a timely manner, but without guaranteeing the issue will be heard at the next board meeting. Currently, LSBN hearings scheduled are 2-3 months in advance.

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

The proposed rule change will not affect state or local government revenue collections.

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

The rule change may impact a licensed nurse whose license is under summary suspension given that it may result in an additional delay of approximately 2-3 months for a nurse to

receive a determination on the status of their license. During this delay, the nurse's license will remain suspended, resulting in an inability to practice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may affect the employment of a licensed nurse whose license is under summary suspension as explained in section III above.

Dr. Karen C. Lyon
Executive Director
1707#032

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Adult Day Health Care—Licensing Standards (LAC 48:I.Chapter 42)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 42 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2120.41-2120.46, and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the licensing standards for adult day health care (ADHC) centers to revise and clarify the staffing and transportation requirements (*Louisiana Register*, Volume 38, Number 9).

The department subsequently promulgated a Rule which repealed the licensing provisions governing ADHC services as these provisions were revised and repromulgated in Part I, Chapter 50 of Title 48 of the *Louisiana Administrative Code* (*Louisiana Register*, Volume 39, Number 10).

The department has now determined that it is necessary to amend the provisions governing ADHC in order to: 1) adopt provisions which will allow licensed ADHC providers certified as programs of all-inclusive care for the elderly (PACE) to achieve accreditation status for licensure; 2) allow for the inactivation of the provider's license under certain circumstances and specific provisions for cessation of business; and 3) clarify the requirements for checking the direct service worker registry and obtaining criminal history checks.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 42. Adult Day Health Care

Subchapter A. General Provisions

§4201. Introduction

A. ...

B. An ADHC center shall have a written statement describing its philosophy as well as long-term and short-term goals. The ADHC center program statement shall include goals that:

1. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2177 (October 2008), repromulgated LR 34:2622 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4203. Definitions

* * *

Accreditation—process by which an ADHC that is owned and operated by a PACE organization with an executed program agreement with CMS/LDH is deemed to meet ADHC licensing requirements.

* * *

Cessation of Business—center is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—a change in the legal center/entity responsible for the operation of the ADHC center.

* * *

Complaints—allegations of noncompliance with regulations filed by someone other than the center.

Department—the Louisiana Department of Health (LDH) and its representatives.

* * *

Employee—person who performs a job or task for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position.

Full-Time Equivalent—40 hours of employment per week or the number of hours the center is open per week, whichever is less.

* * *

Governing Body—the person or group of persons that assumes full legal responsibility for determining, implementing and monitoring policies governing the ADHC's total operation, and who is responsible for the day-to-day management of the ADHC program, and shall insure that all services provided are consistent with accepted standards of practice.

Individualized Service Plan (ISP)—an individualized written program of action for each participant's care and services to be provided by the ADHC center based upon an assessment of the participant.

* * *

Line of Credit—a credit arrangement with a federally insured, licensed lending institution which is established to assure that the center has available funds as needed to continue the operations of the agency and the provision of services to participants. The line of credit shall be issued to the licensed entity and shall be specific to the geographic location shown on the license. For purposes of ADHC licensure, the line of credit shall not be a loan, credit card or a bank balance.

* * *

Non-Operational—the ADHC center is not open for business operations on designated days and hours as stated on the licensing application and business location signage.

* * *

Program of All-Inclusive Care for the Elderly (PACE)—an organization that provides prepaid, capitated, comprehensive health care services.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2177 (October 2008), repromulgated LR 34:2622 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2373 (September 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4205. Licensure Requirements

A. All ADHC centers shall be licensed by the Department of Health (LDH). LDH is the only licensing authority for ADHC centers in the State of Louisiana. It shall be unlawful to operate an ADHC center without possessing a current, valid license issued by LDH. The license shall:

A.1. - B. ...

1. The center shall always have at least one employee on duty at the business location during the days and hours of operation. Once a participant is admitted, all staff that are required to provide services shall be on duty during operational hours to assure adequate coverage and care to participants.

2. There shall be sufficient numbers of trained direct care and professional services staff either employed or contracted and available to be assigned to provide care and services to persons receiving services at all times.

3. The center shall have admitted or has provided services to at least two participants in the past 12 months prior to their licensure resurvey.

C. The licensed center is required to abide by and adhere to any state laws, rules, policy and procedure manuals or memorandums pertaining to ADHC centers issued by LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2178 (October 2008), repromulgated LR 34:2623 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4207. Initial License Application Process

A. Each ADHC applicant shall obtain facility need review approval (FNR) prior to submission of an initial application for licensing.

1. - 11. Repealed.

B. After FNR approval is received, an initial application for licensing as an ADHC center shall be obtained from the department. A completed initial license application packet for an ADHC center shall be submitted to and approved by the department prior to an applicant providing ADHC services. An applicant shall submit a completed initial licensing packet to the department, which shall include:

1. a completed ADHC licensure application and the non-refundable licensing fee as established by statute;

2. a copy of the approval letter of the architectural center plans from the Office of the State Fire Marshal;

3. a copy of the on-site inspection report with approval for occupancy by the Office of the State Fire Marshal;

4. a copy of the health inspection report with approval of occupancy report of the center from the Office of Public Health;

5. a copy of state-wide criminal background checks conducted by the Louisiana State Police, or its authorized agent, on all owners;

6. proof of financial viability including:

a. line of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000; and

b. general and professional liability insurance of at least \$300,000;

7. if applicable, clinical laboratory improvement amendments (CLIA) certificate or CLIA certificate of waiver;

8. a completed disclosure of ownership and control information form;

9. a floor sketch or drawing of the premises to be licensed;

10. the days and hours of operation; and

11. any other documentation or information required by the department for licensure.

C. If the initial licensing packet is incomplete, the applicant will be notified of the missing information and will have 90 days to submit the additional requested information. If the additional requested information is not submitted to the department within 90 days, the application will be closed. After an initial licensing application is closed, an applicant who is still interested in becoming an ADHC center shall submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

D. Once the initial licensing application packet is approved by LDH, the applicant will be sent written notification with instructions for requesting the announced initial licensing survey.

E. An applicant who has received the notification with instructions for requesting the announced initial licensing survey shall notify the department of readiness for an initial licensing survey within 90 days of the date of receipt of that notification. If an applicant fails to notify the department of readiness for an initial licensing survey within 90 days, the initial licensing application will be closed. After an initial licensing application is closed, an applicant who is still interested in becoming an ADHC center shall submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

F. Applicants shall be in compliance with all appropriate federal, state, departmental, or local statutes, laws, ordinances, rules, regulations, and fees before the ADHC center will be issued an initial license to operate by LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2178 (October 2008), repromulgated LR 34:2624 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2373 (September 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4209. Initial Licensing Surveys

A. Prior to the initial license being issued to the ADHC center, an initial licensing survey shall be conducted on-site at the ADHC center to assure compliance with ADHC licensing standards.

B. In the event that the initial licensing survey finds that the ADHC center is compliant with all licensing laws and regulations, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees, the department shall issue a full license to the center. The license shall be

valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

C. - D. ...

E. In the event that the initial licensing survey finds that the ADHC center is noncompliant with any licensing laws, rules or regulations, but the department, in its sole discretion, determines that the noncompliance does not present a threat to the health, safety, or welfare of the participants, the department may issue a provisional initial license for a period not to exceed six months. The center shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license. If all such noncompliance or deficiencies are determined by the department to be corrected on a follow-up survey, then a full license will be issued. If all such noncompliance or deficiencies are not corrected on the follow-up survey, the provisional license will expire and the center shall be required to begin the initial licensing process again by submitting a new initial license application packet and fee.

F. The initial licensing survey of an ADHC center shall be an announced survey. Follow-up surveys to the initial licensing surveys are not announced surveys.

G. Once an ADHC center has been issued an initial license, the department may conduct licensing surveys at intervals deemed necessary by the department to determine compliance with licensing regulations; these licensing surveys shall be unannounced.

1. A follow-up survey shall be conducted for any licensing survey where deficiencies have been cited to ensure correction of the deficient practices.

2. The department may issue appropriate sanctions, including, but not limited to:

- a. civil monetary penalties;
- b. directed plans of correction; and
- c. license revocations for deficiencies and noncompliance with any licensing survey.

H. LDH surveyors and staff shall be given access to all areas of the center and all relevant files during any licensing survey. LDH surveyors and staff shall be allowed to interview any center staff or participant as necessary to conduct the survey.

1. - 2.c. Repealed.

I. When issued, the initial ADHC license shall specify the maximum number of participants which may be served by the ADHC center.

J. Plan of Correction. A plan of correction shall be required from an ADHC center for any survey where deficiencies have been cited. The plan of correction shall be filed with HSS within 10 calendar days after the center's receipt of notification and statement of deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2179 (October 2008), repromulgated LR 34:2624 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4211. Types of Licenses

A. ...

1. In the event that the initial licensing survey finds that the ADHC center is compliant with all licensing laws and regulations, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees, the

department shall issue a full license to the center. The license shall be valid until the expiration date shown on the license unless the license is modified, revoked, suspended, or terminated.

2. ...

3. The department may issue a full renewal license to an existing licensed ADHC center who is in substantial compliance with all applicable federal, state, departmental, and local statutes, laws, ordinances, rules, regulations and fees. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

4. The department, in its sole discretion, may issue a provisional license to an existing licensed ADHC center for a period not to exceed six months, for the following reasons:

- a. the existing ADHC center has more than five deficient practices or deficiencies cited during any one survey;
- b. the existing ADHC center has more than three validated complaints in one licensed year period;
- c. the existing ADHC center has been issued a deficiency that involved placing a participant at risk for serious harm or death;
- d. the existing ADHC center has failed to correct deficient practices within 60 days of being cited for such deficient practices or at the time of a follow-up survey;
- e. the existing ADHC center is not in substantial compliance with all applicable federal, state, departmental, and local statutes, laws, ordinances, rules, regulations, and fees at the time of renewal of the license.

5. When the department issues a provisional license to an existing licensed ADHC center, the department shall conduct an on-site follow-up survey at the ADHC center prior to the expiration of the provisional license. If that on-site follow-up survey determines that the ADHC center has corrected the deficient practices and has maintained compliance during the period of the provisional license, the department may issue a full license for the remainder of the year until the anniversary date of the ADHC license.

6. If an existing licensed ADHC center has been issued a notice of license revocation, suspension, modification, or termination, and the center's license is due for annual renewal, the department shall deny a license renewal subject to the pending license revocation, suspension, modification, or termination. The denial of renewal of such a license does not affect in any manner the license revocation, suspension, modification or termination.

B. The denial of renewal of a license does not in any manner affect any sanction, civil monetary penalty, or other action imposed by the department against the center.

C. The license for an ADHC center shall be valid for one year from the date of issuance unless revoked, suspended, modified, or terminated prior to that time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2179 (October 2008), repromulgated LR 34:2625 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR:43

§4212. Accredited Status

A. After initial licensure, an ADHC center may request accreditation. To achieve accredited status, the ADHC shall

be required to submit a copy of its current program of all-inclusive care for the elderly (PACE) program agreement to show documented proof of meeting initial and continual compliance with PACE requirements and for each annual renewal of licensure.

B. The department may accept accreditation in lieu of periodic on-site licensing surveys when the center provides documentation to the department that shows:

1. the PACE program agreement is current; and
2. the center remains in substantial compliance with all PACE program agreement requirements.

C. The department may conduct unannounced complaint investigations on all ADHCs, including those with accredited status.

D. There is no waiver of licensure fees for a center that is granted accredited status by the department. An ADHC that is granted accredited status shall pay all initial licensing fees, renewal of licensure fees pursuant to §4213, and any other required fees, to achieve or maintain accredited status. The center shall pay any civil monetary penalties imposed by LDH or may forfeit accredited status.

E. The department may rescind accredited status and may conduct a licensing survey for the following:

1. any substantiated complaint within the preceding 12 months;
2. a change of ownership;
3. issuance of a provisional license in the preceding 12-month period;
4. deficiencies identified in the preceding 12-month period that placed participants at risk for harm;
5. treatment or service resulting in death or serious injury; or
6. a change in geographic location.

F. The ADHC center shall notify HSS upon change in accredited status within two business days.

G. The department will rescind accredited status if the center's PACE Program agreement is terminated.

H. An ADHC center which receives approval for accredited status is subject to, and shall comply with, all provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:

§4213. Renewal of License

A. License Renewal Application. The ADHC center shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the existing current license. The license renewal application packet shall include:

1. - 4. ...
5. the required license renewal fee;
6. proof of continuous financial viability without interruption including maintenance of a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000;
7. proof of PACE program agreement, if accredited; and
8. any other documentation required by the department.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2180 (October 2008), repromulgated LR 34:2626 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4215. Reporting Requirements

A. The following changes, or any combination thereof, shall be reported in writing to the department within five working days of the occurrence of the change. A change in:

1. ...
2. the geographic or mailing address;
3. - 4. ...

B. Change of Ownership (CHOW). The license of an ADHC center is not transferable to any other ADHC or individual. A license cannot be sold. When a change of ownership occurs, the ADHC center shall notify the Health Standards Section in writing within 15 days prior to the effective date of the CHOW.

1. - 2. ...

3. The new owner shall submit a license application identifying all new information and, for the application to be complete, it shall be submitted with the appropriate CHOW licensing fee.

4. An ADHC center that is under license revocation, renewal of licensure or provisional licensure, may not undergo a CHOW.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2180 (October 2008), repromulgated LR 34:2626 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4217. Denial of License, Revocation of License, Denial of License Renewal

A. - B. ...

1. The department shall deny an initial license in the event that the initial licensing survey finds that the ADHC center is noncompliant with any licensing laws, rules, ordinances or regulations or with any other required statutes that are a threat to the health, safety, or welfare of the participants.

2. The department shall deny any initial license for any of the reasons designated in §4217.D that a license may be revoked or denied renewal.

3. Repealed.

C. Voluntary Non-Renewal of License. If a center fails to timely renew its license, the license expires on its face and is considered voluntarily surrendered. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the center.

D. - D.6.e. ...

7. knowingly making a false statement or providing false, forged, or altered information or documentation to LDH employees or to law enforcement agencies;

8. - 10. ...

11. failure to allow or refusal to allow the department to conduct an investigation or survey or to interview center staff or participants;

12. failure to allow, or refusal to allow, access to authorized departmental personnel to records; or

13. bribery, harassment, or intimidation of any participant designed to cause that participant to use the services of any particular ADHC center.

14. Repealed.

E. In the event an ADHC license is revoked or renewal is denied, any owner, officer, member, manager or director of such ADHC center is prohibited from owning, managing, directing or operating another ADHC center for a period of two years from the date of the final disposition of the revocation or denial action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2180 (October 2008), repromulgated LR 34:2626 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4219. Notice and Appeal of Initial License Denial, Revocation, and Denial of License Renewal

A. Notice of a license denial, license revocation, or denial of license renewal shall be given to the center in writing.

B. The ADHC center has a right to an informal reconsideration of the license denial, license revocation, or denial of license renewal.

1. The ADHC center shall request the informal reconsideration within 15 days of the receipt of the notice of the license denial, license revocation, or denial of license renewal. The request for informal reconsideration shall be in writing and shall be forwarded to the department's Health Standards Section.

2. ...

3. If a timely request is received by HSS, an informal reconsideration shall be scheduled and the center will receive written notification.

4. The center shall have the right to appear in person at the informal reconsideration and may be represented by counsel.

5. Correction of a violation or deficiency which is the basis for the denial, revocation or denial of license renewal, shall not be a basis for reconsideration.

6. The informal reconsideration process is not in lieu of the administrative appeals process and does not extend the time limits for filing an administrative appeal of the license denial, revocation, or denial of license renewal.

C. The ADHC center has a right to an administrative appeal of the license denial, license revocation, or denial of license renewal.

1. The ADHC center shall request the administrative appeal within 30 days of the receipt of the notice of the license denial, license revocation, or denial of license renewal or within 30 days of the receipt of the results of the informal reconsideration, if conducted. The request for administrative appeal shall be in writing and shall be submitted to the Division of Administrative Law (DAL).

2.

3. If a timely request for an administrative appeal is received by the DAL, the license revocation or denial of license renewal will be suspended during the pendency of the appeal. However, if the secretary of the department determines that the violations of the center pose an imminent

or immediate threat to the health, safety, or welfare of a participant, the imposition of the license revocation or denial of license renewal may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the center will receive written notification.

4. Correction of a violation or a deficiency which is the basis for the denial, revocation, or denial of license renewal, shall not be a basis for the administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2181 (October 2008), repromulgated LR 34:2627 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4220. Complaint Surveys (Formerly §4221)

A. The department shall conduct complaint surveys in accordance with R.S. 40:2009.13 et seq.

B. Complaint surveys shall be unannounced surveys.

C. A follow-up survey may be conducted for any complaint survey where deficiencies have been cited to ensure correction of the deficient practices.

D. The department may issue appropriate sanctions including, but not limited to civil monetary penalties, directed plans of correction, and license revocations for deficiencies and noncompliance with any complaint survey.

E. LDH surveyors and staff shall be given access to all areas of the center and all relevant files during any complaint survey. LDH surveyors and staff shall be allowed to interview any ADHC center staff and participant as required to conduct the survey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2182 (October 2008), repromulgated LR 34:2627 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4221. Statement of Deficiencies (Formerly §4223)

A. The following statements of deficiencies issued by the department to the ADHC center shall be posted in a conspicuous place on the licensed premises:

1. the most recent annual survey statement of deficiencies; and

2. any subsequent complaint survey statement of deficiencies.

B. Any statement of deficiencies issued by the department to an ADHC center shall be available for disclosure to the public 30 days after the center submits an acceptable plan of correction to the deficiencies or 90 days after the statement of deficiencies is issued to the center, whichever occurs first.

C. Unless otherwise provided in statute or in these licensing provisions, a center shall have the right to an informal reconsideration of any deficiencies cited as a result of a survey or investigation.

1. Correction of the violation, noncompliance or deficiency shall not be the basis for the reconsideration.

2. The informal reconsideration of the deficiencies shall be requested in writing within 10 calendar days of the

ADHC center's receipt of the statement of deficiencies, unless otherwise provided in these standards.

3. The request for informal reconsideration of the deficiencies shall be made to HSS and will be considered timely if received by HSS within 10 calendar days of the center's receipt of the statement deficiencies.

4. If a timely request for an informal reconsideration is received, the department will schedule and conduct the informal reconsideration.

NOTE: Informal reconsiderations of the results of a complaint investigation are conducted as desk reviews.

5. The center shall be notified in writing of the results of the informal reconsideration.

6. Except as provided for complaint surveys pursuant to R.S. 40:2009.13 et seq., and as provided in these licensing provisions for initial license denials, revocations and denial of license renewals, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies.

7. The request for an informal reconsideration of any deficiencies cited as a result of a survey or investigation does not delay submission of the required plan of correction within the prescribed timeframe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:21482 (October 2008), repromulgated LR 34:2627 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4222. Cessation of Business

A. Except as provided in §4223 and §4224 of these licensing regulations, a license shall be immediately null and void if an ADHC center becomes non-operational.

B. A cessation of business is deemed to be effective the date on which the ADHC center ceased offering or providing services to the community and/or is considered non-operational in accordance with the requirements of §4205.

C. Upon the cessation of business, the ADHC center shall immediately return the original license to the department.

D. Cessation of business is deemed to be a voluntary action on the part of the center. The ADHC center does not have a right to appeal a cessation of business.

E. Prior to the effective date of the closure or cessation of business, the ADHC center shall:

1. give 30-days' advance written notice to:
 - a. each participant or participant's legal representative, if applicable;
 - b. each participant's physician;
 - c. Health Standards Section (HSS);
 - d. Office of Aging and Adult Services (OAAS); and
 - e. support coordination agency for waiver participants;

2. provide for a safe and orderly discharge and transition of all of the center's participants.

F. In addition to the advance notice, the ADHC center shall submit a written plan for the disposition of participant(s) medical records for approval by the department. The plan shall include the following:

1. the effective date of the closure;
2. provisions that comply with federal and state laws on storage, maintenance, access and confidentiality of the closed center's patients medical records;
3. the name and contact information for the appointed custodian(s) who shall provide the following:
 - a. access to records and copies of records to the patient or authorized representative, upon presentation of proper authorization(s); and
 - b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction;
4. public notice regarding access to records, in the newspaper with the largest circulation in close proximity to the closing center, at least 15 days prior to the effective date of closure.

G. If an ADHC center fails to follow these procedures, the owners, managers, officers, directors and administrators may be prohibited from opening, managing, directing, operating or owning an ADHC center for a period of two years.

H. Once any ADHC center has ceased doing business, the center shall not provide services until the ADHC center has obtained a new initial ADHC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:

§4223. Inactivation of License due to a Declared Disaster or Emergency

A. An ADHC center licensed in a parish which is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the licensed center shall submit written notification to HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:
 - a. the ADHC center has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;
 - b. the licensed ADHC center intends to resume operation as an ADHC center in the same service area;
 - c. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;
 - d. includes an attestation that all participants have been properly discharged or transferred to another center; and
 - e. provides a list of each participant and where that participant is discharged or transferred to;
2. the licensed ADHC center resumes operating as a ADHC center in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;
3. the licensed ADHC center continues to pay all fees and cost due and owed to the department including, but not

limited to, annual licensing fees and outstanding civil monetary penalties; and

4. the licensed ADHC center continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an ADHC center license, the department shall issue a notice of inactivation of license to the ADHC center.

C. Upon completion of repairs, renovations, rebuilding or replacement, an ADHC center which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met.

1. The ADHC center shall submit a written license reinstatement request to the licensing agency of the department 60 days prior to the anticipated date of reopening.

a. The license reinstatement request shall inform the department of the anticipated date of opening, and shall request scheduling of a licensing survey.

b. The license reinstatement request shall include a completed licensing application with appropriate licensing fees.

2. The center resumes operating as an ADHC center in the same service area within one year.

D. Upon receiving a completed written request to reinstate an ADHC center license, the department shall conduct a licensing survey. If the ADHC center meets the requirements for licensure and the requirements under this section, the department shall issue a notice of reinstatement of the ADHC center license.

1. The licensed capacity of the reinstated license shall not exceed the licensed capacity of the ADHC center at the time of the request to inactivate the license.

E. No change of ownership in the ADHC center shall occur until such ADHC center has completed repairs, renovations, rebuilding or replacement construction, and has resumed operations as an ADHC center.

F. The provisions of this section shall not apply to an ADHC center which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this section shall be deemed a voluntary surrender of the ADHC center license and any applicable facility need review approval for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:

§4224. Inactivation of License due to a Non-Declared Disaster or Emergency

A. A licensed ADHC center in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the licensed ADHC center shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the ADHC center has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the licensed ADHC center intends to resume operation as a ADHC center in the same service area;

c. the licensed ADHC center attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the licensed ADHC center's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding or replacement of the center;

NOTE: Pursuant to these provisions, an extension of the 30 day deadline for initiation of request may be granted at the discretion of the department.

2. the licensed ADHC center continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the licensed ADHC center continues to submit required documentation and information to the department, including, but not limited to cost reports.

B. Upon receiving a completed written request to temporarily inactivate an ADHC license, the department shall issue a notice of inactivation of license to the ADHC center.

C. Upon center's receipt of the department's approval of request to inactivate the center's license, the center shall have 90 days to submit plans for the repairs, renovations, rebuilding or replacement of the center, if applicable, to OSFM and OPH as required.

D. The licensed ADHC center shall resume operating as an ADHC center in the same service area within one year of the approval of renovation/construction plans by OSFM and OPH as required.

EXCEPTION: If the center requires an extension of this timeframe due to circumstances beyond the center's control, the department will consider an extended time period to complete construction or repairs. Such written request for extension shall show the ADHC center's active efforts to complete construction or repairs and the reasons for request for extension of center's inactive license. Any approval for extension is at the sole discretion of the department.

E. Upon completion of repairs, renovations, rebuilding or replacement of the center, an ADHC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the ADHC center shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey, where applicable; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate an ADHC license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the center has met the requirements for licensure including the requirements of this Subsection.

G. No change of ownership in the ADHC center shall occur until such ADHC center has completed repairs,

renovations, rebuilding or replacement construction and has resumed operations as an ADHC center.

H. The provisions of this subsection shall not apply to an ADHC center which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the ADHC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter B. Administration and Organization

§4225. Governing Body

A. - A.4. ...

5. The governing body may be composed of a single person or owner who shall assume all responsibilities of the governing body. At least twice a year, such single person or owner shall have documentation of reviewing and meeting the requirements pursuant to §4225.B.

B. Governing Body Responsibilities. The governing body of an ADHC center shall:

1. ensure the center's continual compliance and conformity with all relevant federal, state, parish and municipal laws and regulations;

2. ensure that the center is adequately funded and fiscally sound;

3. review and approve the center's annual budget;

4. ensure that the center is housed, maintained, staffed and equipped appropriately considering the nature of the program;

5. designate a person to act as the director and delegate sufficient authority to this person to manage the center and to insure that all services provided are consistent with accepted standards of practice;

6. formulate and annually review, in consultation with the director, written policies concerning the center's philosophy, goals, current services, personnel practices and fiscal management;

7. annually evaluate the director's performance;

8. have the authority to dismiss the director;

9. meet with designated representatives of the department whenever required to do so; and

10. inform designated representatives of the department prior to initiating any substantial changes in the program, services or physical plant of the center.

11. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2182 (October 2008), repromulgated LR 34:2628 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4227. Policy and Procedures

A. - B.6. ...

a. the LDH toll-free telephone number for registering complaints shall be posted conspicuously in public areas of the ADHC center;

B.7. - C.1. ...

2. shall be accessible to center staff or to any representative of the Department of Health conducting an

audit, survey, monitoring activity, or research and quality assurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2182 (October 2008), repromulgated LR 34:2628 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2373 (September 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4233. Participant Case Records

A. ...

B. The participant's case record shall include:

1. - 6.b. ...

7. any grievances or complaints filed by the participant and the resolution or disposition of these grievances or complaints;

8. a log of the participant's attendance and absence;

9. a physician's signed and dated orders for medication, treatment, diet, and/or restorative and special medical procedures required for the safety and well-being of the participant;

10. progress notes that:

a. document the delivery of all services identified in the individualized service plan;

b. document that each staff member is carrying out the approaches identified in the individualized service plan that he/she is responsible for;

c. record the progress being made and discuss whether or not the approaches in the individualized service plan are working;

d. record any changes in the participant's medical condition, behavior or home situation which may indicate a need for a change in the individualized service plan; and

e. document the completion of incident reports, when appropriate; and

NOTE: Each individual responsible for providing direct services shall record progress notes at least weekly, but any changes to the participant's condition or normal routine should be documented on the day of the occurrence.

11. discharge planning and referral.

11.a. - 12. Repealed.

C. ...

D. The medications and treatments administered to participants at the center shall be charted by the appropriate staff.

E. The center may produce, maintain and/or store participant case records either electronically or in paper form.

F. The center shall ensure that participant case records are available to staff who are directly involved with participant care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2183 (October 2008), repromulgated LR 34:2629 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4235. Retention of Records

A. ...

B. All records concerning past or present medical conditions of participants are confidential and shall be

maintained in compliance with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The expressed written consent of the participant shall be obtained prior to the disclosure of medical information regarding the participant.

C. - D. ...

E. An ADHC center's records may be produced, maintained and/or stored in either an electronic or paper form and shall be producible upon request by the department or its employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2184 (October 2008), repromulgated LR 34:2629 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter C. Participant Rights

§4239. Statement of Rights

A. Each participant shall be informed of his/her rights and responsibilities regarding the ADHC center. The regulations of the ADHC center and all rules governing participant conduct and behavior shall be fully explained to the participant. Before or upon admission, the ADHC center shall provide a copy of the participant rights document to each participant. A signed and dated acknowledgment form shall be filed in each participant's record.

B. If the ADHC center changes its participant rights policies, a signed and dated acknowledgment form shall be filed in each participant's record.

C. - C.2. ...

D. The participant rights document shall include at least the following items:

1. - 1.b. ...

c. the center's days and hours of operation;

2. - 4. ...

5. the right to be free from mental, physical or verbal abuse;

6. the right to be free from coercion; and

a. - d. Repealed.

7. the right to be free from restraints. ADHC centers are prohibited from the use of any restraints.

D.8. - G. ...

1. The participant has been interdicted in a court of law. In such cases, the ADHC center shall ensure that the participant's rights devolve to the curator/curatrix of record. The ADHC center shall obtain an official document verifying that the participant has indeed been interdicted and the interdiction shall be documented on the inside front cover of the participant's record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2184 (October 2008), repromulgated LR 34:2630 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter D. ADHC Center Services

§4243. Core Services

A. At a minimum, each center shall provide the following services:

1. - 7.b. ...

c. initiating and developing a self-administration of medication plan for the ADHC center which is

individualized for each participant for whom it is indicated; and

8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2185 (October 2008), repromulgated LR 34:2631 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4245. Transportation Requirements

A. The center shall provide transportation to and from the ADHC center at the beginning and end of the program day. The center shall comply with the following requirements governing transportation.

1. ...

2. The center shall conform to all state laws and regulations pertaining to drivers, vehicles and insurance.

B. The driver, whether directly employed or provided by third-party contract, shall hold a valid chauffeur's license or commercial driver license (CDL), if applicable with passenger endorsement.

1. The driver shall meet personal and health qualifications of other staff and receive necessary and appropriate training to ensure competence to perform duties assigned.

C. - D. ...

E. The vehicle shall be maintained in operating condition.

F. There shall be at least one staff member in the vehicle who is trained in first-aid and cardio pulmonary resuscitation (CPR) whether transportation is provided by center-owned transportation or by a third-party commercial proprietor.

G. Centers shall provide transportation to any participant within their licensed region, but no participant, regardless of their region of origin, may be in transport for more than one hour on any single trip.

1. If the center develops a policy that establishes a limited mileage radius for transporting participants, that policy shall be submitted to LDH for review and approval prior to the center being allowed to limit transportation for participants.

H. - H.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2186 (October 2008), repromulgated LR 34:2631 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2373 (September 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter E. Participant Care

§4251. Nursing Services

A. ...

B. A licensed registered nurse (RN) shall serve on the interdisciplinary (ID) team and shall monitor the overall health needs of the participants. The RN serves as a liaison between the participant and medical resources, including the treating physician.

1. The RN's responsibilities include medication review for each participant at least monthly and when there is a change in the medication regimen to:

B.1.a. - E. ...

F. The RN shall give in-service training to both staff and participants on health related matters at least quarterly.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2186 (October 2008), repromulgated LR 34:2632 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4253. Nutrition Services

A. There shall be a hot, nutritious and palatable noon meal served daily which provides one-third of the recommended dietary allowances (RDA) as established by the National Research Council and American Dietetic Association. Accommodations shall be made for participants with special diets.

1. - 2. ...

B. Menus shall be varied and planned and approved well in advance by a licensed registered dietitian. Any substitutions shall be of comparable nutritional value and documented.

C. - E. ...

F. A licensed registered dietitian shall:

F.1. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2187 (October 2008), repromulgated LR 34:2632 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter F. Human Resources

§4259. Personnel Policies

A. An ADHC center shall have personnel policies that include:

1. - 3. ...

a. policies shall be in accordance with state rules, laws and regulations for employees, either contracted or directly employed, and volunteers;

4. ...

5. abuse reporting procedures that require all employees to report any incidents of abuse or neglect in accordance with state law, whether the abuse or mistreatment is committed by another staff member, a family member or any other person;

6. clarification of the center's prohibited use of social media. The policy shall ensure that all staff, either contracted or directly employed, receive training relative to the restrictive use of social media and include, at a minimum, ensuring confidentiality of participant information and preservation of participant dignity and respect, including protection of participant privacy and personal and property rights; and

7. prevention of discrimination.

B. - C. ...

1. A center shall obtain written references from three persons (or prepare documentation based on telephone contacts with three persons) prior to making an offer of employment. The names of the references and a signed release shall be obtained from the potential employee.

2. A center shall comply with the provisions of R.S. 40:2120.41-2120.47 and the rules regarding the direct service worker (DSW) registry prior to making an offer of employment to a direct care staff applicant.

3. A center shall obtain a state-wide criminal background check conducted by the Louisiana State Police, or its designee, prior to making an offer of employment to a direct care staff applicant in accordance with applicable state laws.

a. The center shall have documentation on the final disposition of all charges that bar employment pursuant to applicable state law.

D. ...

1. For any person who interacts with participants, the performance evaluation procedures shall address the quality and nature of a staff member's interactions with participants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2187 (October 2008), repromulgated LR 34:2633 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4261. Orientation and Training

A. A center's orientation program shall provide training for any new direct care staff, either contracted or employed, to acquaint them with the philosophy, organization, program, practices and goals of the center. The orientation shall also include instruction in safety and emergency procedures as well as the specific responsibilities of the employee's job.

B. A center shall document that all employees, either contracted or staff, receive training on an annual basis in:

1. - 7. ...

8. the center's policy on the prohibited use of social media.

C. ...

D. A new direct care staff employee shall not be assigned to carry out a participant's care until competency has been demonstrated and documented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2187 (October 2008), repromulgated LR 34:2633 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4263. Personnel Files

A. In accordance with §4259, an ADHC center shall have a personnel file for each employee, either contracted or staff that contains:

1. ...

2. the statewide criminal background history checks;

3. documentation of proof of DSW registry checks;

4. reference letters from former employer(s) and personal references or written documentation based on telephone contact with such references;

5. any required medical examinations;

6. evidence of applicable professional credentials/certifications according to state law;

7. annual performance evaluations;

8. personnel actions, other appropriate materials, reports and notes relating to the individual's employment with the center; and

9. the employee's starting and termination dates.

B. An ADHC center shall retain an employee's personnel file for at least three years after the employee's termination of employment.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2188 (October 2008), repromulgated LR 34:2633 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter G. Center Responsibilities

§4265. General Provisions

A. - K. ...

L. The center shall make available to the department any information, which the center is required to have under these standards and is reasonably related to the assessment of compliance with these standards. The participant's rights shall not be considered abridged by this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2188 (October 2008), repromulgated LR 34:2633 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4267. Staffing Requirements

A. Staff at ADHC centers shall meet the following education and experience requirements. All college degrees shall be from a nationally accredited institution of higher education as defined in §102(b) of the Higher Education Act of 1965 as amended. The following "key" staff positions are required and subject to the provisions listed below.

1. Director. The director shall have a bachelor's degree in a human services-related field, such as social work, nursing, education or psychology. Eight years of supervisory experience working in a human services-related field may be substituted for the bachelor's degree.

a. - b. Repealed.

2. Nurse. The center shall employ one or more RN or LPN who shall be available to provide medical care and supervision services as required by all participants. The RN or LPN shall be on the premises daily for at least 8 hours or the number of hours the center is open, or during the time participants are present at the center, whichever is less. Nurses shall have a current Louisiana state nursing license.

3. Social Service Designee/Social Worker. The center shall designate at least one staff person who shall be employed at least 10 hours a week to serve as the social services designee or social worker.

a. The social services designee shall have, at a minimum, a bachelor's degree in a human service-related field such as psychology, sociology, education, or counseling. Two years of experience in a human service-related field may be substituted for each year of college.

b. The social worker shall have a bachelor's or master's degree in social work.

4. Program Manager. The center shall designate at least one staff member who shall be employed at least 10

hours a week to be responsible for carrying out the center's individualized program for each participant.

B. ...

1. Food Service Supervisor. The center shall designate one staff member who shall be employed at least 10 hours a week who shall be responsible for meal preparation and/or serving. The food service supervisor shall have ServSafe® certification.

2. *Direct Service Worker*—an unlicensed person who provides personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being, and who is involved in face-to-face direct contact with the participant.

3. Volunteers. Volunteers and student interns are considered a supplement to the required staffing component. A center which uses volunteers or student interns on a regular basis shall have a written plan for using these resources. This plan shall be given to all volunteers and interns and it shall indicate that all volunteers and interns shall be:

B.3.a. - D.2. ...

3. A staff member who is certified in CPR shall be on the premises at all times while participants are present.

E. Centers with a licensed capacity of 15 or fewer participants may designate one full-time staff person or full-time equivalent person to fill up to three "key staff" positions, and shall employ at least one full-time person or full-time equivalent to fulfill key staff requirements.

F. Centers with a licensed capacity to serve 16-30 participants shall employ at least two full-time persons or full-time equivalents to fulfill key staff requirements, and may designate one full-time staff person or full-time equivalent person to fill up to, but no more than, two "key staff" positions.

G. Centers with a licensed capacity to serve more than 30 participants shall employ at least three full-time persons or full-time equivalents to fill key staff positions. Each key staff position shall be filled with a full-time person or full-time equivalent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2188 (October 2008), repromulgated LR 34:2634 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2373 (September 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4269. Incident Reports

A. - D.5. ...

E. Incident reports shall be reviewed by the director, his designee or a medical professional within 24 hours of the occurrence. A qualified professional shall recommend action, in a timely manner, as indicated by the consequences of the incident.

F. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2189 (October 2008), repromulgated LR 34:2635 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter H. Direct Service Management

§4277. Interdisciplinary Team Responsibilities

A. ...

B. Prior to the individual staffing of a participant by the ID team, each team member shall complete an assessment to be used at the team meeting. This assessment shall, at a minimum, include a physical assessment and a social evaluation.

C. The ID team shall meet, reassess, and reevaluate each participant at least quarterly to review the individualized service plan to ensure that it is sufficient for each participant.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2190 (October 2008), repromulgated LR 34:2636 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter I. Emergency and Safety

§4285. Emergency and Safety Procedures

A. - C.1. ...

D. A center shall immediately notify the department and other appropriate agencies of any fire, disaster or other emergency which may present a danger to participants or require their evacuation from the center.

E. At any time that the ADHC has an interruption in services or a change in the licensed location due to an emergency situation, the center shall notify HSS no later than the next stated business day.

F. There shall be a policy and procedure that insures the notification of family members or responsible parties whenever an emergency occurs for an individual participant.

G. Upon the identification of the non-responsiveness of a participant at the center, the center's staff shall implement the emergency medical procedures and notify the participant's family members and other medical personnel.

H. A center shall conduct emergency drills at least once every three months.

I. A center shall make every effort to ensure that staff and participants recognize the nature and importance of such drills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2191 (October 2008), repromulgated LR 34:2637 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4287. General Safety Practices

A. - F. ...

G. All exterior and interior doors used by participants shall be at least 32 inches wide.

H. All hallways/corridors shall be at least 36 inches wide.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2191 (October 2008), repromulgated LR 34:2637 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter J. Physical Environment

§4293. ADHC Furnishings

A. The center shall be furnished so as to meet the needs of the participants. All furnishings and equipment shall be kept clean and in good repair.

B. ...

C. Dining Area. Furnishings shall include tables and comfortable chairs sufficient in number to serve all participants. Meals may be served either cafeteria style or directly at the table depending upon the method of food preparation or physical condition of the participants.

D. Kitchen. If the center has a kitchen area, it shall meet all health and sanitation requirements and shall be of sufficient size to accommodate meal preparation for the proposed number of participants.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2192 (October 2008), repromulgated LR 34:2638 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§4295. Location of Center

A. An adult day health care center that is located within any center or program that is also licensed by the department shall have its own identifiable staff, space, and storage. These centers shall meet specific requirements if they are located within the same physical location as another program that is also licensed by the department.

1. The program or center within which the ADHC center is located shall meet the requirements of its own license.

B. - D.1. ...

2. If space to be used for the ADHC center is nursing center bedroom space, the number of beds associated with the space occupied by the ADHC program shall be reduced from the licensed capacity of the nursing center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2192 (October 2008), repromulgated LR 34:2638 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana

Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service. These provisions will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, August 24, 2017 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee, MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Adult Day Health Care Licensing Standards**

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 17-18. It is anticipated that \$6,696 (SGF) will be expended in FY 17-18 for the state's administrative expense for the promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

This proposed Rule amends the provisions governing licensing standards for ADHC in order to: 1) adopt provisions which will allow licensed ADHC providers certified as Programs of All-Inclusive Care for the Elderly (PACE) to achieve accreditation status for licensure; 2) allow for the inactivation of the provider's license under certain circumstances and specific provisions for cessation of business; and 3) clarify the requirements for checking the Direct Service Worker Registry and obtaining criminal history checks. It is anticipated that the implementation of this proposed rule will have no economic costs to ADHC providers for FY 17-18, FY 18-19 and FY 19-20 with regard to the staffing requirements, but may be beneficial by providing clear and concise licensing standards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello
Health Standards Section Director
1707#046

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Adult Residential Care Providers
Licensing Standards
(LAC 48:I.Chapter 68)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 68 governing the licensing standards for adult residential care providers as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing repealed LAC 48:I.Chapter 88 in its entirety and repromulgated all of the provisions governing the licensing standards for adult residential care providers (ARCPs) and adult residential care homes under LAC 48:I.Chapter 68 in order to incorporate those provisions under a single comprehensive Rule in the *Louisiana Administrative Code (Louisiana Register, Volume 41, Number 6)*.

The Department of Health, Bureau of Health Services Financing now proposes to amend the provisions governing the licensing standards for ARCPs in order to include specific provisions for continuing education for ARCP administrators and to ensure consistency with other licensing standards.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter A. General Provisions

§6803. Definitions and Abbreviations

* * *

Direct Care Staff—unlicensed staff who provide personal care or other services and support to persons with disabilities, or to the elderly to enhance their well-being, and who are involved in face-to-face direct contact with the participant.

* * *

Specialized Dementia Care Program—as defined in R.S. 40:1101.2, a special program or unit that segregates residents with a diagnosis of probable Alzheimer's disease or a related disorder so as to prevent or limit access by a resident to areas outside the designated or separated area; and that advertises, markets, or otherwise promotes the ARCP as providing specialized Alzheimer's/dementia care services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2166.1-2166.8 and R.S. 40:1101.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1086 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter B. Administration and Organization

§6829. Policy and Procedures

A. - B.4. ...

5. abuse reporting procedures that require all employees to report any incidents of abuse or mistreatment whether that abuse or mistreatment is done by another staff member, a family member, a resident or any other person;

6. a policy to prevent discrimination;

7. a policy that addresses the prohibitive use of social media;

8. a policy for conducting statewide criminal background history checks; and

9. a policy for checking the direct service worker registry and documentation of such checks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1095 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter F. Requirements Related to Staff, Record-Keeping and Incident Reports

§6863. General Provisions

A. - F. ...

G. Criminal history checks and offers of employment shall be completed in accordance with R.S. 40:1203.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1105 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§6865. Staffing Requirements

A. - A.1.c.i.(c). ...

ii. For levels 3 and 4, the director shall meet one of the following criteria upon date of hire:

(a) a bachelor's degree plus two years of administrative experience in the fields of health, social services, geriatrics, management or administration;

(b) in lieu of a bachelor's degree, six years of administrative experience in health, social services, geriatrics, management or administration;

(c) a master's degree in geriatrics, health care, human service related field, management or administration; or

(d) be a licensed nursing facility administrator.

A.1.c.iii. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1105 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§6867. Staff Training

A. - A.2. ...

3. Orientation shall be completed within 14 days of hire and shall include, in addition to the topics listed in §6867.B, the following topics:

A.3.a. - B.6. ...

C. Training for Direct Care Staff

1. In addition to the topics listed in §6867.A.3 and §6867.B, orientation for direct care staff shall include an evaluation to ensure competence to provide ADL and IADL assistance. A new employee shall not be assigned to carry out a resident's PCSP until competency has been demonstrated and documented.

2. - 4. ...

5. The requirements of §6867.C.1 may qualify as the first year's annual training requirements. However, normal supervision shall not be considered to meet this requirement on an annual basis.

D. Continuing Education for Directors

1. All directors shall obtain 12 continuing education units per year that have been approved by any one of the following organizations:

a. Louisiana Assisted Living Association (LALA);

b. Louisiana Board of Examiners of Nursing Facility Administrators;

c. LeadingAge Gulf States;

d. Louisiana Nursing Home Association (LNHA);

or

e. any of the national assisted living associations, including:

i. National Center for Assisted Living (NCAL);

ii. Argentum (formerly ALFA); or

iii. LeadingAge.

2. Topics shall include, but not be limited to:

a. person-centered care;

b. specialty training in the population served;

c. supervisory/management techniques; and

d. geriatrics.

3. - 4. Repealed.

E. - F.10.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1106 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter H. Physical Environment

§6891. Resident Personal Space

A. - C.9. ...

D. Requirements for Resident Apartments in Levels 3 and 4

1. - 5. ...

a. It is recognized that there may be more individuals in an ARCP due to the resident and a spouse or partner sharing a living unit than is listed as the total licensed capacity.

6. - 10. ...

11. Kitchenettes

a. For each apartment, the ARCP shall provide, at a minimum, a small refrigerator, a wall cabinet for food storage, a small bar-type sink, and a counter with workspace and electrical outlets, a small cooking appliance, for example, a microwave or a two-burner cook top.

11.b. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

41:1115 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by assuring the safe operation of facilities that render adult residential care services.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual and community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, August 24, 2017 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee, MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Adult Residential Care Providers Licensing Standards

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 17-18. It is anticipated that \$972(SGF) will be expended in FY 17-18 for the state's administrative expense for the promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the

licensing fees, in the same amounts, will continue to be collected.

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

This proposed Rule amends the provisions governing the licensing standards for adult residential care providers (ARCPs) in order to include specific provisions and approved sources for continuing education for ARCP administrators and direct care staff; to clarify the requirements relative to criminal background checks, direct service worker registry checks and prohibited use of social media in order to ensure consistency with other licensing standards; and to clarify that licensed capacity is based only on residents of the ARCP facility. It is anticipated that the implementation of this proposed rule will not result in economic costs to ARCPs for FY 17-18, FY 18-19 and FY 19-20, but may be beneficial to ARCPs by clarifying the acceptable continuing education requirements for staff and allowing more flexibility by eliminating the five day timeframe for direct observation to ensure competence.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello
Health Standards Section Director
1707#047

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Home and Community-Based Services Waivers
Standards for Participation
(LAC 50:XXI.101, 301, 305, and Chapter 9)

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XXI.101, §301 and to adopt Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, through collaborative efforts, provide enhanced home and community-based services (HCBS) and supports to individuals participating in section 1915(c) Medicaid waivers.

The department now proposes to amend the general provisions governing HCBS waivers in order to: 1) adopt removal criteria for the freedom of choice list; 2) revise the provisions governing termination of coverage for displaced residents; 3) adopt criteria related to the settings in which all home and community-based services are delivered; 4) adopt criteria for use of an electronic visit verification (EVV)

system for home and community-based services; and 5) adopt incident reporting requirements.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community Based Services

Waivers

Subpart 1. General Provisions

Chapter 1. Freedom of Choice

§101. General Provisions

A. The Department of Health may remove a service provider from the waiver provider freedom of choice list and offer freedom of choice to waiver participants when:

1. - 3. ...

B. The department may offer recipients the freedom to choose another provider if/when the owner(s), operator(s), or member(s) of the governing body of the provider agency is/are under investigation related to:

1. bribery or extortion;
2. tax evasion or tax fraud;
3. money laundering;
4. securities or exchange fraud;
5. wire or mail fraud;
6. violence against a person;
7. act(s) against the aged, children or infirmed; or
8. any crime involving public funds

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:1098(June 2014), amended by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

Chapter 3. Eligibility

§301. Termination of Coverage for Displaced Recipients

A. When a declared disaster occurs and recipients relocate out of state due to the declared disaster, Medicaid coverage of the services they are receiving in home and community-based waivers, shall be terminated under either of the following circumstances:

1. the participant fails to return to Louisiana within 90 days following the initial identified date of the declared disaster; or

EXCEPTION: The department may extend this timeframe due to extenuating circumstances.

2. the participant relocates with no intention of returning to Louisiana.

B. - E.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:1829 (September 2003), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities and the Division of Long Term Supports and Services, LR 34:1627 (August 2008), amended by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

§305. Continued Eligibility

A. Home and community-based providers shall report to the operating agency when/if it becomes known to the agency that a participant's status has changed such that the

participant no longer meets programmatic or financial eligibility requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

Chapter 9. Provider Requirements

Subchapter A. General Provisions

§901. Settings Requirements for Service Delivery

A. All home and community-based services (HCBS) delivered through a 1915(c) waiver must be provided in settings with the following qualities:

1. the setting is integrated in and supports full access of waiver participants to the greater community, including opportunities to:

a. seek employment and work in competitive integrated settings;

b. control personal resources;

c. engage in community life; and

d. receive services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services;

2. the setting is selected by the participant from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the participant's needs, preferences, and, for residential settings, resources available for room and board;

3. the setting ensures a participant's rights of privacy, dignity and respect, and freedom from coercion and restraint;

4. the setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact; and

5. the setting facilitates individual choice regarding services and supports, and who provides them.

B. In a provider-owned or controlled non-residential setting, in addition to the qualities listed above, the following additional conditions must be met:

1. participants shall have the freedom and support to control their own schedules and activities, and have access to food at any time to the same extent as participants not receiving Medicaid home and community-based waiver services;

2. participants shall be able to have visitors of their choosing at any time to the same extent as participants not receiving Medicaid home and community-based waiver services; and

3. the setting shall be physically accessible to the participant.

C. In a provider-owned or controlled residential setting, in addition to the qualities above, the following additional conditions must be met.

1. The unit or dwelling shall be a specific physical place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the state, county, city,

or other designated entity. For settings in which landlord tenant laws do not apply, the state must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.

2. Each participant shall have privacy in their sleeping or living unit.

a. Units shall have entrance doors lockable by the participant, with only appropriate staff having keys to doors.

b. Participants sharing units shall have a choice of roommates in that setting.

c. Participants shall have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.

D. Providers shall work with the department to timely address and remediate any identified instances of non-compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

§903. Electronic Visit Verification

A. An electronic visit verification (EVV) system must be used for automated scheduling, time and attendance tracking and billing for home and community-based services.

1. Home and community-based waiver providers identified by the department shall use:

a. the EVV system designated by the department, or

b. an alternate system that:

i. has successfully passed the data integration process to connect to the designated EVV system, and

ii. is approved by the department.

2. Reimbursement for services may be withheld or denied if a provider:

a. fails to use the EVV system, or

b. uses a system not in compliance with Medicaid's policies and procedures for EVV.

3. Requirements for proper use of the EVV system are outlined in the respective program's Medicaid provider manual. All providers of home and community-based waivers shall comply with the respective program's Medicaid provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

§905. Critical Incident Reporting

A. Support coordination and direct service provider types are responsible for documenting the occurrence of incidents or accidents that affect the health and welfare of the participant, and for completing an incident report.

B. The incident report shall be submitted to the department, or its designee, with the specified requirements and within specified time lines.

C. Specific requirements and timelines are outlined in each program office's critical incident reporting policy and procedures document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by assuring that HCBS waiver participants receive the services they are in need of in an efficient and cost-effective manner.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by allowing working family members to maintain stable employment due to the improved delivery of HCBS waiver services which may reduce the financial burden on families.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, August 24, 2017 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee, MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home and Community-Based
Services Waivers—Standards for Participation**

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Hospital Licensing Standards
Obstetrical and Newborn Services
Neonatal Unit Functions
(LAC 48:I.9513)

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

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic savings of approximately \$1,040,722 for FY 17-18, \$1,022,334 for FY 18-19 and \$1,053,004 for FY 19-20. It is anticipated that \$1,188 (\$594 SGF and \$594 FED) will be expended in FY 17-18 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on an enhanced Federal Medical Assistance Percentage (FMAP) rate of 75 percent approved through the Medicaid Management Information Systems Modernization Project for electronic visit verification.

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

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$3,123,356 for FY 17-18, \$3,067,001 for FY 18-19 and \$3,159,011 for FY 19-20. It is anticipated that \$594 will be expended in FY 17-18 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on an enhanced Federal Medical Assistance Percentage (FMAP) rate of 75 percent approved through the Medicaid Management Information Systems Modernization Project for electronic visit verification.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

This proposed Rule amends the general provisions governing Home and Community-Based Services (HCBS) Waivers in order to: 1) adopt removal criteria for the freedom of choice list; 2) revise the provisions governing termination of coverage for displaced residents; 3) adopt criteria related to the settings in which all home and community-based services are delivered; 4) adopt criteria for use of an electronic visit verification (EVV) system for home and community-based services; and 5) adopt incident reporting requirements. It is anticipated that implementation of this proposed rule will result in an economic cost to providers to obtain the equipment utilized for EVV, but is projected to reduce programmatic expenditures for HCBS waiver services by approximately \$4,165,266 for FY 17-18, \$4,089,335 for FY 18-19 and \$4,212,015 for FY 19-20 due to increased prevention of fraud resulting from inappropriate billing.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jen Steele
Medicaid Director
1707#049

Evan Brasseaux
Staff Director
Legislative Fiscal Office

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.9513 as authorized by R.S. 36:254 and R.S. 40:2100-2115. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing amended the provisions governing the licensing of hospitals in order to clarify the provisions governing obstetrical and newborn services to ensure that these provisions are aligned with current standards of practice and staffing guidelines (*Louisiana Register*, Volume 43, Number 1).

The department has determined it is necessary to amend the provisions governing the hospital licensing standards in order to further clarify the provisions governing respiratory equipment requirements for level 3 and level 3 surgical neonatal intensive care units.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 93. Hospitals

**Subchapter S. Obstetrical and Newborn Services
(Optional)**

§9513. Neonatal Unit Functions

A. - C.1.b. ...

c. The staffing of this unit shall be based on patient acuity and consistent with the recommended staffing guidelines of the 2012 Seventh edition of the *AAP Guidelines for Perinatal Care*. For medical sub-specialty requirements, refer to Table 1, Neonatal Medical Subspecialties and Transport Requirements.

2. - 2.f.i. ...

3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. ...

ii. respiratory support that allows provision of continuous mechanical ventilation for infants less than 32 weeks gestation and weighing less than 1,500 grams.

4. - 5.b. ...

D. Level III Surgical NICU

1. - 2.a. ...

3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. a full range of respiratory support that includes high frequency ventilation and inhaled nitric oxide.

E. - E.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2429 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by ensuring safe and effective operation of hospital perinatal services as a means of reducing infant mortalities.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service. These provisions will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, August 24, 2017 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee, MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Hospital Licensing Standards
Obstetrical and Newborn Services
Neonatal Unit Functions**

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 17-18. It is anticipated that \$432 (SGF) will be expended in FY 17-18 for the state's administrative expense for the promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

This proposed Rule amends the provisions governing the hospital licensing standards in order to further clarify the provisions governing respiratory equipment requirements for level 3 and level 3 surgical neonatal intensive care units (NICUs). It is anticipated that the implementation of this proposed rule will not result in economic costs to hospital NICU providers for FY 17-18, FY 18-19 and FY 19-20, but may be beneficial due to less restrictive equipment requirements for level 3 NICUs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello
Health Standards Section Director
1707#050

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services
and**

Office for Citizens with Developmental Disabilities

Personal Care Services—Long-Term
Standards for Participation
(LAC 50:XV.12901 and 12909)

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XV.12901 and §12909 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which adopted provisions governing long-term personal care services (LT-PCS) which mandated that LT-PCS providers must utilize the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking and billing for long-term personal care services (*Louisiana Register*, Volume 41, Number 3). The department subsequently promulgated a Notice of Intent which proposed to continue the provisions of the April 1, 2015 Emergency Rule (*Louisiana Register*, Volume 42, Number 12). As a result of comments received, the department determined it was necessary to abandon the Notice of Intent published in the December 20, 2016 edition of the *Louisiana Register*.

The department now proposes to promulgate a revised Notice of Intent in order to adopt provisions which mandate utilization of an EVV system for LT-PCS, and to amend the provisions governing freedom of choice for LT-PCS participants.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129. Long Term Care

§12901. General Provisions

A. - B. ...

C. Each LT-PCS applicant/recipient shall be assessed using a uniform interRAI home care assessment tool or a subsequent assessment tool designated by OAAS. The assessment is designed to verify that an individual meets eligibility qualifications and to determine resource allocation while identifying his/her need for support in performance of activities of daily living (ADLs) and instrumental activities of daily living (IADLs). The assessment generates a score which measures the recipient's degree of self-performance of late-loss activities of daily living during the period just before the assessment.

1. The late-loss ADLs include eating, toileting, transferring and bed mobility. An individual's assessment will generate a score which is representative of the individual's degree of self-performance on the late-loss ADLs.

D. - F.3.d. ...

G. The Department of Health may remove an LT-PCS provider from the LT-PCS provider freedom of choice list and offer freedom of choice to LT-PCS participants when:

1. - 3. ...

H. The department may offer recipients the freedom to choose another provider if/when the owner(s), operator(s), or member(s) of the governing body of the provider agency is/are under investigation related to:

1. bribery or extortion;
2. tax evasion or tax fraud;
3. money laundering;
4. securities or exchange fraud;
5. wire or mail fraud;
6. violence against a person;
7. act(s) against the aged, juveniles or infirmed; or
8. any crime involving public funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:911 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 32:2082 (November 2006), LR 34:2577 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2450 (November 2009), LR 39:2506 (September 2013), LR 41:540 (March 2015), LR 42:902 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

§12909. Standards for Participation

A. In order to participate as a personal care services provider in the Medicaid Program, an agency:

1. - 1.d. ...

2. must possess a current, valid home and community-based services license to provide personal care attendant services issued by the Department of Health, Health Standards Section.

B. - D.2. ...

E. Electronic Visit Verification. An electronic visit verification (EVV) system must be used for automated scheduling, time and attendance tracking and billing for LT-PCS services.

1. LT-PCS providers identified by the department shall use:

- a. the EVV system designated by the department; or
- b. an alternate system that:

i. has successfully passed the data integration process to connect to the designated EVV system; and

ii. is approved by the department.

2. Reimbursement for services may be withheld or denied if a provider:

- a. fails to use the EVV system; or
- b. uses the system not in compliance with Medicaid's policies and procedures for EVV.

3. Requirements for proper use of the EVV system are outlined in the respective program's Medicaid provider manual. All LT-PCS providers shall comply with the respective program's Medicaid provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2451 (November 2009), LR 39:2508 (September 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed

Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by assuring that Medicaid recipients receive needed long-term personal care services in an efficient and cost-effective manner.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by allowing working family members to maintain stable employment due to the improved delivery of personal care services which may reduce the financial burden on families.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider’s ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, August 24, 2017 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee, MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Personal Care Services—Long-Term Standards for Participation

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

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic savings of approximately \$234,233 for FY 17-18, \$168,639 for FY 18-19 and \$173,699 FY 19-20. It is anticipated that \$756 (\$378 SGF and \$378 FED) will be expended in FY 17-18 for the state’s administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on an enhanced Federal Medical Assistance Percentage (FMAP) rate of 75 percent approved through the Medicaid Management Information Systems Modernization Project for electronic visit verification.

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

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$703,455 for FY 17-18, \$505,918 for FY 18-19 and \$521,095 for FY 19-20. It is anticipated that \$378 will be expended in FY 17-18 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on an enhanced Federal Medical Assistance Percentage (FMAP) rate of 75 percent approved through the Medicaid Management Information Systems Modernization Project for electronic visit verification.

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

This proposed Rule adopts provisions which mandate utilization of an electronic visit verification (EVV) system for long-term personal care services (LT-PCS), and amends the provisions governing freedom of choice for LT-PCS participants. It is anticipated that implementation of this proposed rule will reduce programmatic expenditures for LT-PCS by approximately \$938,444 for FY 17-18, \$674,557 for FY 18-19 and \$694,794 for FY 19-20.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jen Steele
Medicaid Director
1707#051

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Offshore Terminal Authority**

Licensing Offshore Terminal Facilities for
Dry Bulk Cargoes (LAC 70:VII.Chapter 1)

The Department of Transportation and Development, Offshore Terminal Authority proposes to amend LAC 70:VII.105, 107 and 111 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendments:

1. add the definition of operations manual;
2. require an applicant to state that there will be no substantial change from the plans, operational systems, methods, procedures and safeguards set forth in the applicant’s operations manual; and
3. permit perpetual licensure of licensees in order to conform the state licensure program to the federal licensure program.

**Title 70
TRANSPORTATION**

**Part VII. Offshore Terminal Authority
Chapter 1. Licensing Offshore Terminal Facilities for
Dry Bulk Cargoes**

§105. Definitions

- A. As used in these rules:

Operations Manual—the licensee’s operations manual approved by the United States Coast Guard, as the same may be amended from time to time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:424 (June 1983), amended by the Department of Transportation and Development, Offshore Terminal Authority, LR 43:

§107. Applications

A. - B.4. ...

5. An application shall contain a statement by the applicant that:

a. there will be no substantial changes from the plans, operational system, and methods, procedures and safeguards set forth in the operations manual; and

5.b. - 7.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:424 (June 1983), amended by the Department of Transportation and Development, Offshore Terminal Authority, LR 43:

§111. Licenses

A. - C.1.b. ...

D. Term of License. Except as otherwise provided in these rules and regulations, a license shall be in effect unless suspended or revoked by the authority or surrendered by the licensee, or for a term of years as prescribed by the authority.

E. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:425 (June 1983), amended by the Department of Transportation and Development, Offshore Terminal Authority, LR 43:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule should have no foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until 4:30 p.m., Wednesday, August 9, 2017, to Julie Silva, Louisiana Offshore Terminal Authority,

1201 North Third Street, Suite-7-210, Baton Rouge, LA 70802.

Robert R. Adley
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensing

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

The proposed rule will not result in any costs to state or local government units. Nor are they likely to result in any savings to any such units.

The proposed rule provides for the addition of a definition of an operations manual; requires an applicant to reference the operations manual within an application which is being codified to match federal procedures and current practices, and lastly permits perpetual licensure of licensees in order to conform the state licensure program to the federal licensure program.

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

The proposed rule will not affect revenue collections of state or local governmental units in the fiscal years addressed in the fiscal and economic impact statement.

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

Promulgation of this proposed rule may result in a benefit to licensees. Previously licenses would be renewed every 20 years, but the proposed rule takes away term limits of licenses unless suspended or revoked by the authority.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not effect competition and employment.

Robert R. Adley
Executive Director
1707#038

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of the Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Purchase of Service Credit for Military Service
(LAC 58:I.701, 703, 905, 907, 913 and 915)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes amendment in part and repeal in part of provisions contained in Chapters 7 and 9 of Part I of LAC Title 58. Amendments are recommended to reflect the federal maximum purchase of five years of military service credit allowed, to reflect the federal time period allowed to pay for military service credit, removal of provisions which are in conflict with federal and state law, the amendment of the chapter titles of to better reflect the purpose of each, the

removal of references to payment of interest and changes to utilize the term "member" uniform throughout both chapters. The proposed rule changes comply with and are enabled by R.S. 11:515.

**Title 58
RETIREMENT**

**Part I. Louisiana State Employees' Retirement System
Chapter 7. Purchase of Military Service under
R.S. 11:153**

§701. Purchase of Military Service

A. A maximum of four years of credit for military service may be purchased by members who rendered military service in accordance with R.S. 11:153, provided the member received a discharge other than dishonorable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:153.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 26:1490 (July 2000), amended LR 43:

**§703. Requirements for Application to Purchase
Military Service**

A. - B. ...

C. - D. Repealed.

E. The payment of the cost shall be credited to the member's account. If the member later separates from state employment and requests a refund of contributions, the amount paid shall be refunded along with other employee contributions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:153.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 32:265 (February 2006), amended LR 43:

**Chapter 9. Purchase of Retirement Credit under
R.S. 29:411 et seq., and the Uniformed
Services Employment and Reemployment
Rights Act**

§905. Limitations

A. Members may receive no more than a total of five years of military service credit in the retirement system for military service rendered in accordance with R.S. 29:411 et seq. and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:411 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:.

§907. Credit for Eligibility or Benefit Purposes

A. In accordance with provisions of USERRA, a member shall receive credit for purposes of determining eligibility for retirement at no cost to the individual or agency. In order to receive credit for purposes of calculating the retirement benefit, contributions shall be paid to the retirement system in accordance with section 414(u) of the *Internal Revenue Code*. If the employee was on paid leave during the period of active military service, the employee has received retirement credit for that service and no additional information need be furnished to the retirement system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:411 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:

**§913. Payment of Contributions after Military Service
is Completed**

A. The employer shall pay the employer contribution.

B. ...

C. The employer shall determine the amount of earnings that would have been earned and compute the employee and employer's contributions that are due.

D. The employee shall pay the employee contributions to the agency. The agency shall remit the employee and employer contributions to LASERS within 30 days after the employee has paid his or her portion. The agency shall provide a monthly breakdown of the earnings and contributions for each member and the certification documents to LASERS

E. Payment for military service shall be made in accordance with section 414(u) of the Internal Revenue Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:414 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:

§915. Death and Survivor Benefits

A. - B. ...

C. If a member dies before completing payment for military service under this chapter, a beneficiary or survivor has the right to pay the required contributions as set forth in R.S. 29:415, except that the applicable time limit within which payment must be made is that set forth in section 414(u) of the Internal Revenue Code. If the beneficiary or survivor chooses not to pay the member's contribution, the computation of death and survivor benefits shall be based on the actual service credit of the member, excluding his or her military service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:414, R.S. 29:415 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 43:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments on the proposed changes until 4:30 pm, August 29, 2017 to Steve

Stark, Board of Trustees for the Louisiana State Employees' Retirement System, P.O. Box 44213, Baton Rouge, LA 70804. No rule preamble has been prepared.

Cindy Rougeou
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Purchase of Service
Credit for Military Service**

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

The proposed rule change will not result in any costs or savings to state or local governmental units.

In addition to technical updates and clarifying language, the proposed changes update existing rules to comply with federal regulations.

The proposed changes provides that LASERS members may purchase up to 5 years of military service credit in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and that this purchase should be made within 5 years of release from active military duty in accordance with Section 414(u) of the Internal Revenue Code. The proposed rule also removes the provision that prohibits a DROP participant from purchasing military service credit under LA R.S. 11:153. Finally, the proposed rule removes a provision that a member may be charged interest by LASERS when purchasing military service credit under LA R.S. 29:411.

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

The proposed rule change will not affect state or local government revenue collections. There is no anticipated loss of interest revenue given that, in current practice, LASERS does not charge members interest when purchasing military service credit under LA R.S. 29:411.

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

The proposed rule change will benefit LASERS members who have served in the military and wish to purchase military service credit under LA R.S. 11:153 and/or LA R.S. 29:411.

Present rule provides that a member that participated in DROP may not purchase military service credit under LA R.S. 11:153. This rule change removes this provision. Therefore, a member that participated in DROP may purchase military service credit under LA R.S. 11:153, thus increasing his/her LASERS retirement benefit. There is no anticipated cost to LASERS as the member pays the actuarial cost of the increased benefit.

In addition, present rule provides that a member may purchase up to 4 years of military service credit under LA R.S. 29:411. This rule change provides that a member may purchase up to 5 years of military service credit under LA R.S. 29:411. Therefore, a member may purchase an additional year of military service credit under LA R.S. 29:411, thus increasing his/her LASERS retirement benefit. There is no anticipated cost to LASERS as the member pays the actuarial cost of the increased benefit.

Finally, present rule provides that a member is charged interest when purchasing military service credit under LA R.S. 29:411. This rule change removes this provision. Therefore, a member that wishes to purchase military service credit under LA R.S. 29:411 will benefit from this change in that he/she will not be charged interest.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change does not effect competition and/or employment.

Trey Boudreaux
Assistant Director
1707#040

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Daily Take and Possession Limits of King
and Spanish Mackerel and Cobia (LAC 76:VII.327)**

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.327) by modifying the recreational bag and possession limit of king mackerel from two fish to three fish per person per day. Proposed changes further modify existing king commercial harvest regulations by establishing in rule the commercial season for the harvest of king mackerel to begin on July 1 of each year and provide authority to the secretary of the department to modify the commercial season should it be modified in the adjacent waters of the EEZ. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), 56:320.2, 56:326.1, and 56:326.3 to the Wildlife and Fisheries Commission.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§327. Daily Take and Possession Limits of King and Spanish Mackerel and Cobia

A. ...

B. The recreational bag limit for the possession of king mackerel (*Scomberomorus cavalla*) whether caught within or without the territorial waters of Louisiana shall be three fish per person, per day.

C. - E.4. ...

5. The season for the commercial harvest of king mackerel shall open on July 1 of each year and remain open until the allotted portion of the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested.

6. The secretary of the Department of Wildlife and Fisheries is authorized, upon notification of the chairman of the Wildlife and Fisheries Commission, to open, close, re-open, or re-close the commercial season for the harvest of king mackerel when informed of such a season modification in the adjacent waters of the EEZ by the National Marine Fisheries Service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:868 (October 1989), amended LR 17:207 (February 1991), LR 19:513 (April 1993), LR 26:2633 (November 2000), LR 26:2833 (December 2000), LR 43:

Family Impact Statement

In accordance with Act No. 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit comments relative to the proposed Rule to Jason Adriance, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to jadriance@wlf.la.gov prior to Thursday, September 7, 2017.

Chad J. Courville
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Daily Take and Possession Limits of
King and Spanish Mackerel and Cobia**

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

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule change increases the recreational bag limit for king mackerel from two fish per person per day to three fish per person per day. It establishes a season for the commercial harvest of king mackerel that shall open on July 1

of each year and close when the allotted portion of the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested. Lastly, it grants the Secretary of the Department of Wildlife and Fisheries the authority to open, reopen, close, or reclose the commercial season for king mackerel upon notification of the chairman of the Louisiana Wildlife and Fisheries Commission.

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

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units. The proposed rule is not expected to have any effect on landings or revenue because it does not alter the commercial quota.

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

The proposed rule would directly impact anglers fishing king mackerel fish. The proposed increase in the recreational bag limit for king mackerel from two fish to three fish per person per day would benefit anglers by allowing them to keep more of the fish they catch. According to estimates provided by the L.D.W.F., the average number of king mackerel harvested by private anglers between 2014 and 2016 was 2,142 and the number harvested by charter boat passengers was 313. Because the number of king mackerel harvested in Louisiana has historically been modest, it is unlikely that the increased bag limit will prompt a substantial increase in fishing activity. The proposed rule change setting July 1 as the opening date of commercial king mackerel season is essentially a codification of recent practices. It does not alter the commercial king mackerel quota and is thus unlikely to result in any change in commercial landings. The proposed rule change granting the Secretary of L.D.W.F. the authority to open, reopen, close, or reclose the commercial king mackerel season simplifies and possibly expedites the process and is unlikely to have any economic effects.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition and employment.

Bryan McClinton
Undersecretary
1707#028

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: January-June 2017

			Location:					Location:			
LAC Title	Part #.Section #	Action	Month	LR 43 Page #	LAC Title	Part #.Section #	Action	Month	LR 43 Page #		
4	V.Chapters 13,23,55 (PPM)	Repealed	June	1105	37	XIII.Chapter 99	Amended	Mar.	534		
	V.Chapters 17,47,49,51 (PPM)	Amended	June	1105		XIII.Chapter 153	Adopted	Mar.	530		
	V.Chapter 15 (PPM)	Amended	June	1110							
7	V.3101	Adopted	Mar.	515	43	XIX.104	Amended	Mar.	535		
	V.Chapter 71	Amended	Feb.	245		XIX.501	Amended	Mar.	536		
	V.7108,7109	Adopted	Feb.	245		XIX.571	Adopted	Mar.	536		
	XV.167	Amended	Feb.	245		XXVII.2701	Amended	Jan.	47		
	XV.Chapter 5	Amended	Mar.	510		LXI.903,909,2701	Amended	Mar.	537		
13	XV.519,701-725	Repealed	Mar.	510	46	I.Chapter 17	Adopted	April	644		
	I.107	Amended	Mar.	519		XXI.301	Amended	April	648		
	I.Chapter 5	Amended	June	1132		XXV.111-115,301,317,503,507	Amended	May	958		
22	I.501,502	Adopted	June	1132	46	XXXIII.415,1503,1504,1510,1511,1611	Amended	May	955		
	III.Chapter 47	Amended	Feb.	316		XXXIII.420,505	Amended	May	954		
	V.211	Amended	Jan.	46		XXXIII.701,1509	Amended	Jan.	48		
25	XI.510	Amended	Jan.	46	46	XXXIII.1506	Repealed	May	955		
	I.122	Amended	Jan.	46		XL.Chapters 1-7	Amended	Feb.	311		
	IX.Chapters 1-11	Amended	Feb.	290		XLI.1903	Amended	Feb.	316		
28	IX.329	Adopted	Feb.	290	46	XLV.408,7503-7509,7513	Amended	Feb.	317		
	IV.703,1903	Amended	Mar.	518		XLV.Chapter 77	Amended	Feb.	318		
	VI.Chapter 5	Adopted	April	638		XLV.7725	Repealed	Feb.	318		
33	XI.603	Amended	Feb.	301	48	XLVII.Chapter 40	Repealed	May	957		
	XI.Chapter 53	Amended	April	634		LIII.2307	Amended	Jan.	50		
	XI.Chapters 91-95	Adopted	May	891		LIII.2541	Adopted	May	958		
	XI.9103-9109	Repealed	May	891		LIII.2707	Amended	May	957		
	LXXXV.101,301,303,305	Adopted	May	879		LV.101,301,303,310-312,901	Amended	Mar.	541		
	LXXXV.103,501,503,701,703	Repealed	May	879		LV.101,301-304,310-314	Amended	May	972		
	XCI.Chapters 1-3	Amended	Mar.	516		LV.307,308,1002	Adopted	Mar.	541		
	XCV.Chapters 1-17	Repealed	Feb.	302		LV.309,508	Adopted	May	972		
	CXXXIX.107,301,307,309,523,2301,2303	Amended	Feb.	306		LV.313,314,315,316	Repromulgated	Mar.	541		
	CXXXIX.519,1903,2301,2303	Amended	April	635		LV.315,316,901,1001,1003-1007	Amended	May	972		
	CXXXIX.2701,2703,2707,2709,2713	Amended	Feb.	306		LXI.901,2701	Amended	Feb.	343		
	CXXXIX.401-423,521,707	Repealed	Feb.	306		LXVII.Chapter 18	Adopted	May	954		
	CLXI.103,1711	Amended	April	637		XCI.301	Repromulgated	Jan.	48		
	33	I.1119,1409-1413,1701,4501,4503	Amended	May		931	50	I.4001	Amended	Jan.	73
		I.1151	Adopted	May		931		I.4001	Repromulgated	Feb.	323
I.4701-4707,5903		Amended	May	931	I.5239	Amended		Jan.	82		
III.Chapters 2-3		Amended	May	931	I.Chapter 72	Repealed		Jan.	50		
III.Chapter 5		Amended	May	925	I.Chapter 72	Adopted		Jan.	50		
III.501		Amended	Mar.	520	I.8595,8599	Amended		Mar.	524		
III.Chapter 6		Amended	May	927	I.9047	Amended		Feb.	329		
III.606,611		Adopted	May	927	I.Chapter 93	Amended		Jan.	75		
III.2201		Amended	Mar.	521	V.Chapters 41-45	Amended		Feb.	330		
V.105,109,322		Amended	June	1149	V.4501	Repealed		Feb.	330		
V.108,109,309,517,537,705,1103,1107		Amended	June	1138	IX.Chapter 11	Adopted		April	664		
V.1109,1515,1516,1529,1751,1903,1907		Amended	June	1138	I.3103	Amended		April	663		
V.2201,2203,2207-2211,2216,2221,2227		Amended	June	1138	I.9319,9381,9405	Amended		Jan.	74		
V.2231,2239-2245,2299,3001,3203,3301		Amended	June	1138	II.Chapter 200	Amended		Mar.	525		
V.3511,4037,4053,4071,4085,4301,4399		Amended	June	1138	II.20005	Amended		Jan.	82		
V.4407,4501,4513,4999		Amended	June	1138	II.20019	Amended		Feb.	328		
V.4999		Amended	June	1149	III.2311	Adopted		April	664		
V.Chapter 51		Amended	May	931	V.Chapter 9	Amended		May	963		
V.5123,5149		Adopted	May	931	V.963	Amended		Feb.	325		
V.5125,5135,5137,5143		Repealed	May	931	V.2501	Amended		Mar.	522		
V.10303	Amended	Mar.	537	V.2503	Amended	May	962				
VII.1501-1505,10535	Amended	May	931	V.2903	Amended	Feb.	322				
VII.1507-1511	Adopted	May	931	V.3101,3103	Adopted	Mar.	522				
IX.1309,1507,7301	Amended	May	931	V.3103	Amended	May	961				
IX.7315	Adopted	May	931	V.5313,5317,5513,5517,5713,5719,6115	Amended	May	964				
XI.307,1305	Amended	May	931	V.6119	Amended	May	964				
XV.579,2504,2509-2511,2599	Amended	May	931	VII.32917	Adopted	April	662				
				VII.33103	Amended	Feb.	325				
				VII.33105	Adopted	Feb.	325				
				XV.703	Amended	April	662				

			Location:					Location:	
LAC Title	Part #.Section #	Action	Month	LR 43 Page #	LAC Title	Part #.Section #	Action	Month	LR 43 Page #
50	XV.27501,27503,27901,28101	Amended	Jan.	82	55	IX.Chapter 1	Amended	May	967
	XXI.2705	Adopted	Jan.	74					
	XXI.2905	Amended	Feb.	324	58	I.101 I.103-107 XXI.103,105,701 XXI.107,901	Amended Repealed Amended Adopted	Jan. Jan. May May	88 88 877 877
	XXII.Chapters 21-27	Repealed	May	962					
	XXIX.Chapter 11	Adopted	May	966					
	XXXIII.Chapters 1,3,7	Amended	Feb.	321					
XXXIII.8101,8103,8301,8305	Amended	Feb.	323	61	I.1605 I.1615,1621 III.2701 V.101,111,121,203,213,303,304,703,901 V.907,1103,1307,1503,1701,1703,2503 V.3101-3107,3501	Amended Adopted Adopted Amended Amended Amended	Feb. Feb. Feb. April April April	300 300 342 648 648 648	
51	XII.101,311,325,343,901-907,911	Amended	Jan.						83
	XII.913	Amended	Jan.						83
	XII.319,912,1201	Adopted	Jan.						83
	XIII.101	Amended	May						966
XIII.308	Adopted	May	966						
55	I.101,207	Amended	April	676	76	V.119 V.701 VII.106 VII.335 VII.537	Adopted Amended Amended Repromulgated Amended	Feb. Jan. Jan. Jan. Jan.	344 90 90 89 91
	I.Chapter 13	Amended	April	671					
	III.807,819	Amended	Mar.	535					
	V.101,103,301,303,307,309,1501	Amended	May	968					
	V.Chapter 11	Repealed	May	968					

Potpourri

POTPOURRI

Office of the Governor Division of Administration Office of Group Benefits

Public Hearing—Substantive Changes
to Proposed Rule—Employee Benefits
(LAC 32:I.319, 323, and 1109; III.105, 107, and 109;
and V.203, 205, 207, 305, 307, 405, 505, and 507)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Office of Group Benefits published a Notice of Intent in the May 20, 2017 edition of the *Louisiana Register* to implement several changes to the Office of Group Benefits rules. Office of Group Benefits received written comments on the proposed rulemaking and facilitated a public hearing on June 28, 2017, to receive comments and testimony on the proposed Rule. After a thorough review and careful consideration of the comments and testimony received on the Notice of Intent, the Office of Group Benefits has decided not to pursue at this time the provisions of the original proposed Rule regarding the implementation of tobacco and spousal surcharges (proposed LAC 32:I.510) or the revisions to LAC 32:I.315. Office of Group Benefits will proceed with the remainder of the proposed rulemaking with no changes, as set forth below. These actions will enhance member clarification and provide for the administration, operation, and management of health care benefits effectively for the program and member. The fiscal and economic impacts of the remaining portions of the Notice of Intent have been sent to the Legislative Fiscal Office for evaluation.

Title 32

EMPLOYEE BENEFITS

Part I. General Provisions

Chapter 3. Uniform Provisions—Participation in the Office of Group Benefits

§319. Continued Coverage

A. - C.4. ...

D. Over-Age Dependents. If a dependent child who is the natural or adopted child of the enrollee is incapable of self-sustaining employment by reason of mental or physical incapacity and became incapable prior to attainment of age 26, the coverage for that dependent child may be continued for the duration of incapacity.

D.1. - E.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:341 (February 2015), effective March 1, 2015, amended LR 43:

§323. Employer Responsibility

A. ...

B. A participating employer shall immediately inform OGB when a retiree with OGB coverage returns to benefit-eligible employment. The enrollee shall be placed in the re-employed retiree category for premium calculation. The re-employed retiree premium classification applies to retirees with and without Medicare. The premium rates applicable to the re-employed retiree premium classification shall be identical to the premium rates applicable to the classification for retirees without Medicare. If the re-employed retiree suspends retirement benefits and returns to benefit-eligible employment with the agency from which the re-employed retiree originally retired, the employee portion of the premium shall be withheld by payroll deduction and the employing agency shall remain responsible for the employer portion of the premium. If the re-employed retiree suspends retirement benefits and returns to benefit-eligible employment with an OGB participating agency other than the agency from which the re-employed retiree originally retired, the employee portion of the premium shall be withheld by payroll deduction, and the employing agency shall be responsible for the employer portion of the premium throughout the duration of employment. If the re-employed retiree returns to benefit-eligible employment, yet does not suspend retirement benefits as allowed by law, the employee portion of the premium shall be withheld by payroll deduction, and the employing OGB participating agency shall be responsible for the employer portion of the premium throughout the duration of employment. When the re-employed retiree separates from employment with the OGB participating employer, the employer shall notify OGB of such separation within 30 days. After the re-employed retiree again separates from employment with an OGB participating employer, the agency from which the re-employed retiree originally retired shall again be responsible for the employer portion of the premium.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:345 (February 2015), effective March 1, 2015, amended LR 41:2351 (November 2015), effective January 1, 2016, LR 43:

Chapter 11. Contributions

§1109. Retirees with Medicare Parts A and B

A. Employees who retire on or after July 1, 1997, and who are not rehired retirees in a benefit-eligible position, shall receive a reduced premium rate when enrolled in Medicare Parts A and B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees, State Employees Group Benefits Program, LR 24:496 (March 1998), amended by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:350 (February 2015), effective March 1, 2015, LR 43:

Part III. Primary Plan of Benefits

Chapter 1. Operation of Primary Plan

§105. Out of Pocket Maximums

Out-of-Pocket Maximum Per Benefit Period (Includes All Eligible Copayments, Coinsurance Amounts and Deductibles)		
Individual:	Network	Non-Network
Active Employee/Retirees on or after March 1, 2015	\$3,500	No Coverage
Retirees prior to March 1, 2015 (With and Without Medicare)	\$2,000	No Coverage
Individual, Plus One Dependent:		
Active Employee/Retirees on or after March 1, 2015	\$6,000	No Coverage
Retirees prior to March 1, 2015 (With and Without Medicare)	\$3,000	No Coverage
Individual, Plus Two or More Dependents:		
Active Employee/Retirees on or after March 1, 2015	\$8,500	No Coverage
Retirees prior to March 1, 2015 (With and Without Medicare)	\$4,000	No Coverage

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:350 (February 2015), effective March 1, 2015, amended LR 43:

§107. Schedule of Benefits

A. Benefits, Copayments, and Coinsurance

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Physician Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • General Practice • Family Practice • Internal Medicine • OB/GYN • Pediatrics 	\$25 Copayment per Visit	No Coverage
Allied Health/Other Professional Visits: <ul style="list-style-type: none"> • Chiropractors • Federally Funded Qualified Rural Health Clinics • Nurse Practitioners • Retail Health Clinics • Physician Assistants 	\$25 Copayment per Visit	No Coverage
Specialist Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • Physician • Podiatrist • Optometrist • Midwife • Audiologist • Registered Dietician • Sleep Disorder Clinic 	\$50 Copayment per Visit	No Coverage
Ambulance Services - Ground (for Emergency Medical Transportation only)	\$50 Copayment	\$50 Copayment

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Ambulance Services - Air (for Emergency Medical Transportation only) Non-Emergency requires prior authorization ²	\$250 Copayment	No Coverage
Ambulatory Surgical Center and Outpatient Surgical Facility	\$100 Copayment	No Coverage
Birth Control Devices – Insertion and Removal (as listed in the Preventive and Wellness Article in the Benefit Plan)	100% - 0%	No Coverage
Cardiac Rehabilitation (limit of 36 visits per Plan Year)	\$25/\$50 Copayment per day depending on Provider Type ² \$50 Copayment - Outpatient Facility ²	No Coverage
Chemotherapy/Radiation Therapy (Authorization not required when performed in Physician's office)	Office - \$25 Copayment per Visit Outpatient Facility 100% - 0% ^{1,2}	No Coverage
Diabetes Treatment	80% - 20% ¹	No Coverage
Diabetic/Nutritional Counseling - Clinics and Outpatient Facilities	\$25 Copayment	No Coverage
Dialysis	100% - 0% ¹	No Coverage
Durable Medical Equipment (DME), Prosthetic Appliances and Orthotic Devices	80% - 20% ^{1,2} of first \$5,000 Allowable per Plan Year; 100% - 0% of Allowable in Excess of \$5,000 per Plan Year	No Coverage
Emergency Room (Facility Charge)	\$200 Copayment; Waived if admitted to the same facility	
Emergency Medical Services (Non-Facility Charges)	100% - 0% ¹	100% - 0% ¹
Eyeglass Frames and One Pair of Eyeglass Lenses or One Pair of Contact Lenses (purchased within six months following cataract surgery)	Eyeglass Frames – Limited to a Maximum Benefit of \$50 ¹	No Coverage
Flu shots and H1N1 vaccines (administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair)	100% - 0%	No Coverage
Hearing Aids (Hearing Aids are not covered for individuals age eighteen (18) and older.)	80% - 20% ^{1,3}	No Coverage
Hearing Impaired Interpreter Expense	100% - 0%	No Coverage
High-Tech Imaging - Outpatient <ul style="list-style-type: none"> • CT Scans • MRA/MRI • Nuclear Cardiology • PET Scans 	\$50 Copayment ²	No Coverage
Home Health Care (limit of 60 Visits per Plan Year)	100% - 0% ^{1,2}	No Coverage
Hospice Care (limit of 180 Days per Plan Year)	100% - 0% ^{1,2}	No Coverage
Injections Received in a Physician's Office (when no other health service is received)	100% - 0% ¹	No Coverage

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Inpatient Hospital Admission, All Inpatient Hospital Services Included	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Inpatient and Outpatient Professional Services for Which a Copayment Is Not Applicable	100% - 0% ¹	No Coverage
Mastectomy Bras - Ortho-Mammary Surgical (limited to three (3) per Plan Year)	80% - 20% ¹ of first \$5,000 Allowable per Plan Year; 100% - 0% of Allowable in Excess of \$5,000 per Plan Year	No Coverage
Mental Health/Substance Abuse - Inpatient Treatment and Intensive Outpatient Programs	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Mental Health/Substance Abuse - Office Visit and Outpatient Treatment (Other than Intensive Outpatient Programs)	\$25 Copayment per Visit	No Coverage
Newborn - Sick, Services excluding Facility	100% - 0% ¹	No Coverage
Newborn - Sick, Facility	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Oral Surgery	100% - 0% ^{1,2}	No Coverage
Pregnancy Care - Physician Services	\$90 Copayment per pregnancy	No Coverage
Preventive Care - Services include screening to detect illness or health risks during a Physician office visit. The Covered Services are based on prevailing medical standards and may vary according to age and family history. (For a complete list of benefits, refer to the Preventive and Wellness Article in the Benefit Plan.)	100% - 0% ³	No Coverage
Rehabilitation Services - Outpatient: <ul style="list-style-type: none"> Speech Physical/Occupational (Limited to 50 Visits combined PT/OT per Plan Year. Authorization required for visits over the combined limit of 50.) (Visit limits do not apply when services are provided for Autism Spectrum Disorders.) 	\$25 Copayment per Visit	No Coverage
Skilled Nursing Facility (limit of 90 days per Plan Year)	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Sonograms and Ultrasounds (Outpatient)	\$50 Copayment	No Coverage
Urgent Care Center	\$50 Copayment	No Coverage
Vision Care (Non-Routine) Exam	\$25/\$50 Copayment depending on Provider Type	No Coverage
X-ray and Laboratory Services (low-tech imaging)	Hospital Facility 100%-0% ¹ Office or Independent Lab 100%-0%	No Coverage

¹Subject to Plan Year Deductible, if applicable
²Pre-Authorization Required, if applicable. Not applicable for Medicare primary.
³Age and/or Time Restrictions Apply

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:350 (February 2015), effective March 1, 2015, amended LR 43:

§109. Prescription Drug Benefits

A. Prescription Drug Benefits

Network Pharmacy	Member pays
Tier 1- Generic	50% up to \$30
Tier 2- Preferred	50% up to \$55
Tier 3- Non-preferred	65% up to \$80
Tier 4- Specialty	50% up to \$80
90 day supplies for maintenance drugs from mail order OR at participating 90-day retail network pharmacies	Two and a half times the cost of your applicable copayment
Co-Payment after the Out Of Pocket Amount of \$1,500 Is Met	
Tier 1- Generic	\$0
Tier 2- Preferred	\$20
Tier 3- Non-preferred	\$40
Tier 4- Specialty	\$40
Prescription drug benefits-31 day refill	
Plan pays balance of eligible expenses	
Diabetic supplies are not subject to a copayment if enrolled in the In-Health/Disease Management Program.	
Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug & the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket maximum.	
Medications available over-the-counter in the same prescribed strength are not covered under the pharmacy plan.	
Smoking Cessation Medications:	
Benefits are available for Prescription and over-the-counter (OTC) smoking cessation medications when prescribed by a physician. (Prescription is required for over-the-counter medications). Smoking cessation medications are covered at 100%.	
This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor that require a prescription. Utilization management criteria may apply to specific drugs or drug categories to be determined by PBM.	

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:352 (February 2015), effective March 1, 2015, amended LR 43:

Part V. Additional Plans and Operations

Chapter 2. PPO Plan Structure - Magnolia Open Access Plan

§203. Out of Pocket Maximums

Includes All Eligible Copayments, Coinsurance Amounts and Deductibles					
	Active Employee/Retirees on or after March 1, 2015		Retirees prior to March 1, 2015 Without Medicare		Retirees prior to March 1, 2015 With Medicare
	Network	Non-Network	Network	Non-Network	Network and Non-Network
Individual Only	\$3,500	\$4,700	\$2,300	\$4,300	\$3,300
Individual Plus One (Spouse or Child)	\$6,000	\$8,500	\$3,600	\$7,600	\$5,600
Individual Plus Two	\$8,500	\$12,250	\$4,900	\$10,900	\$7,900
Individual Plus Three	\$8,500	\$12,250	\$5,900	\$13,700	\$9,900
Individual Plus Four	\$8,500	\$12,250	\$6,900	\$13,700	\$11,900
Individual Plus Five	\$8,500	\$12,250	\$7,900	\$13,700	\$13,700
Individual Plus Six	\$8,500	\$12,250	\$8,900	\$13,700	\$13,700
Individual Plus Seven	\$8,500	\$12,250	\$9,900	\$13,700	\$13,700
Individual Plus Eight	\$8,500	\$12,250	\$10,900	\$13,700	\$13,700
Individual Plus Nine	\$8,500	\$12,250	\$11,900	\$13,700	\$13,700
Individual Plus Ten	\$8,500	\$12,250	\$12,900	\$13,700	\$13,700
Individual Plus Eleven or More	\$8,500	\$12,250	\$13,700	\$13,700	\$13,700

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:355 (February 2015), effective March 1, 2015, amended LR 43:

§205. Schedule of Benefits

A. Benefits and Coinsurance

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non-Network Providers	Network and Non-Network Providers
Physician Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • General Practice • Family Practice • Internal Medicine • OB/GYN • Pediatrics 	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Allied Health/Other Professional Visits: <ul style="list-style-type: none"> • Chiropractors • Federally Funded Qualified Rural Health Clinics • Nurse Practitioners • Retail Health Clinics • Physician Assistants 	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Specialist (Physician) Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • Physician • Podiatrist • Optometrist • Midwife • Audiologist • Registered Dietician • Sleep Disorder Clinic 	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Ambulance Services - Ground (for Emergency Medical Transportation only)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Ambulance Services - Air (for Emergency Medical Transportation only) Non-emergency requires prior authorization ²	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Ambulatory Surgical Center and Outpatient Surgical Facility	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Birth Control Devices - Insertion and Removal (as listed in the Preventive and Wellness Care Article in the Benefit Plan)	100% - 0%	70% - 30% ¹	Network Providers 100% - 0% Non-Network Providers 80% - 20% ¹

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers
Cardiac Rehabilitation (limit of 36 visits per Plan Year)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Chemotherapy/Radiation Therapy (Authorization not required when performed in Physician's office)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Diabetes Treatment	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Diabetic/Nutritional Counseling - Clinics and Outpatient Facilities	90% - 10% ¹	Not Covered	80% - 20% ¹
Dialysis	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Durable Medical Equipment (DME), Prosthetic Appliances and Orthotic Devices	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Emergency Room (Facility Charge)	\$150 Copayment ¹ ; Waived if admitted to the same facility		
Emergency Medical Services (Non-Facility Charges)	90% - 10% ¹	90% - 10% ¹	80% - 20% ¹
Eyeglass Frames and One Pair of Eyeglass Lenses or One Pair of Contact Lenses (purchased within six months following cataract surgery)	Eyeglass Frames - Limited to a Maximum Benefit of \$50 ¹		
Flu shots and H1N1 vaccines (administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair)	100% - 0%	100% - 0%	100% - 0%
Hearing Aids (Hearing Aids are not covered for individuals age eighteen (18) and older)	90% - 10% ^{1,3}	70% - 30% ^{1,3}	80% - 20% ^{1,3}
Hearing Impaired Interpreter Expense	100% - 0%	100% - 0%	100% - 0%
High-Tech Imaging – Outpatient <ul style="list-style-type: none"> • CT Scans • MRA/MRI • Nuclear Cardiology • PET Scans 	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Home Health Care (limit of 60 Visits per Plan Year)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	Not Covered
Hospice Care (limit of 180 Days per Plan Year)	80% - 20% ^{1,2}	70% - 30% ^{1,2}	Not Covered
Injections Received in a Physician's Office (when no other health service is received)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Inpatient Hospital Admission, All Inpatient Hospital Services Included Per Day Copayment Day Maximum Coinsurance	\$0 Not Applicable 90% - 10% ^{1,2}	\$50 5 Days 70% - 30% ^{1,2}	\$0 Not Applicable 80% - 20% ^{1,2}

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers
Inpatient and Outpatient Professional Services	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Mastectomy Bras - Ortho- Mammary Surgical (limit of three (3) per Plan Year)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Mental Health/Substance Abuse - Inpatient Treatment and Intensive Outpatient Programs Per Day Copayment Day Maximum Coinsurance	\$0 Not Applicable 90% - 10% ^{1,2}	\$50 5 Days 70% - 30% ^{1,2}	\$0 Not Applicable 80% - 20% ^{1,2}
Mental Health/Substance Abuse – Office Visit and Outpatient Treatment (Other than Intensive Outpatient Programs)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Newborn - Sick, Services Excluding Facility	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Newborn - Sick, Facility Per Day Copayment Day Maximum Coinsurance	\$0 Not Applicable 90% - 10% ^{1,2}	\$50 5 Days 70% - 30% ^{1,2}	\$0 Not Applicable 80% - 20% ^{1,2}
Oral Surgery for Impacted Teeth	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Pregnancy Care - Physician Services	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Preventive Care - Services include screening to detect illness or health risks during a Physician office visit. The Covered Services are based on prevailing medical standards and may vary according to age and family history. (For a complete list of benefits, refer to the Preventive and Wellness Care Article in the Benefit Plan.)	100% - 0% ³	70% - 30% ^{1,3}	Network 100% - 0 ³
			Non-Network 80% - 20% ^{1,3}
Rehabilitation Services - Outpatient: <ul style="list-style-type: none"> • Speech • Physical/Occupati onal (Limited to 50 Visits combined PT/OT per Plan Year. Authorization required for visits over the combined limit of 50.) (Visit limits do not apply when services are provided for Autism Spectrum Disorders)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Skilled Nursing Facility (limit 90 days per Plan Year)	90% - 10% ^{1,2}	70% - 30% ^{1,2}	80% - 20% ^{1,2}
Sonograms and Ultrasounds (Outpatient)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers
Urgent Care Center	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Vision Care (Non-Routine) Exam	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
X-ray and Laboratory Services (<i>low-tech imaging</i>)	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹

¹Subject to Plan Year Deductible, if applicable
²Pre-Authorization Required, if applicable. Not applicable for Medicare primary.
³Age and/or Time Restrictions Apply

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:356 (February 2015), effective March 1, 2015, amended LR 43:

§207. Prescription Drug Benefits

A. Prescription Drug Benefits

Network Pharmacy	Member Pays
Tier 1- Generic	50% up to \$30
Tier 2- Preferred	50% up to \$55
Tier 3- Non-preferred	65% up to \$80
Tier 4- Specialty	50% up to \$80
90 day supplies for maintenance drugs from mail order OR at participating 90-day retail network pharmacies	Two and a half times the cost of your applicable copayment
Co-Payment after the Out Of Pocket Amount of \$1,500 Is Met	
Tier 1- Generic	\$0
Tier 2- Preferred	\$20
Tier 3- Non-preferred	\$40
Tier 4- Specialty	\$40
Prescription drug benefits-31 day refill Plan pays balance of eligible expenses	
Diabetic supplies are not subject to a copayment if enrolled in the In-Health/Disease Management Program.	
Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug & the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket maximum.	
Medications available over-the-counter in the same prescribed strength are not covered under the pharmacy plan.	
Smoking Cessation Medications: Benefits are available for Prescription and over-the-counter (OTC) smoking cessation medications when prescribed by a physician. (Prescription is required for over-the-counter medications). Smoking cessation medications are covered at 100%.	
This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor that require a prescription. Utilization management criteria may apply to specific drugs or drug categories to be determined by PBM.	

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:358 (February 2015), effective March 1, 2015, amended LR 43:

Chapter 3. Narrow Network HMO Plan Structure—Magnolia Local Plan (in certain geographical areas)

§305. Schedule of Benefits

A. Benefits, Copayments, and Coinsurance

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Physician Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • General Practice • Family Practice • Internal Medicine • OB/GYN • Pediatrics 	\$25 Copayment per Visit	No Coverage
Allied Health/Other Professional Visits: <ul style="list-style-type: none"> • Chiropractors • Federally Funded Qualified Rural • Health Clinics • Nurse Practitioners • Retail Health Clinics • Physician Assistants 	\$25 Copayment per Visit	No Coverage
Specialist Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • Physician • Podiatrist • Optometrist • Midwife • Audiologist • Registered Dietician • Sleep Disorder Clinic 	\$50 Copayment per Visit	No Coverage
Ambulance Services - Ground (for Emergency Medical Transportation only)	\$50 Copayment	\$50 Copayment
Ambulance Services - Air (for Emergency Medical Transportation only) Non-emergency requires prior authorization ²	\$250 Copayment	No Coverage
Ambulatory Surgical Center and Outpatient Surgical Facility	\$100 Copayment	No Coverage
Birth Control Devices - Insertion and Removal (as listed in the Preventive and Wellness Article in the Benefit Plan.)	100% - 0%	No Coverage
Cardiac Rehabilitation (limit of 36visits per Plan Year)	\$25/\$50 Copayment per day depending on Provider Type ² \$50 Copayment- Outpatient Facility ²	No Coverage
Chemotherapy/Radiation Therapy (Authorization not required when performed in Physician's office)	Office – \$25 Copayment per Visit Outpatient Facility 100% - 0% ^{1,2}	No Coverage
Diabetes Treatment	80% - 20% ¹	No Coverage

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Diabetic/Nutritional Counseling - Clinics and Outpatient Facilities	\$25 Copayment	No Coverage
Dialysis	100% - 0% ¹	No Coverage
Durable Medical Equipment (DME), Prosthetic Appliances and Orthotic Devices	80% - 20% ^{1,2} of first \$5,000 Allowable per Plan Year; 100% - 0% of Allowable in Excess of \$5,000 per Plan Year	No Coverage
Emergency Room (<i>Facility Charge</i>)	\$150 Copayment; Waived if admitted to the same facility	
Emergency Medical Services (<i>Non-Facility Charges</i>)	100% - 0% ¹	100% - 0% ¹
Eyeglass Frames and One Pair of Eyeglass Lenses or One Pair of Contact Lenses (<i>purchased within six months following cataract surgery</i>)	Eyeglass Frames – Limited to a Maximum Benefit of \$50 ¹	No Coverage
Flu shots and H1N1 vaccines (<i>administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair</i>)	100% - 0%	No Coverage
Hearing Aids (<i>Hearing Aids are not covered for individuals age eighteen (18) and older.</i>)	80% - 20% ^{1,3}	No Coverage
Hearing Impaired Interpreter Expense	100% - 0%	No Coverage
High-Tech Imaging - Outpatient <ul style="list-style-type: none"> •CT Scans •MRA/MRI •Nuclear Cardiology •PET Scans 	\$50 Copayment ²	No Coverage
Home Health Care (<i>limit of 60 Visits per Plan Year</i>)	100% - 0% ^{1,2}	No Coverage
Hospice Care (<i>limit of 180 Days per Plan Year</i>)	100% - 0% ^{1,2}	No Coverage
Injections Received in a Physician's Office (<i>when no other health service is received</i>)	100% - 0% ¹	No Coverage
Inpatient Hospital Admission, All Inpatient Hospital Services Included	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Inpatient and Outpatient Professional Services for which a Copayment is Not Applicable	100% - 0% ¹	No Coverage
Mastectomy Bras (<i>limited to three (3) per Plan Year</i>)	80% - 20% ¹ of first \$5,000 Allowable per Plan Year; 100% - 0% of Allowable in Excess of \$5,000 per Plan Year	No Coverage
Mental Health/Substance Abuse - Inpatient Treatment and Intensive Outpatient Programs	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Mental Health/Substance Abuse – Office Visit and Outpatient Treatment (Other than Intensive Outpatient Programs)	\$25 Copayment per Visit	No Coverage
Newborn - Sick, Services excluding Facility	100% - 0% ¹	No Coverage

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Newborn - Sick, Facility	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Oral Surgery	100% - 0% ^{1,2}	No Coverage
Pregnancy Care - Physician Services	\$90 Copayment per pregnancy	No Coverage
Preventive Care - Services include screening to detect illness or health risks during a Physician office visit. The Covered Services are based on prevailing medical standards and may vary according to age and family history. (<i>For a complete list of benefits, refer to the Preventive and Wellness Article in the Benefit Plan.</i>)	100% - 0% ³	No Coverage
Rehabilitation Services - Outpatient: <ul style="list-style-type: none"> •Speech •Physical/Occupational <i>(Limited to 50 Visits combined PT/OT per Plan Year. Authorization required for visits over the combined limit of 50.) (Visit limits do not apply when services are provided for Autism Spectrum Disorders.)</i>	\$25 Copayment per Visit	No Coverage
Skilled Nursing Facility (<i>limit of 90 days per Plan Year</i>)	\$100 Copayment per day ² , maximum of \$300 per Admission	No Coverage
Sonograms and Ultrasounds (<i>Outpatient</i>)	\$50 Copayment	No Coverage
Urgent Care Center	\$50 Copayment	No Coverage
Vision Care (Non-Routine) Exam	\$25/\$50 Copayment depending on Provider Type	No Coverage
X-ray and Laboratory Services (<i>low-tech imaging</i>)	Hospital Facility 100% - 0% ¹ Office or Independent Lab 100% - 0%	No Coverage

¹Subject to Plan Year Deductible, if applicable
²Pre-Authorization Required, if applicable. Not applicable for Medicare primary.
³Age and/or Time Restrictions Apply

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:359 (February 2015), effective March 1, 2015, amended LR 43:

§307. Prescription Drug Benefits

A. Prescription Drug Benefits

Network Pharmacy	Member pays
Tier 1- Generic	50% up to \$30
Tier 2- Preferred	50% up to \$55
Tier 3- Non-preferred	65% up to \$80
Tier 4- Specialty	50% up to \$80
90 day supplies for maintenance drugs from mail order OR at participating 90-day retail network pharmacies	Two and a half times the cost of your applicable copayment

Co-Payment after the Out Of Pocket Amount of \$1,500 Is Met	
Tier 1- Generic	\$0
Tier 2- Preferred	\$20
Tier 3- Non-preferred	\$40
Tier 4- Specialty	\$40
Prescription drug benefits-31 day refill	
Plan pays balance of eligible expenses	
Diabetic supplies are not subject to a copayment if enrolled in the In-Health/Disease Management Program.	
Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug & the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket maximum.	
Medications available over-the-counter in the same prescribed strength are not covered under the pharmacy plan.	
Smoking Cessation Medications: Benefits are available for Prescription and over-the-counter (OTC) smoking cessation medications when prescribed by a physician. (Prescription is required for over-the-counter medications). Smoking cessation medications are covered at 100%.	
This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor that require a prescription. Utilization management criteria may apply to specific drugs or drug categories to be determined by PBM.	

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:360 (February 2015), effective March 1, 2015, amended LR 43:

Chapter 4. PPO/Consumer-Driven Health Plan Structure—Pelican HSA 775 Plan

§405. Schedule of Benefits

A. Benefits and Coinsurance

	Coinsurance	
	Network Providers	Non-Network Providers
Ambulance Services – Air (for Emergency Medical Transportation Only) Non-emergency requires prior authorization ²	80% – 20% ¹	80% - 20% ¹
Ambulatory Surgical Center and Outpatient Surgical Facility	80% - 20% ¹	60% - 40% ¹
Birth Control Devices - Insertion and Removal (<i>as listed in the Preventive and Wellness Article in the Benefit Plan</i>)	100% - 0%	60% - 40% ¹
Cardiac Rehabilitation (<i>limited to 36 visits per Plan Year</i>)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Chemotherapy/Radiation Therapy (<i>Authorization not required when performed in Physician's office</i>)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Diabetes Treatment	80% - 20% ¹	60% - 40% ¹
Diabetic/Nutritional Counseling – Clinics and Outpatient Facilities	80% - 20% ¹	Not Covered
Dialysis	80% - 20% ¹	60% - 40% ¹
Durable Medical Equipment (DME), Prosthetic Appliances and Orthotic Devices	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Emergency Room (<i>Facility Charge</i>)	80% - 20% ¹	80% - 20% ¹
Emergency Medical Services (<i>Non-Facility Charge</i>)	80% - 20% ¹	80% - 20% ¹
Eye-glass Frames and One Pair of Eye-glass Lenses or One Pair of Contact Lenses (<i>purchased within six months following cataract surgery</i>)	Eye-glass Frames – Limited to a Maximum Benefit of \$50 ¹	No Coverage
Flu Shots and H1N1 vaccines (<i>administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair</i>)	100% - 0%	100% - 0%
Hearing Aids (<i>Hearing Aids are not covered for individuals age eighteen (18) and older</i>)	80% - 20% ^{1,3}	Not Covered
Hearing Impaired Interpreter Expense	100% - 0%	100% - 0%
High-Tech Imaging – Outpatient <ul style="list-style-type: none"> • CT Scans • MRA/MRI • Nuclear Cardiology • PET Scans 	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Home Health Care (<i>limit of 60 Visits per Plan Year</i>)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Hospice Care (<i>limit of 180 Days per Plan Year</i>)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Injections Received in a Physician's Office (<i>when no other health service is received</i>)	80% - 20% ¹	60% - 40% ¹
Inpatient Hospital Admission (<i>all Inpatient Hospital services included</i>)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Inpatient and Outpatient Professional Services	80% - 20% ¹	60% - 40% ¹
Mastectomy Bras (<i>limited to three (3) per Plan Year</i>)	80% - 20% ¹	60% - 40% ¹
Mental Health/Substance Abuse – Inpatient Treatment and Intensive Outpatient Programs	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Mental Health/Substance Abuse – Office Visits and Outpatient Treatment (Other than Intensive Outpatient Programs)	80% - 20% ¹	60% - 40% ¹
Newborn – Sick, Services excluding Facility	80% - 20% ¹	60% - 40% ¹
Newborn – Sick, Facility	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Oral Surgery	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Pregnancy Care - Physician Services	80% - 20% ¹	60% - 40% ¹

	Coinsurance	
	Network Providers	Non-Network Providers
Physician's Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • General Practice • Family Practice • Internal Medicine • OB/GYN • Pediatrics 	80% - 20% ¹	60% - 40% ¹
Allied Health/Other Office Visits: <ul style="list-style-type: none"> • Chiropractors • Federally Funded Qualified Rural Health Clinics • Retail Health Clinics • Nurse Practitioners • Physician's Assistants 	80% - 20% ¹	60% - 40% ¹
Specialist Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • Physician • Podiatrist • Optometrist • Midwife • Audiologist • Registered Dietician • Sleep Disorder Clinic 	80% - 20% ¹	60% - 40% ¹
Ambulance Services - Ground (<i>for Emergency Medical Transportation Only</i>)	80% - 20% ¹	80% - 20% ¹

	Coinsurance	
	Network Providers	Non-Network Providers
Preventive Care - Services include screening to detect illness or health risks during a Physician office visit. The Covered Services are based on prevailing medical standards and may vary according to age and family history. (For a complete list of benefits, refer to the Preventive and Wellness/Routine Care Article in the Benefit Plan.)	100% - 0% ³	100% - 0% ³
Rehabilitation Services - Outpatient: <ul style="list-style-type: none"> • Speech • Physical/Occupational (Limited to 50 Visits combined PT/OT per Plan Year. Authorization required for visits over the combined limit of 50.) (Visit limits do not apply when services are provided for Autism Spectrum Disorders.)	80% - 20% ¹	60% - 40% ¹
Skilled Nursing Facility (limit 90 Days per Plan Year)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Sonograms and Ultrasounds - Outpatient	80% - 20% ¹	60% - 40% ¹
Urgent Care Center	80% - 20% ¹	60% - 40% ¹
Vision Care (Non-Routine) Exam	80% - 20% ¹	60% - 40% ¹
X-Ray and Laboratory Services (low-tech imaging)	80% - 20% ¹	60% - 40% ¹
¹ Subject to Plan Year Deductible, if applicable		
² Pre-authorization Required, if applicable. Not applicable for Medicare primary.		
³ Age and/or Time Restrictions Apply		

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:361 (February 2015), effective March 1, 2015, amended LR 43:

Chapter 5. PPO/Consumer-Driven Health Plan Structure—Pelican HRA 1000 Plan

§505. Schedule of Benefits

A. Benefits and Coinsurance

	Coinsurance	
	Network Providers	Non-Network Providers
Physician's Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • General Practice • Family Practice • Internal Medicine • OB/GYN • Pediatrics 	80% - 20% ¹	60% - 40% ¹
Allied Health/Other Office Visits: <ul style="list-style-type: none"> • Chiropractors • Federally Funded Qualified Rural Health Clinics • Retail Health Clinics • Nurse Practitioners • Physician's Assistants 	80% - 20% ¹	60% - 40% ¹
Specialist Office Visits including surgery performed in an office setting: <ul style="list-style-type: none"> • Physician • Podiatrist • Optometrist • Midwife • Audiologist • Registered Dietician • Sleep Disorder Clinic 	80% - 20% ¹	60% - 40% ¹

	Coinsurance	
	Network Providers	Non-Network Providers
Ambulance Services - Ground (for Emergency Medical Transportation Only)	80% - 20% ¹	80% - 20% ¹
Ambulance Services – Air (for Emergency Medical Transportation only) Non-emergency requires prior authorization ²	80% - 20% ¹	80% - 20% ¹
Ambulatory Surgical Center and Outpatient Surgical Facility	80% - 20% ¹	60% - 40% ¹
Birth Control Devices - Insertion and Removal (as listed in the Preventive and Wellness Article in the Benefit Plan)	100% - 0%	60% - 40% ¹
Cardiac Rehabilitation (limited to 36 visits per Plan Year)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Chemotherapy/Radiation Therapy (Authorization not required when performed in Physician's office)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Diabetes Treatment	80% - 20% ¹	60% - 40% ¹
Diabetic/Nutritional Counseling – Clinics and Outpatient Facilities	80% - 20% ¹	Not Covered
Dialysis	80% - 20% ¹	60% - 40% ¹
Durable Medical Equipment (DME), Prosthetic Appliances and Orthotic Devices	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Emergency Room (Facility Charge)	80% - 20% ¹	80% - 20% ¹
Emergency Medical Services (Non-Facility Charge)	80% - 20% ¹	80% - 20% ¹
Eyeglass Frames and One Pair of Eyeglass Lenses or One Pair of Contact Lenses (purchased within six months following cataract surgery)	Eyeglass Frames – Limited to a Maximum Benefit of \$50 ¹	No Coverage
Flu Shots and H1N1 vaccines (administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair)	100% - 0%	100% - 0%
Hearing Aids (Hearing Aids are not covered for individuals age eighteen (18) and older)	80% - 20% ^{1,3}	Not Covered
Hearing Impaired Interpreter Expense	100%-0%	100%-0%
High-Tech Imaging - Outpatient <ul style="list-style-type: none"> • CT Scans • MRA/MRI • Nuclear Cardiology • PET Scans 	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Home Health Care (limit of 60 Visits per Plan Year)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Hospice Care (limit of 180 Days per Plan Year)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Injections Received in a Physician's Office (when no other health service is received)	80% - 20% ¹	60% - 40% ¹
Inpatient Hospital Admission (all Inpatient Hospital services included)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Inpatient and Outpatient Professional Services	80% - 20% ¹	60% - 40% ¹
Mastectomy Bras (limited to three (3) per Plan Year)	80% - 20% ¹	60% - 40% ¹
Mental Health/Substance Abuse - Inpatient Treatment and Intensive Outpatient Programs	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Mental Health/Substance Abuse – Office Visit and Outpatient Treatment (Other than Intensive Outpatient Programs)	80% - 20% ¹	60% - 40% ¹

	Coinsurance	
	Network Providers	Non-Network Providers
Newborn - Sick, Services excluding Facility	80% - 20% ¹	60% - 40% ¹
Newborn - Sick, Facility	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Oral Surgery	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Pregnancy Care - Physician Services	80% - 20% ¹	60% - 40% ¹
Preventive Care - Services include screening to detect illness or health risks during a Physician office visit. The Covered Services are based on prevailing medical standards and may vary according to age and family history. (For a complete list of benefits, refer to the Preventive and Wellness/Routine Care Article in the Benefit Plan.)	100% - 0% ³	100% - 0% ³
Rehabilitation Services - Outpatient: • Speech • Physical/Occupational (Limited to 50 Visits combined PT/OT per Plan Year. Authorization required for visits over the combined limit of 50.) (Visit limits do not apply when services are provided for Autism Spectrum Disorders.)	80% - 20% ¹	60% - 40% ¹
Skilled Nursing Facility (limit 90 Days per Plan Year)	80% - 20% ^{1,2}	60% - 40% ^{1,2}
Sonograms and Ultrasounds - Outpatient	80% - 20% ¹	60% - 40% ¹
Urgent Care Center	80% - 20% ¹	60% - 40% ¹
Vision Care (Non-Routine) Exam	80% - 20% ¹	60% - 40% ¹
X-Ray and Laboratory Services (low-tech imaging)	80% - 20% ¹	60% - 40% ¹
¹ Subject to Plan Year Deductible, if applicable		
² Pre-Authorization Required, if applicable. Not applicable for Medicare primary.		
³ Age and/or Time Restrictions Apply		

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:364 (February 2015), effective March 1, 2015, amended LR 43:

§507. Prescription Drug Benefits

A. Prescription Drug Benefits

Network Pharmacy	Member pays
Tier 1- Generic	50% up to \$30
Tier 2- Preferred	50% up to \$55
Tier 3- Non-preferred	65% up to \$80
Tier 4- Specialty	50% up to \$80
90 day supplies for maintenance drugs from mail order OR at participating 90-day retail network pharmacies	Two and a half times the cost of your applicable co-payment
Co-Payment after the Out Of Pocket Amount of \$1,500 Is Met	
Tier 1- Generic	\$0
Tier 2- Preferred	\$20
Tier 3- Non-preferred	\$40
Tier 4- Specialty	\$40
Prescription drug benefits-31 day refill	
Maintenance drugs: not subject to deductible; subject to applicable copayments above.	

Plan pays balance of eligible expenses.
Diabetic supplies are not subject to a copayment if enrolled in the In-Health/Disease Management Program.
Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug & the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket maximum.
Medications available over-the-counter in the same prescribed strength are not covered under the pharmacy plan.
Smoking Cessation Medications: Benefits are available for Prescription and over-the-counter (OTC) smoking cessation medications when prescribed by a physician. (Prescription is required for over-the-counter medications). Smoking cessation medications are covered at 100%.
This plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor that require a prescription. Utilization management criteria may apply to specific drugs or drug categories to be determined by PBM.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:365 (February 2015), effective March 1, 2015.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:341 (February 2015), effective March 1, 2015, amended LR 43:

Public Hearing

In accordance with R.S. 49:968(H)(2), the Office of Group Benefits will facilitate a public hearing on these proposed substantive changes on August 30, 2017, at 10 a.m. in the Louisiana Purchase Room, located on the first floor of the Claiborne Building, located at 1201 N. Third Street, Baton Rouge LA 70802.

Tommy Teague
Chief Executive Office

1707#041

POTPOURRI

Department of Public Safety and Corrections Oil Spill Coordinator's Office

WMIWCB Crude Oil Discharges—Notice of Availability of a Draft Settlement Agreement

Action: Notice of availability of a draft settlement agreement (draft SA) and draft damage assessment and preliminary restoration plan (draft DAPRP) with a 30-day public review and comment period on the draft SA and Draft DAPRP for LOSCO NRDA case files: #LA2003_0302_0716 [Lake Washington 2003]; #LA2003_1202_1200 [Mendicant Island 2003]; and #LA2005_0419_1950 [West Champagne Bay 2005], collectively referred to as LWMIWCB.

Agencies: Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSICO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); and Louisiana Coastal Protection and Restoration Authority (CPRA).

Authorities: The Oil Pollution Act of 1990 (OPA) (33 USC 2701 et seq.) and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA) (*La. Rev. Stat.* 30:2451 et seq.) are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from oil spill incidents in Louisiana. In accordance with OPA and OSPRA, the agencies listed above (referred to herein as the “trustees”) have conducted a natural resource damage assessment (NRDA) for the March 2, 2003 crude oil discharge into Lake Washington, Plaquemines Parish, Louisiana and the December 2, 2003 and April 19, 2005 crude oil discharges into Barataria Bay, Jefferson Parish, Louisiana. ExxonMobil Pipeline Company (EMPCo) was identified as the responsible party for the three incidents.

Summary: Pursuant to *La. Admin. Code* 43:XXIX.Chapter 1, notice is hereby given that a document entitled, “Draft Settlement Agreement Lake Washington (2003), Mendicant Island (2003), and West Champagne Bay (2005)” is available for public review and comment. The draft SA was negotiated by the trustees and EMPCo to recover damages for injuries to natural resources and services resulting from the incidents. Once finalized and executed, the settlement agreement would become a binding agreement in which EMPCo agrees to pay the trustees for their response costs, past assessment costs, future trustee costs, and future restoration project implementation costs associated with a trustee-implemented compensatory restoration project. The draft DAPRP is included as attachment I of the draft SA and provides information on the natural resource injury determinations conducted as part of the NRDA and identifies the trustees’ preliminary restoration plan for compensating the public for injuries to natural resources and services resulting from the three incidents. The draft SA and draft DAPRP are available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the documents for public review. The trustees invite the public to review these documents and submit comments to the address listed below. The trustees will consider comments received during the public comment period on the draft SA and draft DAPRP before finalizing either document. Execution of the final settlement agreement by the trustees and EMPCo shall provide the basis for compensating the public for injuries to natural resources and services resulting from the incidents. Public review of the draft SA and draft DAPRP is consistent with all state laws and regulations that apply to the NRDA process, including section 2480 of OSPRA and the regulations for NRDA under OSPRA, LAC 43:XXIX.Chapter 1.

Interested members of the public are invited to view the draft SA and draft DAPRP via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for LWMIWCB NRDA Draft Settlement Agreement Available) or by requesting a copy of the documents from Chuck Armbruster at the address provided below:

Charles K. Armbruster
Louisiana Oil Spill Coordinator’s Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
Charles.Armbruster@la.gov

Comment Submittals: Comments must be submitted in writing or digitally to Chuck Armbruster on or before the end of the 30-day comment period.

For Further Information: Contact Chuck Armbruster at (225) 925-6606 or by email at charles.armbruster@la.gov.

Supplementary Information: On September 20, 2003, August 20, 2005, and February 20, 2006, the trustees published Notices of Intent in the *Louisiana Register* (Vol. 29, No. 09, pp. 1952-1953; Vol. 31, No. 08, pp. 2151-2152; and Vol. 32, No. 02, pp. 343-344, respectively) to notify the public that they were going to conduct restoration planning for the three incidents and develop restoration alternatives that would restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of the incidents. In October 2016, EMPCo agreed to settle their NRDA liability for a cash amount, in lieu of implementing a restoration project. As a result, the trustees have written a draft DAPRP to, among other things: 1) identify the preferred restoration alternative, which will be implemented by the Trustees, as a basis for the cash settlement; 2) provide an analysis for scaling the injured resources to the preferred restoration alternative; and 3) identify the methodology used for estimating the costs of implementing the preferred restoration alternative. Once payment has been received from EMPCo, the Trustees will identify and evaluate potential restoration projects that will appropriately address injuries to natural resources resulting from the incidents. The preferred project(s) will be identified in a subsequent draft restoration plan(s) (DRP). The DRP(s) will provide the public an opportunity to review and comment on the trustees’ preferred restoration project(s). After finalization of the DRP(s), a final restoration plan(s) (FRP) will be released identifying the selected compensatory restoration project(s) to be implemented by the trustees.

Marty J. Chabert
Oil Spill Coordinator

1707#021

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