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July 2024

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# Executive Orders

## EXECUTIVE ORDER JML 24-83

State of Emergency—Severe Storms and Tornadoes  
May 14-17, 2024

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, 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 people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(l) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Executive Order JML 24-72 which is in effect through Thursday, June 13, 2024;

WHEREAS, the National Weather Service (“NWS”) issued multiple warnings from May 13, 2024 through May 17, 2024 in anticipation of several lines of severe thunderstorms travelling through the State threatening severe straight-line winds, flooding, hail, and possible tornadoes;

WHEREAS, the NWS has confirmed that a tornado struck the parish of Pointe Coupee on May 13-14, 2024, causing power outages of greater than 50% parish-wide, causing damage to at least 14 homes and destroying one mobile home. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of West Baton Rouge on May 13-14, 2024, causing damage to several homes and causing at least two fatalities. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of St. Martin on May 13-14, 2024, causing damage to at least nine homes, 19 mobile homes, four businesses and one public building, injuring nine people and causing one fatality. It is estimated that there is 150,000 cubic yards of vegetative debris in the Henderson Area, which does not include other areas requiring debris removal. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of Iberville on May 13-14, 2024, causing damage to one home, four mobile homes, and two public buildings. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of St. James on May 17, 2024, causing power outages of greater than 9% in the community near Convent, Louisiana and damaging 47 homes. This required

the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, numerous other parishes have issued emergency declarations, and executed their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana. State resources will be utilized to provide the following assistance in the parishes indicated:

Debris Removal Assistance: The State will provide assistance in the form of 75% of costs related to debris removal that are incurred within the first ten (10) days of debris operations or a validly issued Notice to Proceed to a debris contractor for the following parishes: St. Martin, Iberville, West Baton Rouge, Point Coupee and St. James.

Shelter Assistance: The State will provide assistance in the form of 75% of costs related to sheltering that are incurred within the first seven (7) days from the Incident Date for the parish of St. James.

Emergency Protective Measures: The State will provide assistance in the form of 75% of costs attributable to emergency protective measures (limited to overtime pay) related to this event that are incurred on the Incident Date for the following parishes: St. Martin, Iberville; West Baton Rouge, Point Coupee and St. James.

Section 2: The State will review resource requests submitted through WebEOC from all parishes, and will allocate resources as necessary to assist parishes in their recovery efforts. As incident impacts and parish resource requests are reviewed and validated, this section will be amended to identify those parishes authorized to receive State resources.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk

incurred in procuring or selling the goods or services during the state of emergency.

Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551. et seq.) and Louisiana Public Bid Law (R.S. 38:2211, et seq.) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency by the following parishes: St. Martin, Iberville, West Baton Rouge, Point Coupee and St. James, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This Order is effective upon signature and shall continue in effect from Thursday, June 13, 2024 until Saturday, July 13, 2024, unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 13th day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

**EXECUTIVE ORDER JML 24-83**

Emergency Declaration—LA 77 Grosse Tete  
Bayou Bridge, Iberville Parish

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters;

WHEREAS, the Governor is responsible for meeting the dangers to the State and its people presented by emergencies;

WHEREAS, when the Governor determines that a disaster has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of disaster by executive order or proclamation, or both;

WHEREAS, on June 6, 2024 (“Incident Date”), a vessel underway on the Port Allen Lock collided with the Louisiana Highway 77 bridge located between the Village of Grosse Tete and the City of Plaquemine in Iberville Parish;

WHEREAS, an inspection of the Louisiana Highway 77 bridge has revealed that the bridge is unsafe for public travel and should remain closed until repairs are completed;

WHEREAS, the nearest available detour route from Grosse Tete to Plaquemine is via Interstate 10 East to Exit LA-1 in Port Allen;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is declared to exist in Iberville Parish, Louisiana, as pertains to the Louisiana Highway 77 bridge located between the Village of Grosse Tete and the City of Plaquemine in Iberville Parish.

Section 2: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 3: This Order is effective upon signature and shall be in effect from the Incident Date through July 6, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 13<sup>th</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

**EXECUTIVE ORDER JML 24-84**

Policies and Procedures—Flags

WHEREAS, R.S. 49:152 requires that the flag of the United States wave from sunrise to sunset every day over the State Capitol and the public departments and institutions of this State.

WHEREAS, R.S. 49:153 requires that the official flag of Louisiana wave from sunrise to sunset every day over the State Capitol and the public departments and institutions of the State.

WHEREAS, R.S. 49:153.1 requires that the POW/MIA Flag be displayed beneath the Louisiana State Flag and that the POW/MIA Flag wave from sunrise to sunset each day over the State Capitol.

WHEREAS, it is necessary to establish protocols that promote dignity and respect for the United States Flag, the State Flag, and the POW/MIA Flag.

WHEREAS, it is necessary to maintain consistency in the use of flags by public departments and institutions of the State through the establishment of policies governing the flying of flags by departments, commissions, boards, agencies, and officers of the State.

NOW THEREFORE, I, JEFF LANDRY, 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:

A. The policies established by this Order shall apply to all flags flown by departments, commissions, boards, agencies, and officers of the State.

B. Nothing in this Order shall be applied in a manner that violates or is contrary to Public Law 94-344, known as the Federal Flag Code.

Section 2:

Unless the context of this Executive Order indicates otherwise, the words and terms used in this Executive Order shall be defined as follows:

A. "Flags of Louisiana" means the historical display of the ten flags flown over the State of Louisiana from the Spanish Flag of DeSoto in 1541 through the adoption of the Louisiana State Flag in 1912.

B. "Half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff.

C. "Honor and Remember Flag" means the flag defined in R.S. 49:156 as the official state emblem of military service.

D. "POW/MIA Flag" means the National League of Families POW/MIA Flag as designated by 36 U.S.C. § 902.

E. "State Flag" means the flag of Louisiana as defined in La. R.S. 49:153, consisting of a solid blue field with the coat-of-arms of the state, the pelican tearing its breast to feed its young, in white in the center with an appropriate display of three drops of blood, and with a ribbon beneath, also in white, containing in blue the motto of the state, "Union, Justice and Confidence."

F. "United States Flag" means the flag of the United States as defined in 4 U.S.C. §§ 1-2 as thirteen horizontal stripes, alternate red and white. The union of the flag shall be fifty stars, white in a blue field.

Section 3:

A. The United States Flag shall be flown daily from sunrise to sunset by public departments and institutions of the State.

B. When a patriotic effect is desired, the United States Flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

C. When flags are flown from adjacent halyards, flagpoles, or flagstaves that are of equal height no flag may be placed to the United States Flag's right.

D. When the halyards, flagpoles, or flagstaves are not the same height, the United States flag should be at the center and at the highest point of the group. The flag of the United States should be hoisted first and lowered last.

E. No flag may be placed above the United States Flag.

Section 4:

A. The State Flag shall be flown daily from sunrise to sunset by public departments and institutions of the State.

B. The State Flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

C. The State Flag shall be placed to the United States Flag's left or beneath the flag of the United States when flown on the same halyard, flagpole, or flagstaff.

Section 5:

A. The POW/MIA Flag shall wave from sunrise to sunset each day over the State Capitol.

B. The POW/MIA Flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

C. When flying the POW/MIA Flag on the same flagstaff as the United States Flag, the POW/MIA Flag should fly immediately below the United States flag. However, if the United States Flag and the State Flag will be flown along with the POW/MIA Flag on the same flagstaff, the order from top to bottom should be: the United States Flag, State Flag, then the POW/MIA Flag.

D. When flags are flown from separate adjacent halyards, flagpoles, or flagstaves that are of equal height the POW/MIA Flag should be on the State Flag's left.

Section 6:

A. Flags should be of approximately equal size.

B. When a flag is in such condition that it is no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning.

C. Flags should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.

D. Flags should be hoisted briskly and lowered ceremoniously.

Section 7:

A. Except as provided herein, only flags specifically adopted or recognized by Louisiana State Law shall be flown by departments, commissions, boards, agencies, and officers of the State.

B. In addition to flags specifically recognized by Louisiana State Law, the following flags may be flown by executive branch agencies and offices:

- a. Military Flags of the Armed Forces
- b. Louisiana National Guard Flags
- c. The Flags of Louisiana

d. An official flag of a state department, university, or agency that contains the name or symbol of the state department, university, or agency.

Section 8:

A. The United States Flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day.

B. The flag shall be flown at half-staff upon the order of the Governor of the State of Louisiana.

C. On Memorial Day all state buildings flying the flag of the United States of America shall display the flag at half-staff until noon and shall thereafter raise the flag to the top of the staff.

D. The Honor and Remember Flag shall be displayed over the State Capitol on the following days:

- a. Memorial Day, the last Monday in May, and
- b. Veterans Day, November 11.

Section 9:

A. All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

B. 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 in the City of Baton Rouge, on this 14<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

### EXECUTIVE ORDER JML 24-85

#### Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, 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 people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-71;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Friday, June 14, 2024 to Sunday, July 14, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 14<sup>th</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

## EXECUTIVE ORDER JML 24-86

State of Emergency—Severe Storms and Tornadoes  
May 14-17, 2024 Amended

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, 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 people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service (“NWS”) issued multiple warnings from May 13, 2024 through May 17, 2024 in anticipation of several lines of severe thunderstorms travelling through the State threatening severe straight-line winds, flooding, hail, and possible tornadoes;

WHEREAS, the NWS has confirmed that a tornado struck the parish of Pointe Coupee on May 13-14, 2024, causing power outages of greater than 50% parish-wide, causing damage to at least 14 homes and destroying one mobile home. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of West Baton Rouge on May 13-14, 2024, causing damage to several homes and causing at least two fatalities. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of St. Martin on May 13-14, 2024, causing damage to at least nine homes, 19 mobile homes, four businesses and one public building, injuring 9 people and causing one fatality. It is estimated that there is 150,000 cubic yards of vegetative debris in the Henderson Area, which does not include other areas requiring debris removal. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of Iberville on May 13-14, 2024, causing damage to one home, four mobile homes, and two public buildings. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that a tornado struck the parish of St. James on May 17, 2024, causing power outages of greater than 9% in the community near Convent, Louisiana and damaging 47 homes. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed 80 mph straight-line wind in the parish of East Feliciana on May 16, 2024 causing 22.75% power outages in the parish, and significant damage and debris in the parish. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed 78 mph straight-line winds in the parish of Lafayette on May 16,

2024 causing 49% power outages in the parish, and significant damage and debris in the parish. This required the parish to declare a state of emergency and execute its emergency response plans; and

WHEREAS, numerous other parishes have issued emergency declarations, and executed their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana. State resources will be utilized to provide the following assistance in the parishes indicated:

A. Debris Removal Assistance: The State will provide assistance in the form of 75% of costs related to debris removal that are incurred within the first ten (10) days of debris operations or a validly issued Notice to Proceed to a debris contractor for the following parishes: *St. Martin, Iberville, West Baton Rouge, Point Coupee, St. James, East Feliciana and Lafayette.*

B. Shelter Assistance: The State will provide assistance in the form of 75% of costs related to sheltering that are incurred within the first seven (7) days from the Incident Date for the parish of *St. James.*

C. Emergency Protective Measures: The State will provide assistance in the form of 75% of costs attributable to emergency protective measures (limited to overtime pay) related to this event that are incurred on the Incident Date for the following parishes: *St. Martin, Iberville; West Baton Rouge, Point Coupee, St. James, East Feliciana, and Lafayette.*

Section 2: The State will review resource requests submitted through WebEOC from all parishes, and will allocate resources as necessary to assist parishes in their recovery efforts. As incident impacts and parish resource requests are reviewed and validated, this section will be amended to identify those parishes authorized to receive State resources.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.



Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551. et seq.) and Louisiana Public Bid Law (R.S. 38:2211, et seq.) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency by the following parishes: *St. Martin, Iberville; West Baton Rouge, Point Coupee, St. James, East Feliciana, and Lafayette* including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This Order is effective upon signature and shall continue in effect from Thursday, June 13, 2024 until Saturday, July 13, 2024, unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 13<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

#### EXECUTIVE ORDER JML 24-87

##### Renewal of State of Emergency—Department of Transportation and Development

WHEREAS, pursuant to R.S.48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

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

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, June 21, 2024 to Sunday, July 21, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 21<sup>st</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

## EXECUTIVE ORDER JML 24-88

Flags at Half-Staff—Representative John Eddie Guinn

WHEREAS, John Eddie Guinn, a former distinguished member of the Louisiana House of Representatives, passed away on June 17, 2024;

WHEREAS, he was born on December 27, 1952, in Jennings, Louisiana to Loyd and Marcelette Guinn and had five brothers, Loyd George, Andrew Lee, James Paul, Timothy Jude, and Peter;

WHEREAS, he attended Our Lady Help of Christians Catholic School and graduated from Jennings High School in 1971;

WHEREAS, after high school, he worked on the Kansas City Railroad, worked in various construction jobs, and started Guinn Dirt Service;

WHEREAS, in December of 1977, Johnny married his loving wife Rosalie and together they had 10 children, 22 grandchildren, and one great grandchild in their 46 years of marriage;

WHEREAS, he lived a life of public service, including serving as chairman of the Louisiana Auctioneers Licensing Board, serving as a police juror for District 5 from 1999-2007, and serving in the Louisiana House of Representatives as the representative for District 37 for 12 years;

WHEREAS, he used his auctioneering skills to contribute to charitable causes in our community and fundraising events, and as a legislator, he received numerous recognitions for his legislative work. He worked especially hard for legislation on behalf of families.

WHEREAS, he is survived by his beloved wife, Rosalie Conner Guinn, his 10 children- John (Kym) Guinn, Michael (Kallie) Guinn, Grant (Jennifer) Guinn, Valerie (Aaron) Gillespie, Elizabeth (William) Precht, Daniel (Meagan) Guinn, Rosalie (John) Ange, Catherine (Geoffrey) Lafargue, Conner Guinn, and Juliana Guinn (Fiancée- Thomas Pousson). Survivors also include his 22 grandchildren who adored their “Poppa Johnny”; his four brothers Loyd George (Sandra) Guinn Jr., Andrew Lee (Kelly) Guinn, James Paul (Laurie) Guinn, and Timothy Jude (Renate) Guinn; sisters-in-law, Pam Guinn and Valerie Jean Conner (Stan Makielski);

WHEREAS, he was a warm and loving father, grandfather, and friend to so many and will be remembered for always bringing a smile and a laugh to everyone he encountered.

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

Section 1: As an expression of respect and to honor John Eddie Guinn, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on June 24, 2024.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, June 24, 2024.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 21<sup>st</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

## EXECUTIVE ORDER JML 24-89

State of Emergency  
Severe Storms and Tornadoes—May 30-June 4, 2024

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, 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 people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service (“NWS”) issued multiple warnings from May 30, 2024 through June 5, 2024 in anticipation of several lines of severe thunderstorms travelling through the State threatening severe straight-line winds, flooding, hail, and possible tornadoes;

WHEREAS, the NWS has confirmed that six (6) tornadoes struck the parish of DeSoto from May 30, 2024 through June 4, 2024, (“Incident Date”) causing damage to fourteen (14) homes, two (2) public buildings and one (1) private business, multiple power outages and extensive debris throughout the parish. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that straight-line wind speeds 85-90 miles per hour in parish of Vermillion from June 1, 2004 through June 4, 2024, (“Incident Date”) causing damage to approximately 18 homes and extensive debris throughout the parish. This required the parish to declare a state of emergency and execute its emergency response plans; and,

WHEREAS, numerous other parishes have issued emergency declarations, and executed their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by

the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana. State resources will be utilized to provide the following assistance in the parishes indicated:

A. Debris Removal Assistance: The State will provide assistance in the form of 75% of costs related to debris removal that are incurred within the first ten (10) days of debris operations or a validly issued Notice to Proceed to a debris contractor for the following parishes: *DeSoto and Vermillion*.

B. Emergency Protective Measures: The State will provide assistance in the form of 75% of costs attributable to emergency protective measures (limited to overtime pay) related to this event that are incurred on the Incident Date for the following parishes: *DeSoto and Vermillion*.

Section 2: The State will review resource requests submitted through WebEOC from all parishes, and will allocate resources as necessary to assist parishes in their recovery efforts. As incident impacts and parish resource requests are reviewed and validated, this section will be amended to identify those parishes authorized to receive State resources.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency by the following parishes: *DeSoto and Vermillion*, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This Order is effective May 30, 2024 and shall continue in effect until Saturday, June 29, 2024,

unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 25<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

### EXECUTIVE ORDER JML 24-90

#### Bond Allocation 2024 Ceiling Amendment

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

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

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

- (a) the manner in which the ceiling shall be determined,
  - (b) the method to be used in allocating the ceiling,
  - (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and
  - (d) a system of record keeping for such allocations;
- and

WHEREAS, the Louisiana Housing Corporation (hereafter the "Corporation") applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income; and

WHEREAS, on March 8, 2024, Executive Order Number JML 24-32 was issued granting the Corporation an allocation of the 2024 ceiling in the amount of \$57,150,000 for the following projects: Deerwood Apartments Series 2024, Galilee City Apartments Series 2024, and Lakeside Garden Apartments Series 2024; and

WHEREAS, pursuant to Section 4 of JML 24-32, the Governor may amend or modify the time limitations placed on utilization of such allocation.

NOW THEREFORE, I, JEFF LANDRY, 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: JML 24-32 is hereby modified and amended to allow the Louisiana Housing Corporation additional time to utilize the volume cap allocation granted by JML 24-32 for the following bond issues:

Amount of Allocation	Name of Issuer	Name of Project
\$11,800,000	Louisiana Housing Corporation	Galilee City Apartments Series 2024
\$21,350,000	Louisiana Housing Corporation	Lakeside Garden Apartments Series 2024

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

SECTION 3: The extension of time granted herein shall only apply to those bond issues described in Section 1. Any remaining projects granted an allocation by JML 24-32 shall remain subject to those time constraints in JML 24-32.

SECTION 4: The allocation granted herein shall be valid and in full force and effect until September 6, 2024; any unused amount of this 2024 ceiling allocation shall be deemed returned as of September 6, 2024.

SECTION 5: 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 the State of Louisiana in the City of Baton Rouge, on this 25<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

**EXECUTIVE ORDER JML 24-91**

Bond Allocation 2024 Ceiling

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

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

Governor deems to be in the best interest of the State of Louisiana;

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

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

(b) the method to be used in allocating the ceiling, (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and (d) a system of record keeping for such allocations; and

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has authorized and approved \$80,000,000 of Single Family Mortgage Revenue Bonds (Homeownership Program) Series 2024C,D,E and has applied for \$50,000,000 volume cap from the 2024 ceiling to be used for the principal and premium on its tax-exempt Series 2024C Bonds.

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

SECTION 1: The bond issues, as described in this Section, shall be and is hereby granted an allocation from the 2024 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$50,000,000	Louisiana Housing Corporation	Single Family Mortgage Revenue Bonds (Home Ownership Program) Series 2024c (Non-Amt)

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

SECTION 3: The allocation granted herein shall be valid and in full force and effect until 120 days after signature; any unused amount of this 2024 ceiling allocation shall be deemed returned as of 120 days after signature.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 25<sup>th</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

**EXECUTIVE ORDER JML 24-92**

**Bond Allocation 2024 Ceiling**

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

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

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

- (a) the manner in which the ceiling shall be determined,
  - (b) the method to be used in allocating the ceiling,
  - (c) the application procedure for obtaining an allocation of bonds subject to such ceiling, and
  - (d) a system of record keeping for such allocations;
- and

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income.

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

SECTION 1: The bond issues, as described in this Section, shall be and is hereby granted an allocation from the 2024 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$13,200,000	Louisiana Housing Corporation	Arbours at Bordeaux Series 2024
\$14,300,000	Louisiana Housing Corporation	Arbours at Acadiana Series 2024
\$16,400,000	Louisiana Housing Corporation	Arbours at Lafayette Phase II Series 2024
\$12,000,000	Louisiana Housing Corporation	Sabine Trace Series 2024

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

SECTION 3: The allocation granted herein shall be valid and in full force and effect until 120 days after signature; any unused amount of this 2024 ceiling allocation shall be deemed returned as of 120 days after signature.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 25<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

**EXECUTIVE ORDER JML 24-93**

**Call for Meetings of State Mineral and Energy Board**

WHEREAS, the State Mineral and Energy Board, created and established by Act No. 93 of the 1936 Regular Legislative Session, R.S. 30:121 et seq., meets at the call of the governor pursuant to the provisions of R.S. 30:123;

WHEREAS, the customary meeting schedule for the State Mineral and Energy Board may be impracticable at times, due to holidays, special events, and/or special circumstances; and

WHEREAS, it is essential to the functioning of government that the State Mineral and Energy Board be able to reschedule or cancel meetings expeditiously in a time of crisis, special event, or special circumstance.

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

Section 1: The regular scheduled meetings of the State Mineral Board (hereafter “Board”) shall be held on the second Wednesday of each month for the granting of oil, gas, and mineral leases, and such other business as may properly come before the Board.

Section 2: Upon obtaining approval of the Board, the chair of the Board is authorized to issue for the Governor the call of a meeting of the Board scheduled for a date other than the second Wednesday of a month, when a meeting on the second Wednesday is impracticable because a holiday or other special event falls on that date.

Section 3: Upon obtaining the approval of the Board, the chair of the Board is authorized to issue for the Governor the call of a meeting of the Board that is in addition to the Board’s monthly meeting, when special circumstances necessitate that an additional meeting be held.

Section 4: During a declaration of emergency, the chair of the Board is hereby delegated the Governor’s authority to cancel, reschedule, or consolidate any Board meeting and is also hereby authorized to issue for the Governor the call of a special meeting of the Board that is in addition to the Board’s monthly meeting.

Section 5: When special circumstances necessitate and when it is impracticable for a quorum of the Board to meet to grant the Chair the appropriate authority, the Chair

of the Board is hereby delegated the Governor's authority to cancel, reschedule, or consolidate any Board meeting.

Section 6: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Board in implementing the provisions of this Order.

Section 7: This Order is effective upon signature and shall continue 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 in the City of Baton Rouge, on this 26<sup>th</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

#### EXECUTIVE ORDER JML 24-94

Authorization for Chair of the State Mineral and Energy Board to Sign Certain Documents on Governor's Behalf

WHEREAS, the State Mineral and Energy Board (hereafter "Board"), created by Act No. 93 of the 1936 Regular Session and continued through R.S. 30:121 *et seq.*, is authorized through R.S. 30:124 to lease for development and production of minerals, oil, and gas the lands belonging to the State of Louisiana and the lands to which title is held in the public, including road beds, water bottoms, and lands adjudicated to the state at tax sale;

WHEREAS, pursuant to R.S. 30:129, the Board has full supervision of all mineral leases granted by the State of Louisiana, and the general authority to take any action for the protection of the interests of the state, institute actions to annul a lease upon any legal ground, and enter into agreements and amend leases;

WHEREAS, R.S. 30:128 expressly prohibits and provides penalties for the transfer or assignment of any lease of minerals or mineral rights owned by the State of Louisiana without the Board's approval;

WHEREAS, prior to the creation of the Board, certain state leases and other agreements pertaining to the development and production of mineral, oil, and gas were executed on behalf of the State of Louisiana by the Governor and, therefore, those leases and agreements contain language which require the signature of the Governor prior to any transfer of interests therein;

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

Section 1: With respect to documents presented to the State Mineral and Energy Board pursuant to R.S. 30:128 for approval of the right to transfer or assign a lease of

minerals or mineral rights owned by the State of Louisiana which require the signature of the Governor prior to any transfer of interests therein, and which the Board has approved the transfer or assignment, the chair of the Board is authorized and directed to sign the document on behalf of the Governor.

Section 2: This Order is effective upon signature and shall continue 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 in the City of Baton Rouge, on this 26<sup>th</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

#### EXECUTIVE ORDER JML 24-95

Disaster Declaration—Crawfish Aquaculture Industry

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order Number JML 24-74 and expires on June 30, 2024;

WHEREAS, the Governor is responsible for meeting the dangers to the State and people presented by disasters;

WHEREAS, when the Governor determines that a disaster has occurred, or the threat thereof is imminent, R.S. 29:724(B)(l) empowers him to declare a state of disaster by executive order or proclamation, or both;

WHEREAS, the State of Louisiana is the top producer of crawfish in the nation, generating an annual harvest between 175 and 200 million pounds;

WHEREAS, the crawfish industry in Louisiana contributes over \$500 million annually to Louisiana's economy;

WHEREAS, the State of Louisiana experienced extreme drought conditions and record temperatures with heat indices in the 100s through the summer and into the fall of 2023;

WHEREAS, the extreme drought conditions and the resulting lows in the Mississippi River resulted in saltwater intrusion from the Gulf of Mexico and the Intracoastal Waterway;

WHEREAS, 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-76, which expires June 30, 2024;

**EXECUTIVE ORDER JML 24-96**

**Renewal of State of Emergency—Severe Storms  
and Tornadoes—December 13, 2022**

WHEREAS, the Small Business Administration issued an Economic Injury Disaster Loan declaration for the State of Louisiana on March 21, 2024 due to the incident of severe or extreme drought experience by the state from 9/19/23 through 12/5/2023;

WHEREAS, the President of the United States signed FEMA-3600-EM-LA on September 27, 2023, declaring Jefferson, Orleans, Plaquemines, and St. Bernard parishes to be impacted due to saltwater intrusion resulting from low water levels of the Mississippi River;

WHEREAS, in November of 2023, the LSU AgCenter compiled a preliminary estimate of the impact of drought and excessive heat on the Louisiana agriculture and forestry sectors;

WHEREAS, the LSU AgCenter found that over 46,300 crawfish acres could not be farmed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter projects that an additional 45,700 crawfish acres failed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, approximately 365,000 crawfish acres have been affected by the conditions of saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter predicts a statewide yield loss of 54% across the 365,000 affected crawfish acres;

WHEREAS, the exact fiscal impact to the State is indeterminable, and damages to the State’s crawfish agriculture industry alone are estimated to total \$139.8 million;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of disaster is declared to exist in Louisiana.

Section 2: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 3: This Order is effective upon signature and shall continue in effect from Friday, June 28, 2024, until Saturday, July 27, 2024, unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 28<sup>th</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of the state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 24-75, which ends on June 30, 2024, and;

WHEREAS, there is a need to continue Executive Order Number JML 24-75 because several parishes are still working to recover from the damage caused by these storms.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, June 28, 2024 to Saturday, July 27, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28<sup>th</sup> day of June 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

### EXECUTIVE ORDER JML 24-97

#### Emergency Operations Plan

WHEREAS, the State of Louisiana must be prepared to respond and recover in a coordinated, effective, and efficient manner to all the emergencies and disasters to which it is subjected;

WHEREAS, the State of Louisiana must be organized in such a way as to effectively bring available state, federal, and private resources together to support the response and recovery efforts of our local communities;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act in R.S. 29:722(7) has declared it necessary to authorize and provide for cooperation in emergency or disaster prevention, mitigation, preparedness, response, and recovery;

WHEREAS, it is the policy of the State of Louisiana for all homeland security and emergency preparedness functions to follow the principles outlined in the National Incident Management System, or its successor, as set forth in R.S. 29:722(C); and

WHEREAS, the State of Louisiana will best achieve effective coordinated emergency planning by updating the state's current emergency operations order through the replacement of Executive Order Number JML 24-41, issued on March 22, 2024, and by the Governor's Office of Homeland Security and Emergency Preparedness updating its emergency operations plan.

NOW THEREFORE, I, JEFF LANDRY, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

#### Section 1:

A. The Director of the Governor's Office of Homeland Security and Emergency Preparedness, State of Louisiana, (hereafter "Director"), shall direct the State of Louisiana's emergency and/or disaster operations.

B. The Director, or the Director's designee, shall also coordinate the activities of all non-state agencies, departments, and/or organizations involved in emergency management within the State of Louisiana.

#### Section 2:

A. This Executive Order shall constitute the State of Louisiana Emergency Operations Plan ("Plan"), which shall be binding on all departments, commissions, boards, agencies, organizations, and employees of the State of Louisiana, and on all local governments or political subdivisions of the state authorized or directed to conduct homeland security and emergency management operations.

B. The Director shall supplement the provisions of the Plan by prescribing rules, regulations, and procedures. Once adopted, the supplement shall also be binding on all departments, commissions, boards, agencies, organizations, and employees of the State of Louisiana, and on all local governments or political subdivisions of the state authorized or directed to conduct homeland security and emergency management operations.

C. Any supplement or subsequent changes to the plan shall continue to follow the principles outlined in the National Incident Management System, or its successor, and also provide for the emergency operations that may be implemented should an emergency and/or disaster strike the State of Louisiana or an area within the State of Louisiana.

#### Section 3:

A. The Director shall control the activation and/or implementation of the Plan and the conclusion and/or deactivation of the Plan.

B. The Director shall also control the activation and deactivation of the state Emergency Operations Center (hereafter "Center").

C. The activation of the Center shall constitute the implementation of the Plan.

Section 4: The departments, offices, agencies, and organizations of the State of Louisiana government have



primary and support responsibilities for the following Emergency Support Functions (ESF) and Recovery Support Functions (RSF):

ESF	Annex	Department/Agency	Primary /Support		
ESF 1	Transportation	Department of Transportation and Development	P		
		Department of Agriculture and Forestry	S		
		Department of Corrections	S		
		Department of Education	S		
		Louisiana Department of Health	S		
		Louisiana State Police	S		
		Department of Wildlife and Fisheries	S		
		Department of Children and Family Services	S		
		Non-Governmental Organizations (NGO)	S		
		ESF 2	Cyber - Communications	Governor's Office of Homeland Security and Emergency Preparedness	P
				Louisiana National Guard	P
				Louisiana State Police	P
				Division of Administration	P
				Department of Agriculture and Forestry	S
Department of Corrections	S				
Department of Culture, Recreation & Tourism	S				
Department of Economic Development	S				
Department of Education	S				
Department of Environmental Quality	S				
Department of the Treasury	S				
Department of Natural Resources	S				
Office of Elderly Affairs	S				
Office of the Lieutenant Governor	S				
Office of the Attorney General	S				
Office of the Governor	S				
Louisiana Oil Spill Coordinators Office	S				
Louisiana State University System	S				
Louisiana Department of Health	S				
Department of Justice	S				
Louisiana Workforce Commission	S				
Louisiana Public Service Commission	S				

ESF	Annex	Department/Agency	Primary /Support		
		Louisiana Board of Regents	S		
		Louisiana Commissioner of Insurance	S		
		Louisiana Optical Network Initiative (LONI Network)	S		
		Louisiana Cyber Innovation Center	S		
		LSU-SDMI	S		
		Department of Revenue	S		
		Department of Children and Family Services	S		
		Department of Transportation & Development	S		
		Department of Wildlife and Fisheries	S		
		Non-Governmental Organizations (NGO)	S		
		Secretary of State	S		
ESF 3	Public Works & Engineering	Department of Transportation & Development	P		
		Louisiana Coastal Protection and Restoration Authority	P		
		Governor – Division of Administration	S		
		Louisiana Department of Health	S		
		Department of Energy and Natural Resources	S		
		Department of Environmental Quality	S		
		Louisiana National Guard	S		
		Non-Governmental Organizations (NGO)	S		
		ESF 4	Firefighting	Department of Agriculture and Forestry	P
				State Fire Marshal	P
				Louisiana National Guard	S
				Department of Environmental Quality	S
				Department of Transportation and Development	S
				Department of Wildlife and Fisheries	S
Non-Governmental Organizations (NGO)	S				
ESF 5	Emergency Management			Governor's Office of Homeland Security and Emergency Preparedness	P
				Louisiana National Guard	S
				Department of Agriculture and Forestry	S
				Department of Corrections	S
				Department of Culture, Recreation & Tourism	S

ESF	Annex	Department/Agency	Primary /Support
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Governor – Division of Administration	S
		Governor – Office of Disability Affairs	S
		Governor – Office of Elderly Affairs	S
		Governor – Office of Indian Affairs	S
		Louisiana Oil Spill Coordinators Office	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Department of Justice	S
		Louisiana Workforce Commission	S
		Department of Energy and Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Office of the Lieutenant Governor	S
		Office of the Lieutenant Governor-Volunteer Louisiana	S
		Department of Revenue	S
		Secretary of State	S
		Department of Children and Family Services	S
		Louisiana State Police	S
		Department of Transportation & Development	S
		Department of the Treasury	S
		Department of Wildlife and Fisheries	S
		Louisiana Coastal Protection and Restoration Authority	S
		Department of Public Safety	S
		State Fire Marshall	S
		Non-Governmental Organizations (NGO)	S
ESF 6	Mass Care, Housing and Human Services	Department of Children and Family Services	P
		Louisiana Workforce Commission	P
		Department of Corrections	S
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana Housing Corporation	S

ESF	Annex	Department/Agency	Primary /Support
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		State Fire Marshal	S
		Governor – Office of Disability Affairs	S
		Governor – Office of Elderly Affairs	S
		Louisiana Department of Health	S
		Louisiana State University System and Ag Center	S
		Department of Insurance	S
		Department of Labor	S
		Department of Energy and Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Veterans Affairs	S
		Department of Revenue	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Louisiana State Police	S
		Office of the Lieutenant Governor	S
		State Treasurer	S
		Non-Governmental Organizations (NGO)	S
ESF 7	Resources Support	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	P
		Department of Agriculture & Forestry	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Environmental Quality	S
		Governor – Division of Administration	S
		Louisiana State University System	S

ESF	Annex	Department/Agency	Primary /Support
		Louisiana Department of Health	S
		Louisiana Workforce Commission	S
		Department of Energy and Natural Resources	S
		Louisiana Board of Regents	S
		Department of Children and Family Services	S
		Louisiana State Police	S
		Office of the Lieutenant Governor	S
		Department of Transportation & Development	S
		Department of the Treasury	S
		Non-Governmental Organizations (NGO)	S
ESF 8	Public Health & Medical Services	Louisiana Department of Health	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Children and Family Services	S
		Department of Environmental Quality	S
		Louisiana State University System	S
		Louisiana Board of Regents	S
		State Fire Marshal	S
		Louisiana Workforce Commission	S
		Department of Transportation & Development	S
		Department of Veterans Affairs	S
		Non-Governmental Organizations (NGO)	S
ESF 9	Search & Rescue	Department of Wildlife and Fisheries	P
		State Fire Marshal	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Louisiana Department of Health	S
		Department of Corrections	S
		Department of Culture, Recreation, & Tourism	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Louisiana State University Fire and Emergency Training Institute	S

ESF	Annex	Department/Agency	Primary /Support
		Department of Revenue - Office of Alcohol and Tobacco Control	S
		Office of the Lieutenant Governor	S
		Non-Governmental Organizations (NGO)	S
ESF 10	Oil Spill, Hazardous Materials and Radiological	Louisiana State Police	P
		Department of Environmental Quality	P
		Louisiana Oil Spill Coordinators Office	P
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana Coastal Protection and Restoration Authority	S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		State Fire Marshal	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Department of Energy and Natural Resources	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Non-Governmental Organizations (NGO)	S
ESF 11	Agriculture	Department of Agriculture & Forestry	P
		Louisiana National Guard	S
		Department of Children and Family Services	S
		Department of Corrections	S
		Department of Environmental Quality	S
		Louisiana Department of Health	S
		Louisiana Board of Regents	S
		Louisiana National Guard	S
		Louisiana State Police	S
		Louisiana State University System	S
		Department of Transportation and Development	S
		Governor's Office of Homeland Security and Emergency Preparedness	S

ESF	Annex	Department/Agency	Primary /Support
		Department of Wildlife and Fisheries	S
		Southern University and Ag Center	S
		Non-Governmental Organizations (NGO)	S
ESF 12	Energy and Utilities	Department of Energy and Natural Resources/Intrastate Natural Gas	P
		Louisiana Public Service Commission/Power	P
		Louisiana Department of Health	P
		Louisiana Department of Environmental Quality	S
		(Wastewater Utilities)	S
		Department of Agriculture & Forestry	S
		Louisiana National Guard	S
		Non-Governmental Organizations (NGO)	S
ESF 13	Public Safety and Security	Louisiana State Police	P
		Department of Justice	P
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Department of Revenue - Office of Alcohol and Tobacco Control	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Louisiana National Guard	S
		Office of Juvenile Justice	S
		Office of the Lieutenant Governor	S
		Office of the State Fire Marshal	S
ESF 14	In accordance with the National Disaster Recovery Framework, ESF 14 will be organized into Recovery Support Functions (RSF).		
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	P
ESF 15	Emergency Public Information	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	S
		Senate and House Legislative Liaisons	S

ESF	Annex	Department/Agency	Primary /Support
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation & Tourism	S
		Office of the Lieutenant Governor	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		State Fire Marshal	S
		Governor – Division of Administration	S
		Governor – Office of Disability Affairs	S
		Governor – Office of Elderly Affairs	S
		Governor – Office of Financial Institutions	S
		Governor – Office of Indian Affairs	S
		Louisiana Oil Spill Coordinators Office	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Department of Justice	S
		Department of Insurance	S
		Louisiana Workforce Commission	S
		Department of Energy and Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Department of Children and Family Services	S
		Secretary of State	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Department of Wildlife and Fisheries	S
		Louisiana Coastal Protection and Restoration Authority	S
		Non-Governmental Organizations (NGO)	S
ESF 16	Military Support to Civilian Affairs	Louisiana National Guard	P
RSF 1	Community Planning and Capacity Building	Office of Community Development	P

ESF	Annex	Department/Agency	Primary /Support
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
		Louisiana Economic Development	S
		Louisiana Workforce Commission	S
		Department of Agriculture and Forestry	S
		Department of Insurance	S
		Department of Revenue	S
		University of Louisiana at Lafayette/NIMSAT	S
		Louisiana State University/SDMI	S
		Office of Financial Institutions	S
		Office of the Lieutenant Governor-Volunteer Louisiana	S
		Department of Education	S
		Louisiana VOAD	S
		Department of Transportation and Development	S
RSF 2	Economic	Louisiana Economic Development	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Louisiana Workforce Commission	S
		Department of Agriculture and Forestry	S
		Department of Insurance	S
		Department of Revenue	S
		University of Louisiana at Lafayette/NIMSAT	S
		Louisiana State University/SDMI	S
		Office of Financial Institutions	S
		Office of the Lieutenant Governor	S
		Department of Education	S
		Department of Transportation and Development	S
		LSU/Southern Agriculture Centers	S
		Department of Environmental Quality	S
		Louisiana Sea Grant@ LSU	S

ESF	Annex	Department/Agency	Primary /Support
		Louisiana Housing Corporation	S
		Louisiana Department of Health	S
		Louisiana VOAD	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
RSF 3	Health and Social Services	Louisiana Department of Health	P
		Department of Children and Family Services	P
		Department of Education	P
		Louisiana State University Health Sciences	S
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Louisiana Board of Regents	S
		Office of Community Development	S
		Louisiana VOAD	S
		Office of the Lieutenant Governor	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
		Governor's Office – Children's Cabinet	S
		Louisiana Housing Corporation	S
		Louisiana Workforce Commission	S
		Louisiana Board of Regents	S
		Louisiana Department of Corrections	S
		Louisiana Department of Environmental Quality	S
		Louisiana Department of Revenue	S
		Louisiana United Way & 211	S
		Feeding Louisiana	S
RSF 4	Housing	Louisiana Housing Corporation	P
		Department of Children and Family Services	S
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Louisiana Economic Development	S
		Louisiana VOAD	S
		Office of the Lieutenant Governor-Volunteer Louisiana	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S

ESF	Annex	Department/Agency	Primary /Support
RSF 5	Infrastructure Systems	Department of Transportation and Development	P
		Coastal Protection and Restoration Authority	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Office of Community Development	S
		Office of Financial Institutions	S
		Department of Agriculture and Forestry	S
		Department of Insurance	S
		Public Service Commission	S
		Louisiana Economic Development	S
		Department of Environmental Quality	S
		Department of Energy and Natural Resources	S
		Department of Corrections	S
		Department of Public Safety	S
		Louisiana Oil Spill Coordination Officer	S
		Office of the State Fire Marshall	S
RSF 6	Natural and Cultural Resources	Louisiana Housing Corporation	S
		Louisiana Department of Health	S
		Louisiana Department of Education	S
		Louisiana National Guard	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
		Louisiana Department of Wildlife and Fisheries	P
		Coastal Protection and Restoration Authority	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
Department of Energy and Natural Resources	S		
Department of Environmental Quality	S		
Department of Culture, Recreation, and Tourism	S		
Department of Agriculture and Forestry	S		

ESF	Annex	Department/Agency	Primary /Support
		Office of the Lieutenant Governor	S
		Office of Community Development	S
		Secretary of State	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S

Section 5: The head of each department, office, agency, and organization identified in Section 4 of this Order shall designate both an emergency coordinator and an alternate coordinator to act on the department's behalf during an emergency situation, and furnish the Director with their names and all phone numbers. The head shall also designate a Continuity of Operations Plan (COOP) coordinator who will prepare and maintain plans, procedures, arrangements, and agreements to ensure that the organization will continue to carry out its mission in an emergency or disaster.

Section 6: The head of each department assigned emergency support or recovery support responsibilities in Section 4 of this Order shall assist its primary department in the preparation of their procedures and/or any other documents necessary to support the Plan.

Section 7: The head of each department assigned a primary and/or a support responsibility in Section 4 of this Order will:

A. Staff the State Emergency Operations Center and or Joint Field Office with personnel during training exercises and emergencies as requested by the Director;

B. Maintain and operate a 24-hour response capability in the department headquarters, or in the department's designated Emergency Operations Center, when the Plan is implemented;

C. Participate in exercises of the Plan when scheduled by the Director;

D. Participate in, and conduct, training essential to the implementation of the department's assigned emergency service;

E. Conduct an annual internal review to update the details of their department's implementing procedures and advise the Director of needed modifications of their implementing procedures; and

F. Maintain logs, records, and reporting systems required by all state and federal laws, rules, and regulations.

Section 8: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

Section 9: This Order supersedes and replaces Executive Order Number JML 24-41, issued on March 22, 2024, and Executive Order Number JML 24-41 is hereby terminated.

Section 10: 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 the State of Louisiana in the City of Baton Rouge, on this 28<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

### EXECUTIVE ORDER JML 24-98

#### Renewal of State of Emergency Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-76, which expires on June 30, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service has issued a record number of excessive heat warnings, with heat indices in the 100s, through the summer and into the fall of 2023;

WHEREAS, in addition to the extreme heat, minimal rainfall during these months led to drought conditions throughout most of the state, stressing the abilities of water districts to produce drinking water to its residents and businesses and increasing the threat of wildfires;

WHEREAS, the Office of Public Health advised that several water systems have experienced water outages, equipment breakdown, and boil advisories due to the drought conditions, saltwater intrusion, and increased water demand;

WHEREAS, the Louisiana State Fire Marshal and the Commissioner of the Department of Agriculture and Forestry issued a statewide burn ban on August 7, 2023 that was extended through November 21, 2023 due to the extremely dry conditions;

WHEREAS, although the drought has lessened, heat-related emergencies continue throughout Louisiana;

WHEREAS, the parishes affected by these heat-related emergencies continue to require assistance from the State of Louisiana to provide resources to combat the threats in order to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision

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

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 141 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, June 28, 2024, until Saturday, July 27, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

## EXECUTIVE ORDER JML 24-99

### Renewal of State of Emergency Severe Storms and Tornadoes—May 30-June 4, 2024

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order No. JML 24-89, which expires on June 29, 2024;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, 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 people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service (“NWS”) issued multiple warnings from May 30, 2024 through June 5, 2024 in anticipation of several lines of severe thunderstorms travelling through the State threatening severe straight-line winds, flooding, hail, and possible tornadoes;

WHEREAS, the NWS has confirmed that six (6) tornadoes struck the parish of DeSoto from May 30, 2024 through June 4, 2024, (“Incident Date”) causing damage to fourteen (14) homes, two (2) public buildings and one (1) private business, multiple power outages and extensive debris throughout the parish. This required the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has also confirmed that straight-line wind speeds 85-90 miles per hour in parish of Vermillion from June 1, 2004 through June 4, 2024, (“Incident Date”) causing damage to approximately 18 homes and extensive debris throughout the parish. This required the parish to declare a state of emergency and execute its emergency response plans; and,

WHEREAS, numerous other parishes have issued emergency declarations, and executed their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to

exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana. State resources will be utilized to provide the following assistance in the parishes indicated:

A. Debris Removal Assistance: The State will provide assistance in the form of 75% of costs related to debris removal that are incurred within the first ten (10) days of debris operations or a validly issued Notice to Proceed to a debris contractor for the following parishes: *DeSoto and Vermillion*.

B. Emergency Protective Measures: The State will provide assistance in the form of 75% of costs attributable to emergency protective measures (limited to overtime pay) related to this event that are incurred on the Incident Date for the following parishes: *DeSoto and Vermillion*.

Section 2: The State will review resource requests submitted through WebEOC from all parishes, and will allocate resources as necessary to assist parishes in their recovery efforts. As incident impacts and parish resource requests are reviewed and validated, this section will be amended to identify those parishes authorized to receive State resources.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency by the following parishes: *DeSoto and Vermillion*, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This order is effective upon signature and shall remain in effect from Friday, June 28, 2024 to Saturday, July 27, 2024, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28<sup>th</sup> day of June, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

### EXECUTIVE ORDER JML 24-100

#### Renewal of State of Emergency—Police Officer Shortage

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor Jeff Landry declared a state of emergency in response to the imminent threat of emergency conditions that threaten the lives, property, and safety of the citizens of the State for the limited purpose of R.S. 14:139.1 (C)(1), in JML 24-22;

WHEREAS, this emergency has been renewed and extended through JML 24-80, which is in effect through Monday, July 1, 2024;

WHEREAS, our Nation and State are experiencing a police officer staffing crisis, and law enforcement agencies are losing officers faster than they can hire new ones;

WHEREAS, nationally, law enforcement agencies experienced 47% more resignations in 2022 than in 2019 and 20% more retirements in 2022 than in 2019;

WHEREAS, 78% of national law enforcement agencies reported having difficulty in recruiting qualified candidates, and 65% reported having too few candidates applying to be law enforcement officers;

WHEREAS, 50% of national law enforcement agencies reported having to change agency policies to increase the chances of gaining qualified applicants, and 25% reported having to reduce or eliminate certain agency services, units, or positions because of staffing difficulties;

WHEREAS, the national police officer shortage has affected Louisiana with departments experiencing record-low employment and an increase in police officer response times resulting in an increased threat to the lives, property, and safety of persons within the State of Louisiana;

WHEREAS, the Louisiana Sheriffs' Association estimates that Louisiana sheriffs' offices were down approximately 1,800 deputies statewide as of July 2023;

WHEREAS, there currently exists a shortage of law enforcement officers in the State of Louisiana;

WHEREAS, the provisions of R.S. 14:139.1 do not apply when a public emergency necessitates an increase in the number of deputies;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives, property, and safety of the citizens of the State for the limited purpose of R.S. 14:139.1 (C)(1).

Section 2: This Order is effective upon signature and shall continue in effect from Monday, July 1, 2024 to Wednesday, July 31, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1<sup>st</sup> day of July 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

### EXECUTIVE ORDER JML 24-101

#### Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, 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 people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 24-79, which is in effect through Sunday, July 7, 2024;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Wednesday, July 3, 2024 to

Friday, August 2, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 3<sup>rd</sup> day of July 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

#### EXECUTIVE ORDER JML 24-102

Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-81 which is in effect through Sunday, July 7, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern's integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

NOW THEREFORE I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Wednesday, July 3, 2024 to Friday, August 2, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 3<sup>rd</sup> day of July 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

**EXECUTIVE ORDER JML 24-103**

Bond Allocation 2024 Ceiling

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

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

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

- (a) the manner in which the ceiling shall be determined,
- (b) the method to be used in allocating the ceiling,
- (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and

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

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income; and

WHEREAS, on March 8, 2024, Executive Order Number JML 24-33 was issued granting the Corporation an allocation of the 2024 ceiling in the amount of \$18,000,000 for the following projects: Natchitoches Thomas Apartments Preservation Series 2024; and

WHEREAS, pursuant to Section 4 of JML 24-33, the Governor may amend or modify the time limitations placed on utilization of such allocation.

NOW THEREFORE, I, JEFF LANDRY, 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: JML 24-33 is hereby modified and amended to allow the Louisiana Housing Corporation additional time to utilize the volume cap allocation granted by JML 24-33 for the following bond issues:

Amount of Allocation	Name of Issuer	Name of Project
\$18,000,000	Louisiana Housing Corporation	Natchitoches Thomas Apartments Preservation Series 2024

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

Section 3: The extension of time granted herein shall only apply to those bond issues described in Section 1. Any remaining projects granted an allocation by JML 24-33 shall remain subject to those time constraints in JML 24-33.

Section 4: The allocation granted herein shall be valid and in full force and effect until October 4, 2024; any unused amount of this 2024 ceiling allocation shall be deemed returned as of October 4, 2024.

Section 5: 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 the State of Louisiana in the City of Baton Rouge, on this 3<sup>rd</sup> day of July, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

## EXECUTIVE ORDER JML 24-104

Flags at Half-Staff—Representative Jacquelyn “Jackie”  
Sophie Brechtel Clarkson

WHEREAS, Jacquelyn “Jackie” Sophie Brechtel Clarkson was born on January 17, 1936, in New Orleans, Louisiana to John Patrick Brechtel, Jr. and Sophie Berengher Brechtel;

WHEREAS, she graduated from Martin Behrman High School before attending Tulane University;

WHEREAS, in December of 1977, Jackie married her high school sweetheart Arthur Alexander “Buzz” Clarkson, Jr., and together they had 5 daughters, Jacquelyn Rutgers Clarkson, Cynthia Clarkson Alsfeld (Lenny), Diane Clarkson Hastings (Scott), Kevin Clarkson Sanders (Mike), and Patricia Davies Clarkson, 10 grandchildren, William Michael Sanders, Jr. (Sarah), Elizabeth Sanders Greyson (Lukas), Katherine Hastings Lewis (Peter), Margaret Alsfeld Kaul (Chris), Mary Caswell Alsfeld, Arthur Alexander Clarkson Sanders (Molly), Leonard Clarkson Alsfeld (Ashlyn), John McWilliams Alsfeld (Mary Robin), Scott Davis Hastings, Jr. (Sissi), Reginald Lee Hastings, II (Liz), and 16 great grandchildren in their 71 years of marriage;

WHEREAS, she worked in real estate for over 20 years, owning or managing three major firms and serving as the second female President of the Louisiana Realtors Association;

WHEREAS, she served as member of the New Orleans City Council for many years, including service as President of the Council, and worked tirelessly to clean up the French Quarter;

WHEREAS, she served in the Louisiana House of Representatives as the distinguished representative for District 102 for 8 years, where she focused on landmark legislation for women's health and safety, child protection, and law enforcement;

WHEREAS, she was an outspoken advocate for the New Orleans Recreation Department in the opportunities for children;

WHEREAS, she secured the initial state funding for the National World War II Museum, bringing it to New Orleans and making it a national destination;

WHEREAS, three separate branches of the U.S. Military recognized Jackie for her service: The Commanding Officer of the U.S. Naval Station designated her an Honorary Admiral, the Coast Guard gave her a special Commendation, and the U.S. Marine Corps held a special flag ceremony in her honor; and

WHEREAS, Jackie Clarkson’s legacy as a public servant and leader to the people of New Orleans will long be remembered for her dedication to the community.

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

Section 1: As an expression of respect and to honor Jacquelyn “Jackie” Sophie Brechtel Clarkson, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on July 9, 2024.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, July 9, 2024.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 8<sup>th</sup> day of July, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

## EXECUTIVE ORDER JML 24-105

State of Emergency  
Tropical Storm Beryl—July 8, 2024

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by hurricanes, tornadoes, storms, high winds, floods, fires, and other natural or manmade causes, 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 people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, Tropical Storm Beryl advanced steadily north from Texas into Western Louisiana throughout the day on Monday, July 8, 2024. The organized outer convective bands from the tropical storm spread throughout Louisiana, developing multiple supercells;

WHEREAS, NWS Shreveport issued over 65 tornado warnings throughout the afternoon into the evening. Preliminary data indicates a minimum of five tornadoes touched down in the State;

WHEREAS, preliminary damage assessments show one fatality, at least two severe injuries, massive power outages, and major damages to multiple homes and businesses in multiple parishes in the western side of the State; and

WHEREAS, several parishes have issued emergency declarations, and executed their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This Order is effective from the date of the disaster, Tuesday, July 8, 2024, and shall continue in effect until Wednesday, August 7, 2024, unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 9<sup>th</sup> day of July, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

### EXECUTIVE ORDER JML 24-106

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, 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 people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-85, which is in effect through Sunday, July 14, 2024;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and

confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in

any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Friday, July 12, 2024 to Sunday, August 11, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 12<sup>th</sup> day of July 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2407#100

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Division of Child Welfare

State Central Registry  
(LAC 67:V.1103)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:962 to amend LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry. This Emergency Rule shall be effective July 1, 2024, and shall remain in effect for a period of 180 days unless renewed by DCFS, or until promulgation of the final rule.

Section 1103 is being amended to allow DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by the OJJ to OJJ consistent with Act 445 of the 2023 Louisiana Legislative session. Section 1103 is also being amended related to registered family child care providers and registered in-home child care providers to be consistent with BESE Bulletins 137 and 139.

The department considers this Emergency Rule necessary to ensure that administrative rules are consistent with the law that takes effect on July 1, 2024, until the final rule is promulgated.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 3. Child Protective Services

#### Chapter 11. Administration and Authority

#### §1103. State Central Registry

A. - F.2. ...

G. DCFS is authorized to release information maintained on the SCR in limited circumstances. This information will be released according to the following provisions.

1. - 8. ...

9. DCFS will disclose information on perpetrators of child abuse and/or neglect who are:

a. listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS to DCFS Licensing;

b. listed on the SCR involving any owner, operator, current or prospective employee or volunteer of an early learning center licensed by the Louisiana Department of Education (LDOE) to LDOE;

c. listed on the SCR involving any provider, current or prospective employee working in the residence or on the property where the care is provided, or resident on the property of a registered family child care provider or registered in-home child care provider registered by LDOE to LDOE;

d. LDOE employees and potential employees responsible for the performance of licensing inspections to LDOE; and/or

e. listed on the SCR involving an owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by Office of Juvenile Justice (OJJ) to OJJ.

10. LDOE is authorized to collect the \$25 fee for the clearance on behalf of DCFS for requests from any owner, operator, current or prospective employee or volunteer of an early learning center licensed by the LDOE or for any provider, current or prospective employee, or resident of a registered family child care provider or registered in-home child care provider registered by LDOE. An owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS or juvenile detention facility licensed by Office of Juvenile Justice shall submit the \$25 fee to DCFS with the written request which shall include the express consent of the applicant to the departments. DCFS will not disclose such information until there is confirmation of receipt of the \$25 fee by LDOE or DCFS.

11. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended LR 45:1053 (August 2019), LR 46:14 (January 2020), effective February 1, 2020, LR 49:1028 (June 2023), LR 50:

David Matlock  
Secretary

2407#009

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Licensing Section

Child Welfare Home Certification  
Child Placing Agencies  
(LAC 67:V.7316)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:962 to adopt LAC 67:V, Subpart 8, Chapter 73, Child Placing Agencies, Section 7316. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 180 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on July 30, 2024, and shall remain in effect for a period of 180 days or until adoption of a Final Rule, whichever occurs first.

The department considers emergency action necessary as pursuant to federal register 88 FR 66700, Title IV-E agencies may claim federal reimbursement for an eligible child who is placed in a relative or kinship licensed or approved foster family home when the agency uses different licensing standards for relative or kinship foster family homes.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 8. Residential Licensing

#### Chapter 73. Child Placing Agencies

#### §7316. DCFS Certified Relative/Kinship Foster Homes

A. Pursuant to federal register 88 FR 66700, Sections 7315.A.1-10, 7315.A.12-14, 7315.B.-C., 7315.E.1.k, 7315.E.4-5, 7315.F.12, 7315.G.1-4, 7315.G.10-15, 7315.N, 7315.P.-R. shall not apply to relative/kinship family homes as defined by child welfare policy and certified by DCFS for foster placement. These homes shall only be required to follow the certification standards detailed in child welfare policy.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 50:

David N. Matlock  
Secretary

2407#046

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2024 Commercial Greater Amberjack Season Modification

Louisiana's commercial greater amberjack season was previously scheduled to remain open through the remainder of 2024. The regional administrator of NOAA Fisheries has informed the secretary that the 2024 commercial season for the harvest of greater amberjack in the federal waters of the Gulf of Mexico has been modified to avoid exceeding the annual catch limit and will close on June 30, 2024. The most recent greater amberjack population assessment indicated the stock is overfished and undergoing overfishing.

Louisiana Register Vol. 50, No. 7 July 20, 2024

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.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency 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 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 informed by the regional administrator of NOAA fisheries that the seasons have been modified in adjacent federal waters, the secretary hereby declares:

The season for the commercial harvest of greater amberjack in Louisiana state waters shall close at 12:01 a.m. on June 30, 2024 and remain closed until the start of the 2025 commercial season, currently scheduled to open on January 1, 2025. 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.

Madison D. Sheahan  
Secretary

2407#004

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2024 Recreational Red Grouper Season Closure

Louisiana's recreational red grouper season was previously scheduled to close on December 31, 2024. The regional administrator of NOAA Fisheries has informed the secretary that the 2024 recreational season for the harvest of red grouper in the federal waters of the Gulf of Mexico has been modified and will close on July 1, 2024 and remain closed through December 31, 2024. The most recent red grouper landings information indicates the 2024 recreational annual catch target is projected to be met by that date and NOAA Fisheries must close harvest when the catch target is met. 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.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency 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 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 informed by the regional administrator of NOAA Fisheries that the seasons have been modified in adjacent federal waters, the secretary hereby declares:

The season for the recreational harvest of red grouper in Louisiana state waters shall close at 12:01 a.m. on July 1, 2024 and remain closed until 11:59 p.m. on December 31, 2024. During the closure period, no person shall recreationally harvest or possess red grouper whether within or without Louisiana waters.

Madison D. Sheahan  
Secretary

2407#001

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2024 Recreational Red Snapper Season Modification

Louisiana's recreational red snapper season was previously set by the Wildlife and Fisheries Commission at its regular March 2024 meeting to be open daily on April 15, 2024 until further notice. Under the provisions of state management, NOAA Fisheries has delegated season and bag limit authority as well as allocated a quota to Louisiana. Landings estimates generated from the LA Creel program indicate that red snapper harvest rates are such that a season structure modification is necessary. In order to avoid exceeding the established allocation, the season must be modified to a weekends-only season (Friday, Saturday, and Sunday, including the Monday of Labor Day).

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency 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 by the commission at its regular March 2024 meeting and in LAC 76:VII.335.G.5 to modify the recreational red snapper season, size, and bag limits under the provisions of NOAA delegated state management, the secretary hereby declares:

The season for the private recreational and state charter harvest of red snapper in Louisiana state waters and federal waters off Louisiana shall close at 11:59 p.m. on July 7, 2024 until 12:01 a.m. on Friday, July 12, 2024 at which time it will reopen as a weekends-only season (weekends are Friday, Saturday, and Sunday, including the Monday of Labor Day) until 11:59 p.m. on Monday, September 2, 2024, at which time it shall close until further notice. The bag and possession limit (four fish per person) and the size limit

(sixteen inches minimum total length) shall remain as previously established. During the closure periods above, no person shall recreationally harvest or possess red snapper whether within or without Louisiana waters. This modification does not apply to federally permitted charter boats operating under federal law during federally established seasons and under federally established rules for those vessels.

Madison D. Sheahan  
Secretary

2407#008

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Closure of Spring Inshore Shrimp Season in State Inside Waters

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

In accordance with the emergency provisions of R.S. 49:962 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 2, 2024 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2024 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2024 Louisiana spring inshore shrimp season will close on Monday, July 1, 2024, at 6 p.m. in all Louisiana inside waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line.

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

Madison D. Sheahan  
Secretary

2407#007

# Rules

## RULE

### Department of Children and Family Services Division of Child Welfare

State Central Registry (LAC 67:V.1103)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Children and Family Services (DCFS) has amended LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry.

Section 1103 has been amended to allow DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by the Office of Juvenile Justice (OJJ) to OJJ consistent with Act 445 of the 2023 Louisiana Legislative session. Section 1103 has also been amended related to registered family child care providers and registered in-home child care providers to be consistent with BESE Bulletins 137 and 139. This Rule is hereby adopted on the day of promulgation.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 3. Child Protective Services

#### Chapter 11. Administration and Authority

#### §1103. State Central Registry

A. - F.2. ...

G. DCFS is authorized to release information maintained on the SCR in limited circumstances. This information will be released according to the following provisions.

1. - 8. ...

9. DCFS will disclose information on perpetrators of child abuse and/or neglect who are:

a. listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS to DCFS Licensing;

b. listed on the SCR involving any owner, operator, current or prospective employee or volunteer of an early learning center licensed by the Louisiana Department of Education (LDOE) to LDOE;

c. listed on the SCR involving any provider, current or prospective employee working in the residence or on the property where the care is provided, or resident on the property of a registered family child care provider or registered in-home child care provider registered by LDOE to LDOE;

d. LDOE employees and potential employees responsible for the performance of licensing inspections to LDOE; and/or

e. listed on the SCR involving an owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by Office of Juvenile Justice (OJJ) to OJJ.

10. LDOE is authorized to collect the \$25 fee for the clearance on behalf of DCFS for requests from any owner, operator, current or prospective employee or volunteer of an early learning center licensed by the LDOE or for any provider, current or prospective employee, or resident of a registered family child care provider or registered in-home child care provider registered by LDOE. An owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS or juvenile detention facility licensed by Office of Juvenile Justice shall submit the \$25 fee to DCFS with the written request which shall include the express consent of the applicant to the departments. DCFS will not disclose such information until there is confirmation of receipt of the \$25 fee by LDOE or DCFS.

11. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended LR 45:1053 (August 2019), LR 46:14 (January 2020), effective February 1, 2020, LR 49:1028 (June 2023), LR 50:946 (July 2024).

David Matlock  
Secretary

2407#047

## RULE

### Board of Elementary and Secondary Education

Attendance

(LAC 28:CXV.1103, 1105, and 1111 and CXXXIX.4001)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*, and LAC 28:CXXXIX in *Bulletin 126—Charter Schools*. The amendments provide clarity, opportunities for academic recovery, and the reporting of attendance data needed to address truancy rates. A summary of the changes includes: reducing and redefining the types of absences to *excused*, *unexcused*, and *suspension/expulsion*; providing opportunities for academic recovery for each type of absence; and requiring the

submission of daily student attendance and truancy reporting. Finally, the aforementioned revisions align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3. This Rule is hereby adopted on the day of promulgation.

**Title 28**  
**EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for  
School Administrators**

**Chapter 11. Student Services**

**§1103. Compulsory Attendance**

A. - I. ...

J. Exceptions to the attendance regulation shall be the enumerated extenuating circumstances below that are verified by the supervisor of child welfare and attendance or the school principal/designee where indicated. These excused absences do not apply in determining whether a student meets the minimum minutes of instruction required to receive credit:

1. - 7. ...

8. absences verified and approved by the school principal or designee as stated below:

- a. prior school system-approved travel for education;
- b. death in the immediate family (not to exceed one week);
- c. natural catastrophe and/or disaster;
- d. student personal illness or serious illness in family; or
- e. pregnant and parenting students at a minimum of 10 days after the birth of a child.

J.9. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:32 (January 2022), LR 49:33 (January 2023), LR 50:177 (February 2024). LR 50:947 (July 2024).

**§1105. Absences and Attendance**

A. The days absent for elementary and secondary school students shall include excused absences, unexcused absences, and suspensions/expulsion.

B. *Excused Absences*—absences which are not considered for purposes of truancy, including absences incurred due to extenuating circumstances in accordance with §1103 of this Chapter.

C. *Unexcused Absence*—any absence not meeting the requirements set forth in the excused absence definition, including but not limited to absences due to any job (including agriculture and domestic services, even in their

own homes or for their own parents or tutors) unless it is part of an approved instructional program.

D. *Suspension/Expulsion*—absence in which a student is not in attendance in the regular instructional setting due to disciplinary actions imposed by the school. The absence is not considered for purposes of truancy unless the student was assigned to an alternative site and is not in attendance at the assigned alternative site.

E. A student who is absent, including a suspended student, shall be allowed to submit missed assignments and tests and shall be eligible to receive the same academic credit and grades originally available when work is completed satisfactorily and in a timely manner.

F. Daily attendance shall be taken in accordance with R.S. 17:232. Beginning with the 2024-2025 school year, student attendance shall be submitted daily to the LDOE, including the number of students in attendance, the number of students absent, and the truancy status of each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:226, R.S. 17:235.2, and R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005), amended LR 36:482 (March 2010), LR 37:1127 (April 2011), LR 39:2206 (August 2013), LR 50:947 (July 2024).

**§1111. Age Requirements**

A. - C.5.c. ...

6. A parent or legal guardian may opt to defer enrollment of a child into kindergarten for one year under the following conditions:

- a. The child is four years of age on the first day of the school year; or
- b. The child is enrolled in a prekindergarten program.

7. A parent or legal guardian who opts to defer enrollment into kindergarten for one year shall be considered in compliance with the compulsory school attendance law.

D. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005), amended LR 39:2206 (August 2013), amended LR 48:32 (January 2022), LR 50:947 (July 2024).

**Part CXXXIX. Bulletin 126—Charter Schools**

**Chapter 40. Charter School Autonomy**

**§4001. Applicability of State and Local Rules and Regulations**

A. - A.15. ...

16. school and district accountability system;
17. attendance reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:232, and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), LR 50:947 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#011

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District, and State Accountability System—ELPT Connect (LAC 28:XI.405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The amendments update the language for proficiency scoring to include ELPT Connect, the English Language Proficiency Test (ELPT) assessment for English learners with significant cognitive disabilities. The levels are included in policy and are closely aligned to the ELPT to ensure clarity for teachers and school systems. This Rule is hereby adopted on the day of promulgation.

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing**

**Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System**  
**Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations**

**§405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]**

A. - B.3. ...

a. The initial proficiency level for each English learner will be determined based on the ELPT or ELPT Connect assessment results from the school year in which the student was first enrolled in a Louisiana public school and participated in the ELPT or ELPT Connect assessment.

b. If a student exits the United States for one or more school years following the initial ELPT or ELPT Connect assessment and later reenrolls in Louisiana, the student will be considered a new student for the purpose of determining the initial proficiency level.

c. For students first identified in prekindergarten through fifth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the table below.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
* * *				

d. For students first identified in sixth through twelfth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
* * *						

e. An ELPT or ELPT Connect overall proficiency score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

4. The level of progress on the ELPT or ELPT Connect assessment will be included in the kindergarten through eighth grade assessment index for each English learner according to the following table.

\* \* \*

5. For measuring progress on the ELPT Connect assessment, the overall proficiency scores will be organized into the following levels:

- a. emerging—all domain scores are one or two;
- b. progressing 1—at least one domain score of three and the lowest domain score is one;
- c. progressing 2—at least one domain score of three and the lowest domain score is two;
- d. progressing 3—at least three domain score of three and the lowest domain score is two; and
- e. transitioning—all domain scores are three or four.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 49:31 (January 2023), LR 49:1698 (October 2023), LR 50:948 (July 2024).

Kimberly Tripeaux  
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2407#012

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel—Educator Observation and Evaluation (LAC 28:CXLVII.Chapters 1, 3, 7, and 9)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. The

amendments provide revised observation rating calculations, differentiated support for new teachers and ineffective teachers, and implementation of learning year options. This Rule is hereby adopted on the day of promulgation.

## **Title 28**

### **EDUCATION**

#### **Part CXLVII. Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel**

##### **Chapter 1. Overview**

##### **§101. Guidelines of the Program**

A. Each LEA must develop a uniform system for the annual evaluation of certified and other professional personnel in accordance with the provisions of this Part.

B. The guidelines approved by BESE to form a basis for local teacher evaluation programs include regulations in this Part and the Performance Expectations and Indicators for Educational Leaders, 2015 edition.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, 17:3881-3886, 17:3901-3904, and 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2250 (October 2010), amended LR 38:1214 (May 2012), LR 45:233 (February 2019), LR 50:949 (July 2024).

##### **§105. Framework for LEA Personnel Evaluation Programs [Formerly §109]**

A. - B. ...

1. Job Descriptions. The LEA shall establish job descriptions for every category of teacher and administrator. All job descriptions shall contain performance expectations and the criteria for which the teacher or administrator shall be evaluated.

2. Professional Growth Planning Process. The LEA shall provide guidelines for teachers and administrators to develop a professional growth plan collaboratively with their evaluators. Such plans must be designed to assist each teacher or administrator in demonstrating effective performance, as defined by this bulletin. Each plan will serve as a differentiated coaching plan based on an area of refinement and will include professional learning objectives as well as the strategies that the teacher or administrator intends to use to attain each objective.

3. Observation, Data Collection, and Conferencing Process. The evaluator or evaluators of each teacher and administrator shall conduct observations of teacher and administrator practice sufficient to gain a complete picture of performance and impart individualized feedback each year. Additional evidence, such as data from periodic informal visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation.

a. - c. Repealed.

4. ...

5. Student Learning Targets. Local evaluation plans shall include evidence of growth in student achievement, including value-added data where available. The LEA shall provide guidelines for evaluators and evaluates to meet to discuss the student learning target of each student.

6. Grievance Process. LEAs shall include in their local personnel evaluation plans a description of the procedures for resolving conflict and/or grievances relating to evaluation results in a fair, efficient, effective, and professional manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2251 (October 2010), amended LR 38:1215 (May 2012), LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 49:649 (April 2023), LR 50:949 (July 2024).

##### **Chapter 3. Components of Personnel Evaluation §301. Overview of Personnel Evaluation**

A. Evaluation Process. The evaluation cycle shall consist of communicating the job description; developing the professional growth plan; setting student learning targets; observation, conferencing, and data collection; and communicating the final effectiveness calculation.

1. A copy of the job description developed in accordance with §303 of this Chapter shall be distributed to each teacher and administrator prior to beginning employment in the position with the school system and prior to the beginning of the school year each time the job description is revised.

2. Each evaluator and evaluatee shall meet to discuss the student learning targets set in accordance with §305 of this Chapter. Student learning targets not discussed in a meeting between the evaluator and evaluatee shall not be used in the evaluation.

a. - b. Repealed.

3. Observation and conferencing shall be conducted in accordance with §309 of this Chapter, with opportunities for reflection, professional learning, and informal data collection available throughout the evaluation cycle.

4. Each teacher and administrator shall develop a professional growth plan collaboratively with the evaluator(s) based on an area of refinement identified through the first observation of the evaluation cycle. Each plan will serve as a differentiated coaching plan based on the area of refinement to assist the educator in demonstrating effectiveness and will include professional learning objectives as well as the strategies and means of support that the teacher or administrator intends to use to attain each objective.

5. At the end of the evaluation cycle, the final evaluation score will be calculated by the evaluator(s), with effectiveness determined according to Subsection B of this Section. A copy of the evaluation results must be provided to the evaluatee within 15 days of the final effectiveness determination.

B. Calculating Evaluation Scores. Fifty percent of the evaluation shall be composed of applicable measure(s) of growth in student learning. The remaining 50 percent shall be based upon a qualitative assessment of teacher or administrator skills, knowledge, and professionalism. The combination of the applicable measure of growth in student learning and the qualitative assessment of performance shall result in a composite score used to distinguish levels of overall effectiveness for teachers and administrators.

1. Student Growth Score. Value-added data, if available, shall comprise 35 percent of the evaluation score, with 15 percent of the score based on student learning target attainment. If value-added data are not available, attainment of student learning targets will comprise 50 percent of the evaluation score.

2. Qualitative Assessment Score for Teachers. Data collected by evaluators during the evaluation cycle will be averaged by domain and weighted along with the teacher self-assessment rating to calculate the 50 percent of the evaluation based upon qualitative assessment.

a. The teacher observation rating will be calculated by averaging the domain score from each observation, with the Planning domain weighted at 15 percent, Environment domain weighted at 5 percent, Instruction domain weighted at 75 percent, and Professionalism domain weighted at 5 percent.

b. The teacher self-assessment rating from each observation will be averaged.

c. The teacher observation rating will constitute 90 percent of the qualitative assessment score; the remaining 10 percent will be the teacher self-assessment rating.

3. Qualitative Assessment Score for Principals. Artifacts and data collected by evaluators during the evaluation cycle will be weighted to comprise the qualitative assessment score, with administrator middle-of-year conference weighted at 25 percent, end-of-year summative conference weighted at 50 percent, administrator self-assessment rating weighted at 10 percent, and principal survey rating weighted at 15 percent. A principal with more than three years of experience in the role and a rating above 3.50 in the previous school year may be exempted from the middle-of the year conference, weighting the end-of-year summative conference at 75 percent.

4. Qualitative Assessment score for Counselors and Non-Principal School Leaders. Artifacts and data collected by evaluators during the evaluation cycle will be weighted to comprise the qualitative assessment score, with middle-of-year conference weighted at 30 percent, end-of-year summative conference weighted at 60 percent, and self-assessment rating weighted at 10 percent.

5. The composite score shall be the average of the student growth score and the qualitative assessment score. Each score shall be represented as a decimal rounded to the hundredths place.

C. Determining the Effectiveness Rating. The effectiveness rating shall be determined according to the composite score ranges as follows.

1. A composite score from 1.00 to 1.49 will constitute a rating of Ineffective.

2. A composite score from 1.50 to 2.49 will constitute a rating of Emerging.

3. A composite score from 2.50 to 3.49 will constitute a rating of Proficient.

4. A composite score from 3.50 to 4.49 will constitute a rating of Highly Effective.

5. A composite score from 4.50 to 5.00 will constitute a rating of Exemplary.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1215 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1266 (July 2015), LR 43:2480 (December 2017), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 48:1006 (April 2022), LR 49:650 (April 2023), LR 50:949 (July 2024).

### **§303. Job Descriptions [Formerly §323]**

A. The local personnel evaluation plan shall contain a copy of the job descriptions currently in use in the LEA. The LEA shall establish a competency-based job description for every category of teacher and administrator pursuant to its evaluation plan. At a minimum, job descriptions must be developed for the following positions.

1. Administration:

- a. superintendent;
- b. assistant superintendent;
- c. director;
- d. supervisor;
- e. coordinator;
- f. principal; and
- g. assistant principal.

2. Instructional Personnel:

- a. teachers of regular education and special education students;
- b. special projects teachers;
- c. instructional coaches;
- d. librarians; and
- e. master teachers.

3. Support Services:

- a. school counselors; and
- b. therapists.

4. Any employee whose position does not require certification but does require a minimal education attainment of a bachelor's degree from an accredited institution of higher learning.

5. Any employee whose position requires certification but whose title is not listed in this Subsection.

6. Any employee who holds a major management position but who is not required to have a college degree or certification.

B. The competency-based job description shall:

1. be grounded in the state standards of performance;
2. include job tasks that represent the essential knowledge, skills, and responsibilities of an effective teacher or administrator that lead to growth in student achievement;
3. be reviewed annually to ensure that the description represents the full scope of the teacher or administrator responsibilities; and
4. be distributed to all certified and professional personnel prior to employment. If said job description is modified based on the district's annual review, the revised job description must be distributed to all certified and professional teachers and leaders prior to the beginning of the next school year.

C. The following components shall be included in each job description developed:

1. position title;
2. overview of position;
3. position qualifications shall be at least the minimum requirements as stated in LAC 28:CXXXI. *Bulletin 746*. The qualifications shall be established for the position, rather than for the employee;

4. title of the person to whom the employee reports;
5. performance standards, including statement on responsibility for growth in student learning;
6. criteria for evaluation;
7. salary or hourly pay range;
8. statement acknowledging receipt of job description; and
9. a space for the employee's signature and date.

D. Signed job descriptions must be maintained on file at the local level to document the annual review and, upon revision, receipt of job descriptions.

D.1. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:3123 (December 2012), LR 39:1273 (May 2013), LR 40:761 (April 2014), LR 41:1267 (July 2015), LR 43:2480 (December 2017), LR 50:950 (July 2024).

### §305. Measures of Growth in Student Learning

A. Student learning targets and, where available, a value-added model shall be used to measure student growth for the purposes of teacher and administrator evaluations according to guidelines provided by LDOE.

B. For teachers and administrators, progress towards pre-determined student learning targets, as measured by state-approved common assessments, where available, shall inform the student growth component of the evaluation. Student learning targets shall include goals which express an expectation of growth in student achievement over a given period of time, as well as common measures for assessing attainment of those goals, such as an identified assessment or a body of evidence.

1. Evaluators shall meet with each evaluatee for the purpose of discussing the student learning targets of each student. Student learning targets not discussed in a meeting between an evaluatee and the evaluator shall not be used in the evaluation of the person.

2. Teachers. A minimum of two student-learning targets shall be identified for each teacher. LDOE shall provide an evaluative tool for evaluators to use in assessing the quality and attainment of student learning targets.

a. State-approved assessments shall be used as part of the body of evidence measuring students' attainment of learning targets, where available.

b. Where no state-approved assessments are available, evaluatees and evaluators shall decide upon the appropriate assessment or assessments to measure students' attainment of learning targets.

c. LEAs may define consistent student learning targets across schools and classrooms for teachers with similar assignments, provided that the targets allow for ample flexibility to address the specific needs of students in each classroom.

3. Principals and Administrators. A minimum of two student learning targets shall be identified for each administrator.

a. For principals, the LDOE shall provide recommended targets to use in assessing the quality and attainment of both student learning targets, which will be based upon a review of similar schools. The LDOE will

annually publish the methodology for defining similar schools.

b. At least one learning target shall be based on overall school performance improvement in the current school year, as measured by the school performance score.

c. At least one learning target shall be based on growth in a component (e.g., ELA or math improvement) of school performance score.

d. Principals at schools with special populations (e.g. alternative schools) or those that do not have grades with standardized testing and available value-added data (e.g., K-2 schools) may define learning targets based on LDOE guidance.

4. LDOE shall provide annual updates to LEAs related to:

a. the expansion of state-standardized testing and the availability of value-added data, as applicable;

b. the expansion of state-approved common assessments to be used to build bodies of evidence for student learning where the value-added model is not available; and

c. the revision of state-approved tools to be used in evaluating student learning targets.

C. The value-added model shall be a statistical model approved by BESE for linking academic gains of students to teachers in grades and subjects for which appropriate data are available. LDOE shall expand the value-added model, as new state assessments become available.

1. Value-added data shall be provided to teachers in grades and subjects that administer state-wide standardized tests and for which appropriate prior testing data is available. The value-added model shall not be applied for the purposes of evaluation in any case in which fewer than 10 students with value-added results are assigned to an educator.

2. The value-added model shall take into account the following student-level variables:

a. prior achievement data that are available, up to three years;

b. gifted status;

c. section 504 status;

d. attendance;

e. disability status;

f. economically disadvantaged status;

g. limited English proficiency; and

h. prior discipline history.

3. Classroom composition variables shall also be included in the model.

D. - F.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1267 (July 2015), LR 47:354 (March 2021), LR 49:254 (February 2023), repromulgated LR 49:860 (May 2023), LR 50:951 (July 2024).

### §307. Observation Tools

A. LEAs must utilize an observation tool to conduct a qualitative assessment of educator performance that will comprise 50 percent of the composite evaluation score for all evaluations.

B. - B.1.b. ...

2. Observation tools shall provide an overall score between 1.00 and 5.00. Total scores on observation tools may include hundredths of points, indicated with a decimal point.

3. Observation tools for other instructional leaders shall align to the components of effective teaching in §901. of this Part and the Performance Expectations and Indicators for Educational Leaders, 2015 edition, as well as the competencies for content leaders or mentor teachers in LAC 28:CXXXI.350 and 351.

C. ...

D. LEAs which do not intend to use model observation tools developed or identified by the department shall annually submit proposed alternate tools to the department for evaluation and approval.

1. - 4. ...

5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, 17:3881-3886, 17:3901-3904, and 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:951 (July 2024).

### §309. Observation and Conferencing Process

A. Observation and Conferencing Components for Teachers. The annual teacher evaluation shall include an observation conducted according to each step of the process outlined in this Section and shall adhere to the following minimum requirements.

1. Each announced observation shall include a pre-observation conference at least one school day prior to the date of the observation.

2. Each announced observation shall occur at a time and place established in advance and shall be of sufficient duration to provide meaningful data. Observations of a teacher shall be not less than the duration of one complete lesson.

3. Following all observations, evaluators shall record feedback, including areas for reinforcement and areas for refinement. Additional evidence from periodic visits to the school or classroom as well as written materials or artifacts may be used to inform the evaluator analysis.

4. Following all observations, the evaluatee must complete a self-assessment regarding the lesson using the same observation tool used by the evaluator.

5. Each observation shall include a prescriptive post-observation conference not more than five school days following the date of the observation during which the evaluator will share the feedback, areas of reinforcement, and areas of refinement. These recommendations will be used to develop the professional growth plan.

6. An informal observation targeted to the specific area of refinement shall be conducted at least two, and not more than six, weeks following the post-observation conference. The evaluator will provide written feedback regarding progress toward the area of refinement within one school day of the informal observation.

B. Observation Frequency

1. During the first three years of teaching, three observations shall be conducted, one of which must be announced.

2. For teachers with three years of experience and beyond, one unannounced observation shall be conducted. If the observation score is below 3.50 or if the evaluatee requests it, a second observation shall be conducted and shall be announced. If the average score of the first two observations is less than 2.50, a third observation shall be conducted and shall be unannounced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1217 (May 2012), amended LR 38:2360 (September 2012), LR 41:1267 (July 2015), LR 50:952 (July 2024).

### §311. Evaluators

A. - D.1. ...

2. The evaluator certification process shall include achieving a passing score on an assessment to ensure inter-rater reliability and accuracy of ratings, based on the use of the teacher or leader observational rubric.

3. Evaluators on record must renew certification to evaluate annually by completing training according to guidelines released by LDOE, by achieving a passing score on a renewal assessment, and by completing inter-rater reliability activities as recommended by LDOE.

E. LEAs shall provide training on a continuing basis for all staff involved in the evaluation process. The recommendation is that all training concentrate on fostering the elements listed below:

1. a positive, constructive attitude toward the teacher and administrator evaluation process;

2. a knowledge of state laws and LEA policies governing the evaluation process for teachers and administrators, along with the associated procedures for intensive assistance and due process;

3. an understanding of the Louisiana Components of Effective Teaching or an approved modified set of teacher competencies and performance standards;

4. an understanding of the Performance Expectations and Indicators for Educational Leaders or an approved modified set of leader competencies and performance standards;

5. an understanding of the measures of growth in student learning, as adopted by the board; and

6. an understanding of the process for calculating a composite score to determine final effectiveness ratings for teachers and administrators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1217 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:952 (July 2024).

### §313. Professional Development

A. LEAs shall provide professional learning to all teachers and administrators, based upon their individual areas of refinement, as measured by the evaluation process. Professional learning opportunities provided by LEAs shall meet the following criteria.

1. Professional learning shall be job-embedded, where appropriate.

2. Professional learning shall target identified individualized areas of growth for teachers and



administrators, based on the results of the evaluation process, as well as data gathered through informal observations or site visits, and LEAs shall utilize differentiated resources and levels of support accordingly.

3. Professional learning shall include follow-up engagement with participants, such as feedback on performance, additional supports, and/or progress-monitoring.

4. Professional learning shall include measureable objectives to evaluate its effectiveness, based on improved teacher or administrator practice and growth in student learning.

B. Failure by the LEA to provide regular professional learning opportunities to teachers and administrators shall not invalidate any results of the evaluation process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1218 (May 2012), LR 50:952 (July 2024).

### **§319. Transitional Use of Legacy Evaluation System**

A. For the 2024-2025 school year, LEAs may choose to implement the evaluation process outlined in this Part or the same evaluation process implemented by the LEA during the 2023-2024 school year to allow adequate planning for a successful transition to a new evaluation process. For purposes of this Section, the term *legacy evaluation process* refers to the evaluation process implemented by the LEA during the 2023-2024 school year.

1. - 6. Repealed.

B. Evaluatees in an LEA implementing a legacy evaluation process shall receive at least one announced observation and one unannounced observation during the evaluation cycle.

C. The composite score to determine effectiveness in a legacy evaluation process will be calculated as follows:

1. The 50 percent of evaluations based on student growth will be represented by a sub-score between 1.0 and 4.0.

2. The 50 percent of evaluations based on a qualitative assessment of performance will be represented by a sub-score between 1.0 and 4.0.

3. The final composite score for teachers and administrators is the average of the two sub-scores and will be represented as a score between 1.0 and 4.0.

4. The effectiveness rating will be determined by the composite score ranges as follows:

a. A composite score of less than 1.5 will constitute a rating of Ineffective.

b. A composite score of 1.5 to 2.49 will constitute a rating of Effective: Emerging.

c. A composite score of 2.50 to 3.49 will constitute a rating of Effective: Proficient.

d. A composite score of 3.5 or higher will constitute a rating of Highly Effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2252 (October 2010), amended LR 38:1219 (May 2012), LR 38:2360 (September 2012), LR 50:953 (July 2024).

### **§323. Job Descriptions [Formerly §339]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2252 (October 2010), amended LR 38:1219 (May 2012), LR 38:2361 (September 2012), amended LR 48:28 (January 2022), LR 48:414 (March 2022), LR 50:953 (July 2024).

### **§329. Charter School Exceptions**

A. Charter governing authorities are subject only to §301, §305, §307, §309, §325, §329, and §701 of this bulletin.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1220 (May 2012), LR 50:953 (July 2024).

### **Chapter 7. Reporting and Monitoring**

#### **§701. Annual Summary Reporting Format**

A. - B. ...

1. the percentage and number, where available, of administrators and teachers rated as exemplary, highly effective, proficient, emerging, and ineffective;

2. the percentage and number, where available, of teachers whose student growth ratings are increased or decreased, per §305. of this Part, relative to the value-added model rating; and

3. ...

C. LDOE shall annually analyze the relationship between student results and educator observation scores for use in risk-based auditing. Risk-based auditing may include inter-rater reliability checks, and plans to address audit findings will be required for LEAs, schools, or observers noted as high risk based on this analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2253 (October 2010), amended LR 38:1220 (May 2012), LR 38:2361 (September 2012), LR 39:1274 (May 2013), LR 41:1268 (July 2015), LR 50:953 (July 2024).

### **Chapter 9. General Provisions**

#### **§901. Louisiana Components of Effective Teaching**

A. The domains and indicators comprising the Louisiana Components of Effective Teaching are as follows:

1. The instruction domain is composed of the following indicators:

- a. standards and objectives;
- b. motivating students;
- c. presenting instructional content;
- d. lesson structure and pacing;
- e. activities and materials;
- f. questioning;
- g. academic feedback;
- h. grouping students;
- i. teacher content knowledge;
- j. teacher knowledge of students;

- k. thinking; and
  - l. problem solving.
2. The designing and planning instruction domain is composed of the following indicators:
- a. instructional plans;
  - b. student work; and
  - c. assessment.
3. The learning environment domain is composed of the following indicators:
- a. expectations;
  - b. engaging students and managing behavior;
  - c. environment; and
  - d. respectful conditions.
4. The professionalism domain is composed of the following indicators:
- a. growing and developing professionally;
  - b. reflecting on teaching;
  - c. community involvement; and
  - d. school responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2254 (October 2010), amended LR 38:1221 (May 2012), LR 38:2361 (September 2012), LR 50:953 (July 2024).

Kimberly Tripeaux  
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2407#013

## RULE

### Board of Elementary and Secondary Education

Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years  
Early Learning and Development Standards  
(LAC 28:CLIX.Chapters 1-5 and CXXXVI.Chapters 1-7)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has repealed LAC 28:CLX in *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*, and has adopted LAC 28:CXXXVI in *Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years*. The aforementioned changes replace previously adopted early learning and development standards. This Rule is hereby adopted on the day of promulgation.

## Title 28 EDUCATION

### Part CXXXVI. Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years

#### Chapter 1. General Provisions

#### §101. Introduction

A. Louisiana’s Early Learning and Development Standards (ELDS) provide a set of common, developmentally appropriate expectations for what children

typically know, understand, and are able to perform at different stages of early childhood. These standards are research-based, comprehensive, and are written with the understanding that children reach developmental milestones at different times. The ELDS provide age-appropriate goals for children’s learning and development that can guide teachers, caregivers, and other early childhood professionals on what types of experiences and activities children should have during their earliest years. ELDS are used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:954 (July 2024).

#### §103. Definitions

*Alphabet Awareness*—knowledge of letters of the alphabet coupled with the understanding that the alphabet represents the sounds of spoken language and the correspondence of spoken sounds to written language.

*Approaches to Learning*—behaviors and attitudes that indicate how children approach tasks and activities to learn and include characteristics such as initiative and curiosity; attention, engagement and persistence; and problem solving, which help strengthen and facilitate learning across other school readiness domains.

*Attention, Engagement, and Persistence*—the capacity to pay attention and engage in learning activities for short periods of time so that children can complete short-term, concrete tasks and activities, which then progresses so that children can concentrate for longer periods of time, persist in activities of interest, and set goals.

*Emergent Writing*—young children’s first attempts at the writing process.

*Expressive Communication*—the ability to communicate our thoughts and feelings through words, gestures, signs, and/or symbols.

*Fine Motor Development*—skill development involving the smaller muscles of the hand.

*Gross Motor Development*—skill development involving the large muscles in the arms, legs and torso.

*Initiative and Curiosity*—personal experiences with and the openness and curiosity about new discoveries that begin with interest in the world around them and the initiative to gain new knowledge by taste, touch, smell, sight, sound, and physical actions, then develops into interaction with unfamiliar objects and materials, seeking new ways for using items in the environment, and learning new information in a variety of ways in order to add to a growing knowledge of the world.

*Phonological Awareness*—the awareness of and ability to work with sounds in spoken language.

*Print Concepts*—the understanding of the nature and uses of print.

*Problem Solving*—noticing how actions affect objects and cause things to happen, to find solutions, and to apply similar strategies again in the future, including the skills of explaining how problems are solved, observation, reasoning, and prediction.

*Receptive Communication*—The ability to understand words and language.

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### **Chapter 3. Learning and Development**

#### **§301. Approaches to Learning**

A. Initiative and Curiosity. Standard 1: Children engage in multiple and varied play-based experiences.

1. Infants, Birth-11 months:

a. Explore objects, materials, and/or people in their immediate environment using their senses. Interact with materials by manipulating them in a variety of ways (e.g., grasp, mouth, bang).

b. Demonstrate interest in others (e.g., turn head toward familiar voice).

c. Meet one's own needs using simple behaviors (e.g., feed oneself finger foods).

d. Select a particular material, toy, or place of interest to explore on their own.

2. Young Toddlers, 9-18 months:

a. Explore and interact with familiar objects and materials in their environment. Use everyday objects and toys as intended in their play (e.g., build with blocks, stir with spoons).

b. Demonstrate interest in their surroundings.

c. Attempt to help with simple tasks and activities.

d. Express choices and preferences.

3. Older Toddlers, 16-36 months:

a. Explore both familiar and unfamiliar materials, activities, and experiences. Explore new ways to use familiar objects during play (e.g., hold a banana to the ear and talk into it like a phone).

b. Seek information about familiar objects, people, and experiences.

c. Demonstrate increasing interest and independence in completing simple tasks.

d. Insist on preferences and express dislikes.

4. Three Year Olds, 36-48 months:

a. Explore unfamiliar objects, materials, and experiences. Combine materials in new and unique ways (e.g., put blocks together to create a road for cars).

b. Seek information about unfamiliar objects, people, and experiences.

c. Complete a variety of simple tasks independently.

5. Four Year Olds, 48-60 months:

a. Seek out and engage with unfamiliar objects, materials, and experiences.

b. Seek information and contribute to discussions about a variety of new topics, ideas, and activities.

c. Complete multi-step tasks independently.

B. Attention, Engagement, and Persistence. Standard 2: Children engage in activities and tasks with attention, focus, and persistence.

1. Infants, Birth-11 months:

a. Establish eye contact with a familiar person. Attend to new objects and familiar adults in the environment.

b. Intentionally take action to make things happen (e.g., shake rattle to make noise).

2. Young Toddlers, 9-18 months:

a. Focus attention on people, objects, and activities of interest.

b. Repeat self-selected tasks over and over again.

c. Complete self-selected tasks and then spontaneously express pleasure at accomplishments (e.g., smile, clap).

3. Older Toddlers, 16-36 months:

a. Focus attention to complete a short, simple task with adult support.

b. Complete activities of choice from start to finish with adult support.

c. Remain actively engaged in activities of interest and protest if interrupted.

4. Three Year Olds, 36-48 months:

a. Maintain focus on activities of interest despite distractions.

b. Continue working on self-selected activities despite setbacks (e.g., try again after the block tower falls down).

c. Express goals and then work to achieve them with prompting and support (e.g., When asked, a child says, "I want to make something" and then goes to the art center and draws a picture).

5. Four Year Olds, 48-60 months:

a. Maintain focus on adult-directed activities with adult support.

b. Persist with a challenging task despite interruptions and disruptions.

c. Express simple goals that extend over time, make plans, and follow through to complete them (e.g., Child says, "I want to play doctor after breakfast. Liam is going to play with me.", and then does so after eating).

C. Problem Solving. Standard 3: Children demonstrate flexibility and creativity by using a variety of strategies to solve problems.

1. Infants, Birth-11 months:

a. interact with objects in a variety of ways and notice the effects of their own actions;

b. attend to objects and/or activities in the environment;

c. solve simple problems and accomplish tasks using gestures, movement, and/or vocalizations (e.g., roll over to reach a toy, cry to express needs).

2. Young Toddlers, 9-18 months:

a. repeat behaviors to obtain desired results;

b. observe the ways in which others interact with objects and materials;

c. try out one or two strategies to accomplish tasks and solve problems with adult support.

3. Older Toddlers, 16-36 months:

a. experiment with the effects of simple actions on different objects (e.g., use a scoop to put sand into a bucket, then attempt to use a scoop to put water into a bowl);

b. observe and imitate actions of others when attempting to accomplish tasks or solve problems;

c. try out a variety of strategies to accomplish tasks and/or solve problems, often by trial and error.

4. Three Year Olds, 36-48 months:

a. make predictions based on past experiences;

b. recall and use previously successful strategies to complete tasks;

c. purposefully use a variety of strategies, changing the approach as needed, to accomplish tasks or solve problems.

5. Four Year Olds, 48-60 months:

- a. make predictions and explain reasoning;
- b. apply prior knowledge and experiences to complete new tasks and solve new problems;
- c. communicate the steps used to solve problems and/or accomplish tasks.

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**§303. Interpersonal Skills**

A. Relationships with Adults. Standard 1: Children engage in and maintain positive relationships and interactions with adults.

1. Infants, Birth-11 months:

- a. notice and respond to familiar adults, such as returning a smile.
- b. respond differently to familiar versus new adults, such as reaching for a familiar adult.
- c. move or cry to seek attention and comfort from familiar adults.
- d. engage in simple back-and-forth interactions with familiar adults, such as laughing when an adult makes a silly face.
- e. repeat actions that elicit social responses from familiar adults (e.g., repeat cooing sound after adult responds).

2. Young Toddlers, 9-18 months:

- a. mimic signs of recognition (e.g., smile, wave).
- b. seek to be near familiar adults and respond cautiously to new adults;
- c. request help from familiar adults to address wants and needs, such as bringing a book to an adult to be read.
- d. initiate back-and-forth play with familiar adults, such as starting a game of peek-a-boo.
- e. imitate gestures and sounds of familiar adults during interactions, such as repeating what an adult says.

3. Older Toddlers, 16-36 months:

- a. Initiate signs of recognition with familiar adults by greeting, waving, or smiling.
- b. Check in with familiar adults for reassurance when trying new things, such as grabbing a familiar adult's hand when entering a new place.
- c. Request help from familiar adults when encountering difficult tasks or situations, such as asking for help to clean up a spill.
- d. Initiate play and interactions with familiar adults, such as pretending to serve an adult food while playing.
- e. Imitate behaviors observed in familiar adults, such as pretending to cook or read a book.

4. Three Year Olds, 36-48 months:

- a. demonstrate recognition of familiar adults using simple actions or words;
- b. separate from familiar adults when in familiar settings, such as leaving a familiar adult to join a swimming lessons class;

c. request help from adults to meet needs or solve problems, then attempt to implement suggestions with adult support;

d. interact with both familiar and unfamiliar adults, such as greeting a class guest by waving;

e. interact with adults to seek information and to socialize, such as asking a neighbor if they have a dog.

5. Four Year Olds, 48-60 months:

a. demonstrate recognition of familiar adults using multiple and varied actions or words;

b. separate from familiar adults in new settings, such as joining other children to play at a birthday party;

c. work with adults to generate ideas for accomplishing tasks or solving problems, then implement suggestions independently;

d. interact with adults new to their environment (e.g., substitute caregiver), such as asking a nurse questions at the doctor's office;

e. interact with adults to share ideas and plan activities, such as asking an adult to help sound out a new word in a book.

B. Relationships with Children. Standard 2: Children engage in and maintain positive relationships and interactions with other children.

1. Infants, Birth-11 months:

- a. notice other infants and children, such as looking at children when they enter the classroom;
- b. touch, smile, or babble to other infants and children.

2. Young Toddlers, 9-18 months:

- a. interact briefly with other children using gestures, such as bouncing a toy upon seeing another child bounce a toy;
- b. demonstrate awareness of conflict (e.g., cry, turn away), such as shaking head "no" when another child tries to take a toy.

3. Older Toddlers, 16-36 months:

a. Play alongside other children (parallel play) for short periods of time with adult support, such as sitting in a circle with a group singing "Itsy Bitsy Spider" led by an adult.

b. Take turns when playing with other children with adult guidance and support, such as taking turns scooping sand into a bucket after prompted by an adult.

c. Interact more frequently with a familiar child, such as choosing an activity based on another child's choice.

d. Seek assistance from adults to resolve conflicts with other children, such as asking an adult for help upon being pushed by another child.

4. Three Year Olds, 36-48 months:

a. Interact or play cooperatively with other children, such as asking another child, "Want to run with me?"

b. Demonstrate prosocial behaviors (e.g., taking turns, sharing) when playing with other children with some prompting from adults, such as waiting until another child is done playing on the swing and then getting onto the swing.

c. Demonstrate preference to play with one or more specific children, such as joining the same two children for several days to play tag.

d. Initiate an activity or join other children in an activity that is already in progress, such as saying, "I want to play!" and joining other children in the dramatic play center.

e. Suggest solutions to conflicts with adult guidance and support, such as saying, "I can ask them to stop," when asked by an adult what to do when another child takes away a toy.

5. Four Year Olds, 48-60 months:

a. Interact or play cooperatively with a small group of children for a sustained period of time, such as working with a group of children to build a house out of blocks.

b. Demonstrate prosocial behavior (e.g., taking turns, sharing) when playing with other children with few reminders, such as playing with a toy and then passing the toy to another child who wants it.

c. Demonstrate preference to routinely play with one or more specific children, such as describing another child as their "best friend."

d. Initiate, join in, and sustain positive interactions with a small group of children, such as asking if they can play a game with a small group of children.

e. Suggest solutions to resolve conflicts with other children with limited adult support, such as telling another child, "I'm playing with these cars, so here is a truck you can use to play."

C. Self-Esteem. Standard 3: Children recognize themselves as individuals and express positive self-esteem.

1. Infants, Birth-11 months:

a. Look at or grab hands and feet.

b. Respond to one's own image in a mirror by smiling or moving closer.

c. React when name is called by smiling or turning to look at caregiver.

d. Express preferences by crying or turning away from dislikes and reaching for preferred objects, activities, and people.

e. Express satisfaction at accomplishing things such as holding a bottle or rolling over.

2. Young Toddlers, 9-18 months:

a. Point to body parts, including feet and hands, of themselves and others when each is named.

b. Recognize oneself in a mirror, such as by pointing or saying, "Me."

c. Respond when name is called by looking or moving toward a familiar adult.

d. Express preferences for objects, activities, and people using gestures, signs, or words, such as choosing a shirt to wear or which food they would prefer.

e. Demonstrate a sense of satisfaction when accomplishing simple tasks, such as smiling or clapping during play or chores.

f. Express pride over accomplishments, such as stacking blocks or cleaning up after playing.

3. Older Toddlers, 16-36 months:

a. Able to point to and name body parts including ears, eyes, nose, feet, and hands.

b. Identify oneself in photographs.

c. Use different words (e.g., I, me, mine) when referring to oneself, including first name.

d. Indicate preferences when asked, such as choosing juice over milk or coloring with crayons over finger painting.

e. Demonstrate confidence in one's own abilities and express satisfaction when demonstrating them to others, such as putting on their own shoes and exclaiming, "I did it!"

f. Call attention to new skills or abilities, such as using the bathroom independently and reporting to a familiar adult.

4. Three Year Olds, 36-48 months:

a. Begin to use words to describe personal physical characteristics (e.g., hair color, eye color).

b. Use one's own first and last name.

c. Express likes and dislikes, and make choices based on personal preferences, such as choosing a playground or center activity.

d. Demonstrate confidence in one's own abilities and accomplish routine and familiar tasks independently, such as brushing teeth and then saying, "My teeth are all clean!"

e. Express positive feelings about self when prompted, such as riding a tricycle and stating, "I did it myself."

5. Four Year Olds, 48-60 months:

a. Use words to describe personal physical characteristics (e.g., hair color, eye color).

b. Demonstrate confidence in one's own abilities, taking on new and challenging activities, and declining help when offered, such as offering to help other children tie shoes after tying their own shoes.

c. Describe oneself using positive terms (e.g., hard worker, good at drawing).

D. Self-Regulation. Standard 4: Children moderate their behavior and respond to the feelings of others.

1. Infants, Birth-11 months:

a. Express simple feelings (e.g., contentment, distress) using sounds, facial expressions, or body movements, such as smiling at others or crying when a diaper is dirty.

b. React to an adult's expression of feelings, such as ceasing to cry when an adult uses a soothing voice (e.g., facial expression, tone of voice, gestures).

c. React to others' expressions of feelings, such as beginning to cry when another child cries.

d. Express and act on impulses (e.g., cry when hungry; explore how hair feels by pulling it).

e. React to stressful situations by shifting attention or turning away, such as a child hugging a familiar adult when upset.

f. Accept comfort when held, rocked, or talked to by a familiar adult, such as ceasing to cry when a familiar adult sings a lullaby.

2. Young Toddlers, 9-18 months:

a. Express a range of basic feelings (e.g., happiness; sadness; fear; anger) using sounds, facial expressions, gestures, or actions, such as clapping and smiling when a favorite song plays.

b. Imitate adult expressions of feelings using facial expressions, sounds, gestures, or actions, such as smiling and waving hi upon seeing an adult smile and wave as someone enters the room.

c. Respond to others' feelings with adult support, such as consoling another crying child when prompted by an adult.

d. Accept some redirection from adults, such as sharing a toy when reminded to share by an adult.

e. Participate in simple routines and accept transitions with adult support, such as walking to the high chair after an adult puts on the child's bib.

f. Notice how others respond to one's own behaviors, such as when a child beats on drums then looks at an adult to see the reaction.

g. Use simple behaviors to soothe oneself when upset, such as moving to a caregiver's side when hearing loud thunder.

h. Look toward familiar caregivers for help when becoming upset.

### 3. Older Toddlers, 16-36 months:

a. Express a range of feelings (e.g., happiness, sadness, fear, anger, anticipation) using gestures, facial expressions, actions, or words, such as waiting eagerly for a snack.

b. Recognize one's own feelings when named by an adult, such as laughing when an adult asks, "What do we do when something is funny?"

c. Respond in caring ways to others' expressions of feelings, such as taking a blanket to a crying child.

d. Frequently respond positively to choices and limits set by an adult, such as stopping splashing water during hand washing after being reminded by an adult that the mess will have to be cleaned.

e. Participate in routines, accept transitions, and follow simple guidelines for behavior with adult support, such as stopping playing and beginning to clean up toys in a center when an adult plays the clean-up song and models cleaning.

f. Experiment with effects of one's own actions on objects and people, such as reaching for a plate when sitting down for a meal.

g. Imitate strategies to manage reactions and behavior with adult direction, such as a child sitting calmly during whole group time after an adult models.

h. Recover from outbursts (e.g., tantrums) with adult support, such as moving on to a new activity after becoming upset about sharing toys.

i. With adult guidance and support, demonstrate the ability to wait for a short period of time to get what one wants, such as sitting at a table and waiting for snacks to be distributed.

j. Change to new or different activities with adult guidance and support, such as singing a cleanup song when transitioning from playing with blocks to lunchtime.

### 4. Three Year Olds, 36-48 months:

a. Express complex feelings (e.g., gratitude, surprise, frustration, confusion) using actions or words, such as saying in frustration, "Ugh, I can't do it."

b. Accurately name one's own basic feelings (e.g., happy, mad, sad), such as a child expressing, "I am excited."

c. Accurately name basic feelings in others and respond with care and concern, such as asking other children, "What's wrong?" and trying to comfort or cheer them.

d. Participate in routines, manage transitions, and follow adult guidelines for behavior with occasional

reminders, such as preparing for nap after a prompt from an adult by putting the mat in place and getting a blanket.

e. Demonstrate understanding of how one's own actions and behavior affect others, such as asking an adult for help rather than taking a toy from another child.

f. Use a variety of strategies, such as deep breathing or use of words, to manage reactions and behavior with adult support.

g. Express strong feelings constructively with assistance, such as going to a quiet area or asking for a favorite book to be read when upset.

h. Demonstrate the ability to wait to get something one wants (delayed gratification), such as waiting to take a turn riding a tricycle.

i. Follow schedules with few reminders, such as cleaning up toys and joining group activities.

### 5. Four Year Olds, 48-60 months:

a. Express strong feelings in a manner that is safe for self and others with occasional adult support, such as telling another child, "I'm mad at you because you don't want to play my game."

b. Accurately name one's own feelings and identify them in various situations, such as a child asking for a hug when feeling sad.

c. Accurately name feelings in others, predict causes, and respond with care and concern (e.g., "He's sad because someone took his toy. He can have mine.").

d. Participate in routines, manage transitions, and follow adult guidelines for behavior, adapting to changes in each as needed, such as transitioning easily from play inside to play outside and then to clean-up time with adult prompts.

e. Predict consequences of one's own and others' actions and behavior with adult support, such as when a child knows not to leave the caps off of markers to prevent their drying.

f. Manage reactions and behavior with occasional verbal, visual, or auditory reminders, such as singing a song with an adult while waiting for a turn to swing.

g. Able to decrease intensity of reactions more consistently, with adult support when needed, such as choosing a new activity rather than arguing with another child about sharing.

h. Follow rules and routines with occasional reminders from adults, such as consulting a picture schedule to remind oneself of the next daily activity, like outside time.

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## §305. Language and Early Literacy Development

A. Language Development, Receptive Communication. Standard 1: Children attend to, understand, and respond to verbal and non-verbal communication and language from others.

### 1. Infants, Birth-11 months:

a. Recognize more than one tone of voice in adults and respond with body movement and sounds.

b. Demonstrate interest in voices, and focus on speech, sounds, and other communication directed at them.

c. Respond or show excitement upon hearing familiar words.

d. Respond to simple requests accompanied by gestures or tone of voice.

2. Young Toddlers, 9-18 months:

a. Respond to facial expressions, tone of voice, and some words that communicate basic feelings.

b. Respond to speech and other communication directed at them.

c. Respond appropriately to familiar words, signs, and/or songs.

d. Follow simple directions, especially if accompanied by gestures.

3. Older Toddlers, 16-36 months:

a. Respond to facial expressions, tone of voice, and words that communicate a variety of feelings.

b. Respond to simple statements, questions, and other communication.

c. Demonstrate understanding of descriptive words through conversations and actions.

d. Follow one- or two-step directions with few gestures.

4. Three Year Olds, 36-48 months:

a. Respond to statements, questions, and other communication.

b. Demonstrate understanding of a variety of words through conversations and actions, including those relating to objects and actions. Determine the meaning of unknown words by asking questions or using contextual clues, with modeling and support.

c. Follow directions of two or more steps with familiar objects, experiences, and/or routines, using visual cues if needed (e.g., wash and dry hands using a visual of the hand-washing sequence).

5. Four Year Olds, 48-60 months:

a. Respond to complex statements, questions, and other communication that include multiple phrases and ideas.

b. Demonstrate understanding of a variety of words through conversations and actions, including words that express abstract concepts such as synonyms and opposites. Determine the meaning of unknown words by asking questions, using contextual clues, pictures, and/or prior knowledge.

c. Follow detailed directions that involve multiple steps (e.g., "Get the sponge, dampen it with water, and clean your table top.").

B. Language Development, Expressive Communication. Standard 2: Communicate with others to express oneself.

1. Infants, Birth-11 months:

a. Experiment with making sounds. Engage in babbling.

b. Communicate needs and wants, interest, or dislike through vocalizations, gestures, and facial expressions.

2. Young Toddlers, 9-18 months:

a. Communicate through word-like sounds, some words, and some simple phrases.

b. Express needs and wants and refer to familiar people and objects using verbal and non-verbal communication.

c. Respond to simple statements and questions about pictures, people, and things that are present.

d. Use some pronouns.

3. Older Toddlers, 16-36 months:

a. Communicate through simple phrases and/or short sentences, but may omit some words or use some words incorrectly (e.g., "Mommy goed to store").

b. Communicate requests and describe familiar people and objects using verbal and non-verbal communication.

c. Answer and ask simple questions about things and activities at the time they are happening.

d. Use correct words for familiar people, objects, and animals. Describe observable characteristics of objects, such as color and size, with simple words. Expand their vocabulary by asking others to name unfamiliar objects.

e. Speak in a way that is understood by most familiar people.

f. Use the plural forms of some nouns, not always correctly. Use the past tense of some verbs. Use simple adjectives in statements.

4. Three Year Olds, 36-48 months:

a. Communicate using simple sentences.

b. Communicate ideas, describe activities, and negotiate social interactions using verbal communication.

c. Answer and ask questions about a variety of familiar topics, activities, and/or concepts.

d. Express feelings, talk about position and direction, and describe actions using a variety of words. Describe the use of familiar objects, including objects that belong in the same category based on how they are used. Determine the meaning of unknown words by asking questions or using contextual clues, with modeling and support.

e. Speak in a way that is understood by unfamiliar listeners but may make some pronunciation errors.

f. Use common prepositions, correct subject-verb agreement, pronouns, and possessives.

5. Four Year Olds, 48-60 months:

a. Communicate using longer sentences, including the use of descriptive details and vocabulary and/or combining two or three phrases.

b. Communicate about abstract ideas, tell a story, describe past experiences, and discuss objects that are not physically present using verbal communication. Adjust communication strategies if the message is not understood.

c. Answer and ask complex questions to learn more about topics of interest, understand tasks, and solve problems, with explanation or follow-up questions.

d. Use several words that explain the same idea (i.e., synonyms) and opposites. Use acquired vocabulary in conversations. Determine the meaning of unknown words using prior knowledge and context clues in conversation.

e. Speak in a way that is understood by unfamiliar listeners, with few pronunciation errors.

f. Correctly use a variety of different types of words, including prepositions, regular and irregular plural nouns, pronouns, possessives, and regular and irregular past tense verbs, most of the time.

C. Language Development, Social and Conversational Rules. Standard 3: Children use social and conversational rules when communicating with others.

1. Infants, Birth-11 months:
  - a. Initiate interactions with another person using movement and/or behavior.
  - b. Briefly pay attention to the same object at which the caregiver is looking. Engage in turn-taking during social and vocal play with adults and other children.
2. Young Toddlers, 9-18 months:
  - a. Initiate interactions with others using gestures and/or vocalizations.
  - b. Establish joint attention by looking at an object, at their caregiver, and back at the object. Respond to communication from another person using multiple means (non-verbal and verbal).
  - c. “Jabber” and vocalize sounds in a way that is similar to the rhythm and flow of conversations around them.
3. Older Toddlers, 16-36 months:
  - a. Ask questions or use verbal or non-verbal cues to initiate communication with others.
  - b. Participate in short conversations, with some turn-taking exchanges.
  - c. Listen attentively during brief group conversations and respond to questions or requests made to the group.
  - d. Communicate in short sentences that follow the word order of their home language.
4. Three Year Olds, 36-48 months:
  - a. Sometimes initiate communication with peers by asking questions or using verbal or non-verbal cues.
  - b. Participate in conversations that include multiple turn-taking exchanges, particularly related to topics of interest.
  - c. Use appropriate volume and intonation when communicating, with modeling and support.
  - d. Make comments and ask questions related to the topic of discussion during small or large group conversations, with prompting and support. Follow simple rules for group discussions, with reminders.
  - e. Communicate in sentences and use more conventional grammar in their home language (plurals, tenses, prepositions). Make grammatical errors that follow their home language rules.
5. Four Year Olds, 48-60 months:
  - a. Initiate communication with peers by asking questions or using verbal cues.
  - b. Initiate and participate in conversations that involve multiple turn-taking exchanges, with each exchange relating to and building upon the previous.
  - c. Use appropriate volume and intonation to match the situation when communicating.
  - d. Participate in a group discussion, making comments and asking questions related to the topic. Follow commonly accepted norms of communication in group settings with increasing independence.

e. Speak in full sentences that are grammatically correct within their home language most of the time.

D. Early Literacy, Phonological Awareness. Standard 1: Children demonstrate awareness that spoken language is composed of smaller segments of words and sounds.

1. Young Toddlers, 9-18 months:
    - a. Demonstrate interest in familiar rhymes and songs.
  2. Older Toddlers, 16-36 months:
    - a. Sing songs and say or repeat familiar rhymes.
    - b. Sing songs with multiple words that start with the same initial sound.
  3. Three Year Olds, 36-48 months:
    - a. Repeat rhyming words in familiar songs, finger plays, and rhymes, filling in rhyming words when given the opportunity.
    - b. Show awareness that some words start with the same initial sound.
    - c. Segment spoken sentences into individual words with guidance and support.
    - d. Identify syllables in spoken words with guidance and support.
    - e. Blend a sequence of spoken syllables to produce words with guidance and support.
  4. Four Year Olds, 48-60 months:
    - a. Identify and produce rhyming words.
    - b. Identify the initial sound in a spoken word with guidance and support.
    - c. Segment spoken sentences into individual words.
    - d. Identify syllables in spoken words.
    - e. Blend a sequence of spoken syllables to produce words.
    - f. Blend onsets and rimes of single syllable spoken words with guidance and support.
- E. Early Literacy, Print Concepts. Standard 2: Children demonstrate knowledge of books and how print conveys meaning.
1. Infants, Birth-11 months:
    - a. Explore books by touch (e.g., patting and/or chewing on board books).
    - b. Demonstrate interest in books by reaching for books and exploring books through touch.
  2. Young Toddlers, 9-18 months:
    - a. Hold books, look at pictures, and help turn some pages.
    - b. Request to have books read to them.
  3. Older Toddlers, 16-36 months:
    - a. Recognize some familiar symbols and logos in the environment.
    - b. Recognize that print, symbols, and pictures have meaning.
    - c. Hold a book as if reading and turn some pages, but not always in the right order. Recognize specific books by their covers and look for specific pages in familiar books.
    - d. Self-select familiar books and engage in shared reading.
  4. Three Year Olds, 36-48 months:
    - a. Recognize and name familiar symbols and logos in the environment (environmental print).
    - b. Distinguish print from pictures and show awareness that print communicates meaning.



c. Hold a book right side up and turn most pages one by one from front to back. Demonstrate awareness that print progresses from left to right and top to bottom on a page with guidance and support.

d. Share self-selected familiar books and engage in pretend reading with others.

5. Four Year Olds, 48-60 months:

a. Recognize and name pictures, symbols, and logos in the environment (environmental print).

b. Demonstrate an understanding that print has meaning and corresponds with spoken language. Demonstrate awareness that written words are made up of a group of individual letters.

c. Hold a book right side up while turning pages one by one from front to back. Identify parts of a book such as the front, back, and title. Demonstrate awareness of some conventions of print (e.g., capital letters, where to start reading on a page, and how to progress across and down a page). Describe the role of the author and illustrator of a text.

d. Demonstrate interest in different kinds of literature, such as fiction and non-fiction books and poetry, on a range of topics.

F. Early Literacy, Alphabet Awareness. Standard 3: Children recognize and identify letters and make letter-sound connections.

1. Older Toddlers, 16-36 months:

a. Recognize letters of the alphabet as a special category of print, different from pictures and shapes.

2. Three Year Olds, 36-48 months:

a. Recognize and name some letters of the alphabet, especially those in their own name, as well as letters that occur frequently in the environment.

b. Identify the sound for a few recognized letters.

3. Four Year Olds, 48-60 months:

a. Recognize and name many of the letters in the alphabet, specifically letters in their own name, as well as letters that occur frequently in the environment.

b. Identify or produce the sound of many recognized letters.

c. Recognize their own name and some common words in print.

G. Early Literacy, Comprehension. Standard 4: Children show interest in and gain understanding from a variety of early literacy experiences.

1. Older Toddlers, 16-36 months:

a. Recite some words of a familiar book when read to, especially from books with repeating text.

b. Ask or answer simple questions about a familiar story or book, including informational text.

c. Recognize when a story or book describes something that is similar to their own experiences.

2. Three Year Olds, 36-48 months:

a. Tell make-believe or real-life stories, sometimes in random sequence.

b. Retell familiar stories using pictures or props as prompts.

c. Ask or answer questions about key details in a familiar story, informational book, or other text.

d. Answer questions about how events and information from stories relate to their own experiences.

e. Share their own thoughts and reactions to a story or text.

f. Explore a variety of literacy genres, including stories/make believe, informational text, and poetry.

3. Four Year Olds, 48-60 months:

a. Tell make-believe or real-life stories using a sequence of at least 2–3 connected events.

b. Describe some key details from familiar stories, such as characters, setting, and/or major events.

c. Ask or answer questions about key details in a familiar story, informational book, or other text. Make predictions about events that might happen next, with guidance and support.

d. Recall their own experiences that relate to events and information from stories or informational texts.

e. Analyze and reason about stories and other text with guidance and support during shared reading experiences.

f. Recognize differences between stories/make believe, information text, and poetry.

H. Early Literacy, Emergent Writing. Standard 5: Children write and draw to express their ideas, using some letters and print conventions.

1. Young Toddlers, 9-18 months:

a. Make marks or scribbles using a variety of media (e.g., finger paint, chalk).

2. Older Toddlers, 16-36 months:

a. Draw or scribble with a purpose during play or other activities.

b. Make intentional, more controlled scribbles and shapes (e.g., straight or curved lines).

c. Draw a picture and describe what it represents.

3. Three Year Olds, 36-48 months:

a. Show emerging awareness that writing can be used for a variety of purposes.

b. Write letter-like forms and a few letters, although often not oriented or written correctly. String some letter-like forms and/or letters together as if they are a word.

c. Dictate ideas for someone to write down. Use scribbles, shapes, letter-like forms, letters, and numerals to write and/or represent words or ideas. Discuss or answer questions about their writing and drawings.

4. Four Year Olds, 48-60 months:

a. Use writing for a variety of purposes to convey meaning.

b. Write some letters of meaningful words such as their name, using letters and letter-like forms.

c. Attempt to write some words using invented spelling. Demonstrate awareness of some print conventions (e.g., moving from left to right when writing; leaving space between some groups of letters).

d. Dictate elaborative or meaningful information or stories for someone to write down. Use writing and/or digital tools to communicate information. Use classroom resources (e.g., labels; anchor charts) to support writing.

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## **Chapter 5. Cognitive Development and General Knowledge**

### **§501. Mathematics**

A. Knowledge of Numbers. Standard 1: Children demonstrate knowledge of numbers and the relationships between numbers and quantities.

1. Infants, Birth-11 months:
  - a. Demonstrate interest in quantity during play (e.g., reach for more toys; hold two objects, one in each hand).
  - b. Indicate they want "more" using gestures, sounds, or looks.
2. Young Toddlers, 9-18 months:
  - a. Demonstrate interest in simple counting activities.
  - b. Indicate understanding of the concepts of "more," "all," and "none" using gestures, words, or actions.
3. Older Toddlers, 16-36 months:
  - a. Rote count to 10 with increasing accuracy.
  - b. Count a small set of objects (2-3) with one-to-one correspondence.
  - c. Indicate understanding of the concepts of "one" and "two" using gestures, words, or actions (e.g., child complies when adult says, "Take just one cookie").
  - d. Recognize a few numerals in the everyday environment.
  - e. Identify an object or person as first in a sequence.
4. Three Year Olds, 36-48 months:
  - a. Rote count to 10 with accuracy.
  - b. Count up to five objects arranged in a line with one-to-one correspondence.
  - c. Begin to understand that the last number counted represents how many objects are in a group (cardinality).
  - d. Recognize and name the number of items in a small set (up to three) without counting (subitizing).
  - e. Compare two groups of objects and indicate whether the number of objects in each group is the same or different.
  - f. Identify written numerals 0-5 by name and match each to counted objects.
  - g. Identify the first and often second object or person in a sequence.
5. Four Year Olds, 48-60 months:
  - a. Rote count to 20 with accuracy. Tell what number (1-10) comes next in order by counting.
  - b. Accurately count up to ten objects in a structured arrangement with one-to-one correspondence.
  - c. Tell how many objects are in a group by giving the last number counted (cardinality).
  - d. Recognize and name the number of items in a small set (up to five) without counting (subitizing).
  - e. Compare two groups of objects and identify whether the number of objects in one group is more, less, or the same as the number of objects in the other group.
  - f. Identify written numerals 0-10 by name and match each to counted objects.
  - g. Read and write some numerals up to 10.
  - h. Identify an object's or person's position in a sequence using ordinal numbers (e.g., first, second, third).

B. Patterns and Operations. Standard 2: Children demonstrate knowledge of patterns and operations.

1. Infants, Birth-11 months:
  - a. Demonstrate awareness of repeating sequences in everyday routines.
2. Young Toddlers, 9-18 months:
  - a. Notice and anticipate simple repeating sequences (e.g., go to table for lunch after washing hands).
3. Older Toddlers, 16-36 months:
  - a. Recognize and participate in patterns within stories and in songs.
4. Three Year Olds, 36-48 months:
  - a. Recognize and copy simple repeating patterns in different forms (e.g., red-blue, circle-square).
  - b. Combine and separate small groups of objects and describe the parts. (e.g., I have four cubes. Three are red, and one is blue.)
5. Four Year Olds, 48-60 months:
  - a. Identify, duplicate, extend, and create simple repeating patterns in different forms (e.g., red-red-blue, circle-square-triangle).
  - b. Solve simple addition and subtraction problems by using concrete objects or fingers during play and daily activities (e.g., If we have 3 apples and eat 1, how many apples do we have left?).

C. Measurement. Standard 3: Children measure objects by their various attributes and use differences in attributes to make comparisons.

1. Young Toddlers, 9-18 months:
    - a. Match two objects based on one observable feature.
    - b. Explore objects of different sizes and weights.
  2. Older Toddlers, 16-36 months:
    - a. Group objects by one physical characteristic (attribute) (e.g., color, size, shape).
    - b. Make simple comparisons between two objects using measurable attributes (e.g., length, height, weight).
  3. Three Year Olds, 36-48 months:
    - a. Sort objects into two or more groups based on one physical characteristic (attribute).
    - b. Describe objects using measurable attributes (e.g., tall/short, big/little, heavy/light).
  4. Four Year Olds, 48-60 months:
    - a. Sort objects by one characteristic (attribute), then re-sort using a different characteristic and explain the reasoning with guidance and support.
    - b. Describe measurable attributes of objects and materials using comparative words (e.g., long, longer, longest).
    - c. Compare and order a small set of objects using measurable terms (e.g., length, weight).
    - d. Describe the purpose of simple measurement tools.
    - e. Measure using multiples of the same non-standard unit (e.g., paper clips, snap cubes) with guidance and support.
- D. Shapes and Spatial Relationships. Standard 4: Children identify shapes and their properties, and describe the positions of objects in space.
1. Infants, Birth-11 months:
    - a. Explore various shapes through play.

b. Explore and respond to the movement of objects, people, or self (e.g., navigate obstacles while crawling to destination).

2. Young Toddlers, 9-18 months:

a. Explore the way shapes and objects fit together through play.

b. Explore and respond to how things move through space or fit together (e.g., putting smaller objects into a small box and larger objects into a large box).

3. Older Toddlers, 16-36 months:

a. Match basic shapes (e.g., circle, square, triangle) of the same size and orientation.

b. Move their body and objects to follow simple directions related to position (e.g., in, on, under, over, up, down).

4. Three Year Olds, 36-48 months:

a. Match a wider variety of shapes with different sizes and orientations.

b. Recognize basic shapes (e.g., circle, square, triangle).

c. Build objects by combining basic shapes (e.g., pictures, tangrams, block structures).

d. Move their body and objects to follow simple directions related to proximity (e.g., beside, between, next to).

5. Four Year Olds, 48-60 months:

a. Identify basic shapes (e.g., circle, square, triangle, rectangle) regardless of size and orientation.

b. Describe basic two- and three-dimensional shapes (e.g., a square has four sides, the ball rolls).

c. Create and build shapes using a variety of materials (e.g., popsicle sticks to create a square).

d. Identify and respond accurately to positional words indicating location, direction, and distance (e.g., above, below, in front of, near, behind).

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**§503. Science: Scientific Inquiry**

A. Science. Standard 1: Children engage in scientific inquiry to explore observable phenomena (objects, materials, organisms, and events) in the physical and natural world.

1. Infants, Birth-11 months:

a. Demonstrate interest in objects, materials, people, and/or their environment using their senses.

2. Young Toddlers, 9-18 months:

a. Observe and explore the immediate environment using their senses.

b. Actively experiment with and explore the physical properties of objects and substances.

c. Communicate, verbally or non-verbally, what is seen, heard, or felt when exploring the physical and natural world.

3. Older Toddlers, 16-36 months:

a. Observe, ask questions, and make predictions about the physical and natural world, using their senses and simple tools.

b. Put materials, substances, and/or objects together in new or unexpected ways to see what will happen.

c. Share ideas and thoughts related to interactions with and observations made about the physical and natural world.

4. Three Year Olds, 36-48 months:

a. Investigate, observe, ask questions, make predictions, make comparisons, and gather information about the physical and natural world using their senses and simple tools.

b. Participate in simple scientific investigations.

c. Describe and record findings from investigations they have conducted with prompting and support (e.g., verbally or non-verbally, drawings).

5. Four Year Olds, 48-60 months:

a. Observe, ask questions, predict, make comparisons, and gather information about the physical and natural world using their senses, prior knowledge, previous experiences, equipment, and tools.

b. Conduct scientific investigations and simple experiments.

c. Describe and generate explanations and/or conclusions about investigations they have conducted with guidance and support (e.g., discussions, drawings, graphs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

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**§505. Social Studies**

A. Standard 1: Children demonstrate an awareness of time (past, present, and future) and place within the community.

1. Infants, Birth-11 months:

a. Demonstrate anticipation of events in daily routines and activities.

2. Young Toddlers, 9-18 months:

a. Demonstrate anticipation of events in daily routines and activities using verbal and non-verbal cues.

3. Older Toddlers, 16-36 months:

a. Respond (positively or negatively) to changes in routines or schedules.

b. Demonstrate a general understanding of the passing of time and the meaning of phrases, such as “not now” and “after lunch”.

c. Recognize familiar landmarks, signs, and buildings in one’s neighborhood/community.

4. Three Year Olds, 36-48 months:

a. Recall the sequence of daily routines, events, and/or activities that happened at an earlier time.

b. Communicate an awareness of time using gestures, words, or phrases (e.g., when I was little; when we lived in our old house).

c. Communicate, with increasing specificity, the location of objects/areas at school, home, and within the community.

5. Four Year Olds, 48-60 months:

a. Communicate events, activities, and people from the past.

b. Use time-related vocabulary (e.g., today, tomorrow, before, after) with increasing accuracy.

c. Identify familiar landmarks in their community (e.g., fire station, post office).

d. Identify the relative location of specific objects and/or features in a familiar environment (e.g., classroom, playground) through drawings or play activities.

B. Standard 2: Children demonstrate an awareness of themselves as individuals and as members of a family and community.

1. Infants, Birth-11 months:
  - a. Demonstrate a preference for familiar versus new individuals.
2. Young Toddlers, 9-18 months:
  - a. Distinguish between familiar and new individuals.
3. Older Toddlers, 16-36 months:
  - a. Identify known people in pictures.
  - b. Carry out some routines and responsibilities in the classroom with adult support and guidance.
  - c. Identify self as a member of a group (e.g., a member of a class, a member of a family).
4. Three Year Olds, 36-48 months:
  - a. Communicate information about their family and community.
  - b. Carry out routines and responsibilities in the classroom with prompting from adults.
  - c. Share information about other members and activities of a familiar group (e.g., talk about class events, share a story about their birthday party).
5. Four Year Olds, 48-60 months:
  - a. Describe familiar elements of one's family, community, and traditions.
  - b. Identify responsibilities of self and others in school, home, and community.
  - c. Identify self as a member of groups and share information about other groups (e.g., gymnastics class, soccer team, member of a school).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

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### **§507. Creative Arts**

A. Music and Movement. Standard 1: Children engage in multiple and varied music and movement experiences.

1. Infants, Birth-11 months:
  - a. Attend to, vocalize, and/or move body in response to different types of music and/or rhythmic sounds.
  - b. Make sounds and/or music using their bodies, toys, or small, shaker-type instruments.
2. Young Toddlers, 9-18 months:
  - a. Move body in response to the beat and tempo of music and/or rhythmic sounds.
  - b. Imitate sounds and/or music using their bodies and/or small instruments.
3. Older Toddlers, 16-36 months:
  - a. Move body to imitate the beat and tempo of music.
  - b. Imitate sounds and/or music using their bodies, instruments, and/or voice.
4. Three Year Olds, 36-48 months:
  - a. Move body with creativity to imitate the beat and tempo of music of different genres.
  - b. Create music using their bodies, instruments, and/or voice.
5. Four Year Olds, 48-60 months:
  - a. Express thoughts and feelings through dance and movement with increasing spatial awareness.
  - b. Create music using instruments and/or voice to produce more complex rhythms, tones, melodies, and songs. Show increasing awareness of various components of music:

melody (tune), pitch (high and low sounds), rhythm (beat), tempo (speed), and volume.

B. Visual Arts. Standard 2: Children engage in multiple and varied visual arts experiences.

1. Infants, Birth-11 months:
  - a. Attend to visual stimuli (e.g., objects with contrasting colors, textured prints).
2. Young Toddlers, 9-18 months:
  - a. Respond to visual art by reaching for, pointing at, touching, or vocalizing/verbalizing.
  - b. Explore a variety of materials to create visual art.
3. Older Toddlers, 16-36 months:
  - a. Observe and respond to visual art by communicating a preference.
  - b. Explore a variety of materials and tools to create visual art.
4. Three Year Olds, 36-48 months:
  - a. Observe and participate in discussions about various forms of art, including what they notice and what it makes them think about.
  - b. Explore a variety of materials, tools, and techniques to create artistic works.
5. Four Year Olds, 48-60 months:
  - a. Observe and participate in discussions about various forms of art, including how it makes them feel and/or specific elements of art (e.g., color, line, texture).
  - b. Use a variety of materials, tools, and techniques to create artistic works that reflect their own culture, thoughts, feelings, experiences, or knowledge.

C. Dramatic Play. Standard 3: Children engage in multiple and varied forms of dramatic play.

1. Infants, Birth-11 months:
  - a. Imitate behaviors, such as sounds, facial expressions, and gestures of others.
  - b. Respond to volume in tones and inflection.
2. Young Toddlers, 9-18 months:
  - a. Role-play familiar behaviors during play (e.g., rock baby doll, talk on phone).
  - b. Experiment with voice inflection during play.
3. Older Toddlers, 16-36 months:
  - a. Engage in dramatic play that expands beyond personal experiences (e.g., firefighter rescuing people).
  - b. Imitate and repeat voice inflections, such as character or animal sounds.
  - c. Use props and pretend to be someone other than themselves.
4. Three Year Olds, 36-48 months:
  - a. Engage in dramatic play that includes both real-life and fantasy experiences.
  - b. Create various voice inflections and facial expressions in play.
  - c. Engage in play experiences that involve roles with the use of props and costumes.
5. Four Year Olds, 48-60 months:
  - a. Participate in dramatic play to express thoughts, feelings, and creativity.
  - b. Represent a character by using voice inflections and facial expressions.
  - c. Engage in a variety of play experiences that include elements of drama (e.g., roles, dialogue, props).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

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## **Chapter 7. Physical Development**

### **§701. Physical Development**

A. Gross Motor. Standard 1: Children demonstrate large muscle control and coordination.

1. Infants, Birth-11 months:
  - a. Explore the environment with increasing body awareness using senses and movement.
  - b. Demonstrate strength and control of head, trunk, arms, and legs while exploring new body positions and movements (e.g., sitting, crawling, kicking).
  - c. Demonstrate strength and control of one's body while exploring objects in their environment. (e.g., reaching, rolling over).
  - d. Engage in play to develop strength and stamina by continuing purposeful movements over short periods of time (e.g., reaching, pushing, rolling over).
2. Young Toddlers, 9-18 months:
  - a. Coordinate senses with movement to show where their body is in relation to other objects and people in the environment.
  - b. Move in a variety of ways and directions with increasing coordination and balance.
  - c. Maintain control of one's body in various positions while exploring and examining materials, activities, and spaces.
  - d. Engage in physical play activities for periods of time to develop strength and stamina.
3. Older Toddlers, 16-36 months:
  - a. Demonstrate body and spatial awareness to guide movement around objects and people.
  - b. Use large muscle movements (locomotor skills) with increasing control, coordination, and balance (e.g., moving from sitting to standing, jumping).
  - c. Use a variety of large muscle movements (non-locomotor) during play (e.g., hands in the air, turn around, stand on one foot).
  - d. Engage in physical play activities for moderate periods of time to develop strength and stamina.
4. Three Year Olds, 36-48 months:
  - a. Demonstrate body and spatial awareness in physical play activities (e.g., move around cones).
  - b. Use large muscle movements (locomotor skills) with control, coordination, and balance (e.g., running, hopping, climbing stairs).
  - c. Use large muscle movements (non-locomotor) with control, balance, and coordination during active play (e.g., bending, stretching, twisting).
  - d. Demonstrate strength and stamina that allows for participation in physical play activities for moderate periods of time.
5. Four Year Olds, 48-60 months:
  - a. Demonstrate increasing awareness of body and space in relation to other people and objects in physical play activities.
  - b. Coordinate movements of the whole body (locomotor skills) with control and balance to perform more complex tasks.

c. Demonstrate coordination when using objects during active play (e.g., throwing, catching, kicking balls).

d. Demonstrate increased strength and stamina that allows for participation in active play activities for extended periods of time.

B. Fine Motor. Standard 2: Children demonstrate small muscle control and coordination.

1. Infants, Birth-11 months:
    - a. Use whole hand and fingers to explore objects (e.g., touch, grasp, pick up, bang, transfer).
    - b. Coordinate eye and hand movements when grasping or picking up objects.
  2. Young Toddlers, 9-18 months:
    - a. Demonstrate control and coordination of hand and fingers (small muscles) to manipulate objects.
    - b. Coordinate eye and hand movements to explore objects and participate in play activities (e.g., fill containers, stack blocks).
  3. Older Toddlers, 16-36 months:
    - a. Demonstrate increasing control and coordination of hand and fingers (small muscles) while engaged in intentional activities.
    - b. Coordinate eye and hand movements while performing simple tasks (e.g., using utensils for eating, putting simple puzzles together, stringing large beads).
  4. Three Year Olds, 36-48 months:
    - a. Demonstrate increasing control and coordination of hands, fingers, and wrists (small muscles) to manipulate objects and tools with a purpose.
    - b. Demonstrate eye-hand coordination to manipulate smaller objects (e.g., large buttons, zippers, scissors) with increasing control.
  5. Four Year Olds, 48-60 months:
    - a. Coordinate the use of hands, fingers, and wrists to manipulate objects and perform activities and tasks with precision.
    - b. Demonstrate eye-hand coordination to perform complex tasks (e.g., cutting on lines, drawing) with moderate levels of precision and control.
- C. Healthy Behaviors. Standard 3: Children demonstrate healthy and safe behaviors.
1. Infants, Birth-11 months:
    - a. Engage in active movement (e.g., tummy time, holding head up, kicking legs, waving, rolling over).
  2. Young Toddlers, 9-18 months:
    - a. Engage in active play indoors or outdoors with adult support.
    - b. Participate in some basic safety practices (e.g., fire/tornado drills).
  3. Older Toddlers, 16-36 months:
    - a. Actively engage in physical activities indoors or outdoors (e.g., dance, hide and seek, climb on equipment).
    - b. Follow safety rules with adult support.
  4. Three Year Olds, 36-48 months:
    - a. Actively engage in a variety of games, as well as structured and unstructured indoor or outdoor physical activities.
    - b. Recognize some foods (real or pictures) that are healthy and other foods that are less healthy for the body.
    - c. Identify safety rules and follow them with guidance from adults.

5. Four Year Olds, 48-60 months:
  - a. Initiate and engage in a variety of physical activities (e.g., games, exercises) that enhance physical fitness.
  - b. Identify different foods that are healthy and indicate why a particular food is healthy or unhealthy.
  - c. Identify and follow safety rules with minimal guidance from adults (e.g., hold an adult’s hand when crossing the street, walk rather than run when indoors).
  - d. Begin to identify and alert others of potential hazards.

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**Part CLIX. Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years**

**Chapter 1. General Provisions**

**§101. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:24.2, and R.S. 17:153.

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**§103. Definitions**

Repealed.

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**Chapter 3. Learning and Development**

**§301. Approaches to Learning**

Repealed.

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**§303. Social and Emotional Development**

Repealed.

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**§305. Language and Early Literacy Development**

Repealed.

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**Chapter 5. Cognitive Development and General Knowledge**

**§501. Mathematics [Formerly §303]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

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**§503. Science: Scientific Inquiry [Formerly §305]**

Repealed.

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**§505. Social Studies [Formerly §307]**

Repealed.

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**§507. Creative Arts**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2472 (September 2013), amended LR 49:1708 (October 2023), repealed LR 50:966 (July 2024).

**§509. Physical Development and Well-Being**

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 49:1708 (October 2023), repealed LR 50:966 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2024#014

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 137—Louisiana Early Learning Center Licensing Regulations—Early Learning Providers (LAC 28:CLXI.103, 709, 901, 903, 1103, 1507, 1509, 1711, 1721, 1804, 1811, 1901, 1917)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The revisions strengthen measures designed to protect children and to provide additional clarity to early learning providers. Topics addressed include: updates and revisions to several definitions; clarification regarding early learning programs operating at the same address located on LEA property; establishing that a current license holder must be in compliance with licensing rules and regulations prior to changing the location of ownership of a center; clarification on how to report critical incidents; clarification of monitoring policy for provisionally-employed staff-members; correction of child-to-staff ratio for two-year-old

children; clarification of qualifications for in-person trainer requirements to conduct health and safety and medication trainings; clarification of the use of prohibited substances; and addition of a requirement that the administration of supplements will require written parental authorization. This Rule is hereby adopted on the day of promulgation.

**Title 28**  
**EDUCATION**

**Part CLXI. Bulletin 137—Louisiana Early Learning  
Center Licensing Regulations**

**Chapter 1. General Provisions**

**§103. Definitions**

\* \* \*

*Child Care Criminal Background Check (CCCBC)*—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.42, 45 CFR 98.43(b), and Chapter 18 of this Bulletin.

*Child Care Market Rate Survey*—a survey that measures the prices charged by child care providers and paid by parents in a given child care market. The Child Care and Development Fund Programs require states to conduct child care market rate surveys.

\* \* \*

*Providers*—all owners, operators and directors of a center.

*Provisionally Employed Staff Member*—a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the LDOE receipt of the other CCCBC results and determination of the person’s eligibility for child care purposes or as otherwise determined by the LDOE in §1804 of this Part.

*Quiet Time*—a period when children who are in full-time care are provided an appropriate environment for rest or quiet play, such as a child reading a book on a mat.

\* \* \*

*Rest Time*—a daily period for children over age 12 months during which children are placed on mats or cots or in cribs as age appropriate.

*Staff*—all full-time or part-time, paid or non-paid individuals that perform services for the early learning center and have direct or indirect contact with children at the center. Staff includes the director, child care staff, and any other employees at the center such as the cook, housekeeper, driver, substitutes, secretary, bookkeeper, and foster grandparents, but does not include extra-curricular personnel, therapeutic professionals and other independent contractors.

\* \* \*

*Supervision*—the function of observing, overseeing, and guiding a child or group of children, that includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. Supervision requires physical presence with visual contact, accountability for care of the children, knowledge of activity

requirements, and knowledge of the abilities and needs of the children.

*Supplement*—herbal or other dietary, nutritional, or other food or medical supplement administered to be ingested by children orally, in aerosol form, or in any other manner.

*Temporary Absence*—absence for running errands, attending conferences, etc.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:1710 (October 2023), LR 50:967 (July 2024).

**Chapter 7. Licensing Process and Procedures**

**§709. Validity of Licenses**

A. - E. ...

F. All early learning care and education provided at a physical address shall be included under one license address except for the license of an early learning center at the same physical address as a licensed Head Start program or a licensed non-Head Start LEA program that is located on LEA property.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:1861 (October 2018), LR 47:1275 (September 2021), LR 49:1710 (October 2023), LR 50:967 (July 2024).

**Chapter 9. Changes Requiring a New License**

**§901. Change in Location**

A. Change in Location. When a center changes location, it is considered a new operation, and a new application and fee for licensure must be submitted, have verification of substantial compliance with the applicable licensing regulations, and a new license obtained, prior to opening at the new location.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 50:967 (July 2024).

**§903. Change of Ownership**

A. ...

B. Prior to the ownership change, the new owner shall submit a new application and have verification of substantial compliance with the applicable licensing regulations in order to fee for licensure and obtain a new license.

C. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 47:1275 (September 2021), LR 50:967 (July 2024).

**Chapter 11. Operating Violations and Incidents;  
Fines; Appeals**

**§1103. Critical Incidents and Required Notifications**

A. - C. ...

1. LDOE. This written notification shall be made for all of the critical incidents identified above, shall be made on the LDOE critical incidents report form, shall contain all information requested on the form, and shall be submitted to the location indicated on the critical incident form.

C.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:1711 (October 2023), LR 50:968 (July 2024).

**Chapter 15. Minimum General Requirements and Standards**

**§1507. Daily Attendance Records**

A. ...

1. include the child's first and last name, arrival and departure times, date, and first and last name of person or entity to whom the child is released;

A.2. - B. ...

1. include the first and last name of the staff member or owner, date, and arrival and departure times;

B.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 50:968 (July 2024).

**§1509. Policies**

A. - A.12. ...

a. each center shall develop and implement a written policy describing the monitoring procedures that shall be used at the center when staff members are employed on a provisional basis due to an incomplete CCCBC-based determination of eligibility for child care purposes or any other provisions of this Bulletin;

b. the monitoring policy shall include all requirements for the monitoring of provisionally employed staff members set forth in §1804.B and §1811.D of this Part;

c. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 49:1712 (October 2023), LR 50:968 (July 2024).

**Chapter 17. Minimum Staffing Requirements and Standards**

**§1711. Child-to-Staff Minimum Ratios**

A. - C. ...

D. Minimum child-to-staff ratios for centers are as follows.

1. Infants under 1 year, 5:1;
2. 1 year, 7:1;
3. 2 years, 10:1;
4. Children 3 years, 13:1;

5. 4 years, 15:1;
6. 5 years, 19:1;
7. 6 years and up, 23:1.

E. - K. ...

L. Maximum group sizes for centers are as follows.

1. Infants under 1 year, 15;
2. 1 year, 21;
3. 2 years, 20;
4. 3 years, 26;
5. 4 years, 30;
6. 5 years, 38;
7. 6 years and up, 46.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 47:1276 (September 2021), LR 49:1712 (October 2023), LR 50:968 (July 2024).

**§1721. Continuing Education**

A. - E. ...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

F. - G. ...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:1712 (October 2023), LR 50:968 (July 2024).

**Chapter 18. Child Care Criminal Background Checks (CCCBC)**

**§1804. Provisional Status for Child Care Purposes**

A. - B. ...

1. A center may provisionally employ a staff member for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509 of this Part.

2. - 2.b. ...

c. The monitor shall accompany the provisionally-employed staff member at all times the provisionally-employed staff member is present at the center.

d. - g. Repealed.

3. ...



AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:1713 (October 2023), LR 50:968 (July 2024).

**§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department**

A. - D. ...

1. A center may provisionally employ as a staff member, a person for whom it has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509 of this Part.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018, LR 47:1278 (September 2021), LR 49:1714 (October 2023), LR 50:969 (July 2024).

**Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards**

**§1901. General Safety Requirements**

A. - N. ...

O. The center shall prohibit the use of alcohol and tobacco in any form, and the use or possession of illegal substances, unauthorized potentially toxic substances, fireworks and firearms, and pellet and BB guns on the center premises and notice to this effect shall be posted.

P. - S.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:1207 (July 2023), LR 50:969 (July 2024).

**§1917. Medication Administration**

A. - K.2.e. ...

L. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR 50:969 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#015

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 139—Louisiana Child Care and Development Fund Programs—Child Care Programs (LAC 28:CLXV.103, 309, 311, 313, 320, 507, and 515)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The revisions accomplish the following: strengthen measures designed to protect children, ensure better statewide access to quality early care and learning, and provide additional clarity to family child care, in-home, and school-based child care providers. The revisions further codify definitions and regulations regarding CCAP contracted seats. This Rule is hereby adopted on the day of promulgation.

**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.

*Back Scans*—attendance scans by head of household or household designee utilizing the LDOE Automated Child Care Time and Attendance system that are made at a time other than the actual times of arrival and departure of the child.

*BESE*—Board of Elementary and Secondary Education.

\*\*\*

*Child Care and Development Fund (CCDF)*—federal program whose purpose is to increase the availability, affordability and quality of child care for eligible families.

*Child Care Assistance Program (CCAP)*—program funded through the CCDF that makes payments to eligible child care providers for child care services provided to eligible families through both voucher seats and contracted seats.

*Child Care Center*—any place or center operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least 12 1/2 hours in a continuous seven-day week.

*Child Care Criminal Background Check (CCCBC)*—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.71 and 45 CFR 98.43(b).

*Child Care Provider*—an early learning center, family child care provider, in home child care provider, military child care center or school child care center.

\* \* \*

*Child Care Resource and Referral (CCR and R)*—a state or local organization with whom the department has contracted to provide services to families, early childhood professionals, and communities statewide.

*Contracted Seats*—seats for full-time care for infants through three-year-old children of CCAP-eligible families, as defined in Chapter 5 of this Part, for which the LDOE pays a CCAP-certified child care provider for a specified number of child care seats.

*Criminal Background Check (CBC)*—a fingerprint-based personal Louisiana criminal history information record obtained from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 17:407.71. A CBC is satisfactory if it shows no arrests for any crime included in R.S. 15:587.1(C), or if an arrest is shown on the CBC for any excludable offense, 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.

\* \* \*

*Family Independence Temporary Assistance Program (FITAP)*—program administered by the Department of Children and Family Services (DCFS) that provides cash assistance to families with dependent children.

*Full-Time Care*—child care calculated to be 30 or more hours per week that is paid in units of days or half days with a maximum of 22 days per month.

\* \* \*

*Supervision*—the function of observing, overseeing, and guiding a child or group of children, that includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed.

*Supplement*—herbal or other dietary, nutritional, or other food or medical supplement administered to be ingested by children orally, in aerosol form, or in any other manner.

*Supplemental Nutrition Assistance Program (SNAP)*—federal program administered by DCFS that provides monthly benefits to that help eligible low income households buy food needed for good health.

\* \* \*

*Unexplained Absence*—an absence for which the head of household has not provided verbal or written notification to the provider or the department about the absence.

*Voucher Seats*—a placement made to a CCAP-eligible family, as defined in Chapter 5 of this Part, that provides funding to a child care provider; this voucher is retained by the family when the child and family transfers to another CCAP-certified provider.

*Water Activity*—a water-related activity in which children are in, on, near and accessible to, or immersed in, a body of water, including but not limited to a swimming pool, wading pool, water park, river, lake, or beach.

\* \* \*

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), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:969 (July 2024).

### **Chapter 3. CCAP Provider Certification**

#### **§309. Specific Certification and Registration Requirements for Family Child Care Providers**

A. - A.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. The provider shall notify the LDOE immediately upon a change in such phone numbers by submitting written notice to the LDOE by fax or email.

4. - 9. ...

10. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

11. - 15.b. ...

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

16. - 31. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

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), LR 44:258 (February 2018), effective March 1, 2018, LR 47:1280 (September 2021), LR 49:1208 (July 2023), LR 50:970 (July 2024).

#### **§311. Specific Certification Requirements for In-Home Child Care Providers**

A. - A.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. Notify the LDOE immediately upon a change in such phone numbers by submitting written notice to the LDOE by fax or email.

3. - 8. ...

9. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

10. - 14.b. ...

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

A.15. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

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), LR 44:260 (February 2018), effective March 1, 2018, amended LR 47:1282 (September 2021), LR 49:1209 (July 2023), LR 50:970 (July 2024).

**§313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers**

A. - A.5. ....

6. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician’s assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

7. - 8.d. ...

e. The three hours of training by a child care health consultant on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards the annual training requirements. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician’s assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

9. - 11.b. ...

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

12. - 27. ...

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 41:2113 (October 2015), amended LR 42:2174 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, amended LR47:1284 (September 2021), LR 49:1209 (July 2023), LR 50:971 (July 2024).

**§320. Suspension of Payments to Providers**

A. ...

B. If the provider does not come into compliance within 14 calendar days of such notice, the LDOE may suspend payments to the provider until the provider is in compliance.

C. ...

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), amended LR 50:971 (July 2024).

**Chapter 5. CCAP Household Eligibility**

**§507. Certification Requirements for Categorically Eligible Households**

A. - A.2. ...

3. participate in the system designated by the LDOE for capturing time and attendance; and

4. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 50:971 (July 2024).

**§515. Payments Made on Behalf of Households**

A. - C.3. ...

D. Payment for voucher seats is made to the provider after the child care has been provided.

E. - G. ...

H. Payment for contracted seats.

1. Providers will be paid to reserve or hold a seat based on the approved age category for the designated seat.

2. The seat may be held and payment made for 45 calendar days prior to being filled.

3. After 45 calendar days, the contract for the seat will no longer be in effect, and the provider will not be paid to hold the seat.

4. The seat will be paid at the rate specified in the agreement with the provider for the length of the contract based on the age of the child at the contract start date.

5. Payments for contracted seats will be made prior to provision of child care services. Any payments made for contracts that are not filled will be rectified through the LDOE recoupment process.

6. The LDOE may terminate or refuse renewal of a provider’s contracted seats and impose a period of ineligibility for any provider found to operate in violation of the CCAP provider agreement and will be subject to §321 of this Part.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:6 and 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:801 (April 2018), LR 45:1745 (December 2019), LR 47:573 (May 2021), LR 48:31 (January 2022), LR 48:1270 (May 2022), LR 50:971 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#016

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—Civics and FAFSA (LAC 28: CXV.901 and 2319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions repeal policy requiring graduating seniors to complete certain actions related to applications for financial aid. Local education agencies (LEAs) must still provide students and their parents or guardians with information regarding financial aid programs to support post-secondary education and training. Further, LEAs must ensure that each student receives adequate support in completing and submitting an application for financial aid. However, a student action related to financial aid, including the completion of a

financial aid application, is no longer a requirement for graduation. Finally, the revisions update the implementation date for the LEAP 2025 Civics exam to align both the TOPS University Diploma and the Career Diploma. This Rule is hereby adopted on the day of promulgation.

## **Title 28**

### **EDUCATION**

#### **Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

##### **Chapter 9. Scheduling**

###### **§901. Scheduling**

- A. - C. ...
- D. - D.4. Repealed.
- E. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17, R.S. 17:183.2, and R.S. 17:2926.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 36:1498 (July 2010), LR 39:2204 (August 2013), LR 40:2522 (December 2014), LR 42:557 (April 2016), LR 43:2483 (December 2017), LR 46:1083 (August 2020), amended LR 48:31 (January 2022), LR 49:250 (February 2023), repromulgated LR 49:856 (May 2023), LR 50:972 (July 2024).

##### **Chapter 23. Curriculum and Instruction**

###### **Subchapter A. Standards and Curricula**

###### **§2319. The Career Diploma**

- A. - B.1.b.iii. ...

c. Beginning with incoming freshmen in 2024-2025 and beyond, the LEAP 2025 Civics assessment will replace the LEAP 2025 U.S. History assessment as the Social Studies assessment required for graduation. The LEAP 2025 U.S. History assessment will be available through 2026-2027 for those students requiring a retest to fulfill graduation requirements. Students must pass three LEAP 2025 assessments in the following categories:

- i. English I or English II;
- ii. Algebra I or geometry;
- iii. biology or civics.

- B.1.d. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 48:2560 (October 2022), LR 49:252 (February 2023), LR 49:643

(April 2023), repromulgated LR 49:858 (May 2023), amended LR 50:972 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#017

## **RULE**

### **Board of Elementary and Secondary Education**

Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—  
Written Policies and Programs  
(LAC 28:LXXIX.119, 909, 1101, 1311, and 1501)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The revisions update the following policies and programs to ensure alignment with statute: corporal punishment consent; Purple Star Award Program; meningococcal disease immunization; bullying prevention; and tobacco prohibition at schools. This Rule is hereby adopted on the day of promulgation.

## **Title 28**

### **EDUCATION**

#### **Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators**

##### **Chapter 1. Operation and Administration**

###### **§119. Written Policies**

- A. - D.5. ...

E. Any school that receives state funds shall have discretion in the use of corporal punishment as follows:

1. The governing authority of each nonpublic school shall adopt such rules and regulations to permit or prohibit any form of corporal punishment in the school(s) under its jurisdiction.

2. Corporal punishment is the use of physical force that causes pain or physical discomfort to discipline a student, with or without an object.

3. No form of corporal punishment shall be administered to a student with an exceptionality, excluding students identified as gifted and talented, as defined in R.S. 17:1942, or to a student who has been determined to be eligible for services under section 504 of the Rehabilitation Act of 1973 and has an individual accommodation plan.

4. Corporal punishment does not include:

a. the use of reasonable and necessary physical restraint of a student to protect the student or others from bodily harm or to obtain possession of a weapon or other dangerous object from a student; nor

b. the use of seclusion as provided in R.S. 17:416.21.

5. The use of any form of corporal punishment is prohibited without prior written parental consent.

6. Such consent applies only to the school year in which it is given.

**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, R.S. 17:416.11, R.S. 44:411, and R.S. 17:437.2.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 38:1008 (April 2012), LR 39:1439 (June 2013), LR 48:1273 (May 2022), LR 49:36 (January 2023), LR 50:972 (July 2024).

## **Chapter 9. Student Services**

### **§909. Purple Star School Award Program**

A. A nonpublic school shall be labeled a “purple star school” if it has exhibited a major commitment to military-connected students and families, as demonstrated by meeting the following requirements.

1. The school has designated a staff member as a military liaison to serve as the primary point of contact for military-connected students and families.

2. The designated staff member responsibilities shall:

- identify special considerations needed by military-connected students and families; and
- develop training to inform teachers and other school personnel of such special considerations.

B. Schools labeled as “purple star schools” shall:

1. maintain a dedicated page on the school website featuring resources for military-connected students and families;

2. maintain a student-led transition program to provide peer support for military-connected students; and

3. adopt a resolution stating a commitment of support for military-connected students and families.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:101, and SCR 15 (2021).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 50:973 (July 2024).

## **Chapter 11. Health**

### **§1101. Immunization**

A. - F. ...

G. Meningococcal Disease Immunization

1. Students entering sixth grade shall provide evidence of current immunization against meningococcal disease as a condition of entry into the sixth grade at any school in the state.

2. A student who is 11 years old and is entering a grade other than the sixth grade and a student who is 16 years old and is entering a grade other than eleventh grade must provide satisfactory evidence of current immunization against meningococcal disease as a condition of entry into such grade at any school in the state.

3. Meningococcal disease immunization requirements shall not apply to students whose parent or legal guardian have submitted either a signed waiver stating that the student shall not be immunized against meningococcal disease for personal reasons, a written statement from a physician stating that the immunization is contraindicated for medical reasons, or a written explanation indicating the student is unable to comply due to a shortage of available vaccines against meningococcal disease.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 44:411, 17:170(D), R.S. 17:170.4, and 17:170(A)(1).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), LR 50:973 (July 2024).

## **Chapter 13. Preventive Programs**

### **§1311. Bullying**

A. Policy. Each nonpublic school shall develop and adopt a policy that prohibits the bullying of a student by another student in accordance with R.S. 17:416.14.

1. The bullying policy shall be implemented in a manner that is ongoing throughout the year and integrated with a school’s curriculum, a school’s discipline policies, and other violence prevention efforts.

2. The policy shall contain the definition of bullying found in this Section and shall address the following:

- process for reporting and appeals;
- procedures for investigating reports of bullying; and
- the disciplinary and criminal consequences of bullying another student.

B. Training for School Personnel. Each school shall create a program to provide for all school employees, including bus drivers, who have contact with students. The training shall be four hours for new employees and two hours annually thereafter and shall specifically include the following:

B.1. - C.3. ...

D. - G.3.c. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:416.13.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 49:246 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:973 (July 2024).

## **Chapter 15. Building Operation and Maintenance**

### **§1501. Building and Maintenance**

A. - B. ...

C. Use of any tobacco or tobacco product, including but not limited to smoked or smokeless products and electronic devices, in any school building, on any school property, or on any school bus or school vehicle used to transport students is prohibited. The prohibition is applicable to all school employees, students, and visitors. This prohibition shall not be applicable to any tobacco cessation product approved by the U.S. Food and Drug Administration.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411, R.S. 17:240.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005), LR 50:973 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#020

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification  
of School Personnel—Educator Credentials  
(LAC 28:CXXXI.1301)

Editor's Note: The following Rule is being repromulgated to correct a manifest typographical error upon submission. The original Rule can be viewed in the May 20, 2024 *Louisiana Register* on pages 659-675.

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions make various changes that include: adopt reading exam to reduce number of tests that must be taken by preservice elementary teachers; adopt computer science exam in response to recommendation of the Computer Science Education Advisory Commission; align across bulletins or legislation; remove duplicative language; reorganize information; update requirements for foreign equivalency transcripts; align military OS certification issuance with legislation; remove unused or obsolete EEL and Pre-PL certification; update OFAT renewal requirements; add resident certificate for use in early learning centers; clarify ECAC language and non-practicing status for individuals called to military duty; remove certification duplication and reduce bureaucracy for areas in which a license is issued by another authorizing board; add artist, talented, and library endorsements; remove CLU and reinstatement coursework requirements; and technical edits. This Rule is hereby adopted on the day of promulgation.

#### Title 28 EDUCATION

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

#### Chapter 13. Endorsements to Existing Certificates §1301. Introduction

A. ...

1. A generalized reference to a Praxis exam means the applicable BESE-adopted exam(s) in policy, with the established passing score(s) in accordance with §303 of this Part.

2. - 8. ...

9. Beginning September 1, 2024, for educators eligible to teach grades kindergarten through third grade and special education areas, the Teaching of Reading Elementary exam and indicated semester hours, or equivalent contact hours are required.

B. - C.3. ...

D. The requirements in §1305.A.3; §1307.A.3; §1313.A.4, B.3; §1315.A.3, B.3; §1317.A.4, B.4; §1327.A.3, B.3, and §1329.A.4 of this Chapter, shall be effective beginning September 1, 2024.

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 33:2059 (October 2007), LR 48:454 (March 2022), repromulgated LR 48: 1062 (April

2022), amended LR 49:1717 (October 2023), amended LR 50:000 (May 2024), repromulgated LR 50:974 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#052

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of  
School Personnel—Principal Certification Pathways  
(LAC 28:CXXXI.1505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The changes create an alternate pathway to educational leader certification for individuals who possess certain military or professional credentials. The alternate pathway would require completion of an LDOE educational leader training and passage of the BESE-approved school leader licensure exam. Upon employment as a school leader, the individual must be paired with a mentor school leader and must include as part of the school instructional leadership team an individual with an advanced degree in education. This Rule is hereby adopted on the day of promulgation.

#### Title 28 EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 15. Administrative and Supervisory Credentials

#### Subchapter A. The Educational Leadership Certificate §1505. Educational Leader Certificate Level 1 (EDL 1)

A. - A.5.a. ...

6. Alternate Pathway 4. The alternate pathway 4 is for individuals who hold an advanced degree or certain military experience and seek issuance of an EDL 1. The candidate must:

a. complete the education leader training coordinated by LDOE, earn a passing score on the BESE-approved school leaders licensure assessment in accordance with state requirements, and

b. hold a Master of Public Administration, Master of Business Administration, or juris doctorate degree or have been a commissioned officer of the United States military who has been honorably discharged with a pay grade O-3 or higher.

c. be paired with an experienced school leader within the district who can act as a mentor, upon employment as a school leader; and

d. include in the school instructional leadership team an individual who holds at least a master's degree in 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 48:466 (March 2022),

Kimberly Tripeaux  
Interim Executive Director

2407#018

## RULE

### Board of Elementary and Secondary Education

#### Definitions Recodification (LAC XXXIX.901 and CXLVII.701)

Editor's Note: The following Sections are being recodified for sequence and consistency. LAC XXXIX.901 is being moved to Section 105 and LAC CXLVII.701 is being moved to Section 103.

### Title 28 EDUCATION

#### Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

##### Chapter 1. Introduction

##### §105. Definition of Terms [Formerly §901]

A. As used in this bulletin, the terms shall be defined as follows.

###### 1. State Terms

*Acceleration*—advancement of a pupil at a rate faster than usual in or from a given grade or course. This may include “gifted student” as identified according to Bulletin 1508.

*Alternate Assessment*—the substitute way of gathering information on the performance and progress of students with disabilities who do not participate in typical state assessments.

*Alternative to Regular Placement*—placement of students in programs not required to address the state content standards.

*Content Standards*—statements of what we expect students to know and be able to do in various content areas.

*LEAP Summer Remediation Program*—a summer school program offered by the LEA for the specific purpose of preparing students to achieve proficiency in English language arts, mathematics, science, and/or social studies.

*Louisiana Educational Assessment Program (LEAP)*—the state's testing program that includes grades 3 through 10 in the core academic subjects of English language arts, mathematics, social studies and science.

*Promotion*—a pupil's placement from a lower to a higher grade based on local and state criteria contained in these guidelines.

*Pupil Progression Plan*—the comprehensive plan developed and adopted by each local education agency which shall be based, in significant part, on student performance on the Louisiana Educational Assessment Program with goals and objectives which are compatible with the Louisiana competency-based education program and which supplement standards approved by BESE.

*Regular Placement*—the assignment of students to classes, grades, or programs based on a set of criteria established in the pupil progression plan. Placement includes promotion, retention, remediation, and acceleration.

*Remedial Programs*—programs designed to assist students including students with disabilities and non/limited English proficient (LEP) students, to overcome educational deficits identified through the Louisiana Education Assessment Program and other local criteria.

*Remediation*—see remedial programs.

*Retention*—nonpromotion of a pupil from a lower to a higher grade.

###### 2. Local Terms

a. The definition of terms used in a local school system plan must be clearly defined for use as the basis for interpretation of the components of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2176 (November 1999), amended LR 27:190 (February 2001), LR 31:1976 (August 2005), LR 33:2064 (October 2007), amended LR 36:2010 (September 2010), LR 44:483 (March 2018), LR 46:18 (January 2020), repromulgated LR 50:975 (July 2024).

#### Part CLVII. Bulletin 135—Health and Safety

##### Chapter 1. Introduction

##### §103. Definitions

*Appropriate Mid-Level Provider*—a health care provider duly authorized by a supervising MD/DO to provide care for sports injuries in accordance with their respective scopes of practice. For the purpose of this injury management program, the following health care providers may function as an appropriate mid-level provider onsite at any school-sponsored or sanctioned athletic activity: physician assistant (PA) licensed to practice in Louisiana; a registered nurse practitioner licensed to practice in Louisiana; an athletic trainer (AT) certified by LSBME to practice in Louisiana.

*Loss of Function*—any sign of inability to perform any sport specific activity or movement. This may include, but not limited to, walking/running with a limp or holding/protecting a body part, or any other impaired movement.

*Responsible School Personnel*—the individual(s) (i.e., head coach, assistant coach, etc.) designated by the respective school with the responsibility for student-athlete safety.

*Return-to-Play (RTP)*—a term used to describe when a student-athlete, who has followed a step-wise protocol, is released to return to practice or competition.

*Step-Wise RTP Protocol*—a protocol, approved by a MD/DO, delineating a sequence of progressive activities (which may include strength, stability, agility, etc.) designed to allow the athlete a gradual return to physical activity, and eventually sport practice or competition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:763 (April 2014), repromulgated LR 50:975 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#054

**RULE**

**Board of Elementary and Secondary Education**

Immunization Exemption Communication  
(LAC 28:CLVII.303 and LAC 28:LXXIX.1101)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLVII in *Bulletin 135—Health and Safety* and LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. Louisiana R.S. 17:170 sets forth immunization requirements of students entering or attending schools in addition to the provisions for exemptions. To ensure compliance with this statute, the revisions require inclusion of information regarding exemptions in any immunization communication provided to students and families. This Rule is hereby adopted on the day of promulgation.

**Title 28**

**EDUCATION**

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators**

**Chapter 11. Health**

**§1101. Immunization**

A. - G.3. ...

H. Any communication issued to persons, parents, or guardians regarding immunization requirements for a student attending or seeking to enter any school shall include information regarding immunization exemptions pursuant to Subsection E of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 44:411, 17:170(D), R.S. 17:170.4, and 17:170(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), LR 50:976 (July 2024).

**Part CLVII. Bulletin 135—Health and Safety**

**Chapter 3. Health**

**§303. Immunizations**

A. - A.2. ...

3. Any communication issued to persons, parents, or guardians regarding immunization requirements for a student attending or seeking to enter any school shall include information regarding immunization exemptions.

B. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:2549 (October 2022), LR 50:976 (July 2024).

Kimberly Tripeaux  
Interim Executive Director

2407#019

**RULE**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

Emission Standard for Asbestos  
(LAC 33:III.5151)(AQ396)

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 Air regulations, LAC 33:III.5151 (AQ396).

LAC 33:III.5151 regulates the owners and/or operators of demolition or renovation activities that disturb asbestos at or above stated thresholds, including the removal of regulated asbestos-containing materials (RACM) or the renovation or demolition of asbestos-containing materials. Residential exemptions are not currently addressed in LAC 33:III.5151. In order to address this oversight, we propose the following changes to clarify that isolated individual residences that are demolished are exempt from the requirements in LAC 33:III.5151. The basis and rationale for the proposed rule are to clarify when isolated individual residences that are demolished by an individual or local governmental unit are exempt from the provisions of LAC 33:III.5151. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant  
Emission Control Program**

**Subchapter M. Asbestos**

**§5151. Emission Standard for Asbestos**

A. - F.1.f. ...

g. Residential Exemptions

i. The demolition or renovation of any residential building with four or fewer dwelling units is exempt from the requirements of this Subsection as follows.

(a). A demolition or renovation of a residential building with four or fewer dwelling units by any person, for any reason, if the residential building is not an installation or part of an installation, as defined in Subsection B of this Section, and the activity is not part of a planned commercial or public project, and is not intentionally burned. Any structure, installation, or building that was previously subject to this Subchapter is not excluded, regardless of its current use or function.

(i). The demolition or renovation of any residential building with four or fewer dwelling units that is part of a planned commercial or public project, or is considered an installation or part of an installation, as defined in Subsection B of this Section, is subject to the requirements of this Subsection.



(b). For purposes of this Section, the demolition or renovation of a residential building with four or fewer dwelling units that has been declared a safety hazard or public nuisance by local government is not considered a planned public project if it is not part of a larger planned project, i.e., is not included in the development of new commercial, public, or community facilities or roads. In this case, the residential building is not considered an installation and the activity is exempt from the requirements of this Subsection.

h. - l. ...

m. All demolition and renovation activities shall take all precautions to prevent particulates from becoming airborne, i.e., using water to control the dust particles, as required by LAC 33:III.1305.A.

n. Circumvention. No owner or operator of a renovation, demolition, or asbestos-contaminated debris activity (ACDA) shall cause or permit a planned project to be subdivided to circumvent the requirements applicable to a renovation, demolition, installation, or ACDA, i.e., awarding to multiple contractors, or awarding work to the same contractor under multiple scopes of work.

F.2. - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 33:2095 (October 2007), LR 34:1893 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2745 (November 2012), LR 40:519 (March 2014), amended by the Office of the Secretary, Legal Affairs Division, LR 50:976 (July 2024).

Aurelia S. Giacometto  
Secretary

2407#025

**RULE**

**Department of Health  
Bureau of Health Services Financing**

**Inpatient Hospital Services  
(LAC 50:V.121, 123, 125, and 127)**

The Department of Health, Bureau of Health Services Financing has amended LAC 50:V.121, 123, 125, 127 and repeals the following uncodified Rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

Register Date	Title	Register Volume, Number	Page Number
January 20, 1994	Inpatient Psychiatric Services—Distinct Part Psychiatric Units	Volume 20, No. 01	49
February 20, 1997	Hospital Prospective Reimbursement Methodology for Long—Term Acute Hospitals	Volume 23, No. 02	202

This Rule is promulgated in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 1. Inpatient Hospital Services**

**Chapter 1. General Provisions**

**§121. Distinct Part Psychiatric Units**

A. Qualifying Criteria. Reimbursement of psychiatric services (including substance use treatment) provided by acute care general hospitals, long-term acute hospitals, children’s hospitals, and rehabilitation hospitals is allowable only for psychiatric services provided in distinct part psychiatric units that meet the following criteria:

1. Medicare prospective payment system (PPS) exempt psychiatric unit criteria in 42 CFR 412.27 and other applicable Medicare guidelines;
2. licensing standards related to hospital psychiatric units/services in LAC 48:I.Chapters 93, 94, and 95; and
3. enrolled in Medicaid and assigned a separate distinct part psychiatric unit provider number.

EXCEPTION: Emergency psychiatric admissions to non-psychiatric inpatient hospitals/units shall be paid the psychiatric rate until the beneficiary can be stabilized and transferred to a psychiatric hospital or unit.

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, LR 50:977 (July 2024).

**§123. Psychiatric Hospitals**

A. Qualifying Criteria. Reimbursement of inpatient psychiatric services (including substance use treatment) provided by freestanding psychiatric hospitals is allowable only if provided in psychiatric hospitals that meet the following criteria:

1. Medicare prospective payment system (PPS) exempt psychiatric hospital criteria in the 42 CFR 412.23(a), other applicable Medicare guidelines; and
2. licensing standards related to psychiatric services/hospitals in LAC 48:I.Chapters 93, 94, and 95.

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, LR 50:977 (July 2024).

**§125. Rehabilitation Hospitals**

A. Qualifying Criteria. Reimbursement of inpatient rehabilitation services provided by freestanding rehabilitation hospitals is allowable only if provided in rehabilitation hospitals that meet the following criteria:

1. Medicare prospective payment system (PPS) exempt rehabilitation hospital criteria in 42 CFR 412.23(b) and other applicable Medicare guidelines; and

2. licensing standards related to rehabilitation services/hospitals in LAC 48:I.Chapters 93, 94, and 95.

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, LR 50:978 (July 2024).

**§127. Long-Term Hospitals**

A. Qualifying Criteria. Reimbursement as a long-term hospital is only allowable for inpatient services provided in hospitals that meet the Medicare prospective payment system (PPS) exempt long-term hospital criteria in 42 CFR 412.23(e) and other applicable Medicare guidelines.

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, LR 50:978 (July 2024).

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.

Michael Harrington, MBA, MA  
Secretary

2407#038

**RULE**

**Department of Health  
Bureau of Health Services Financing**

Pharmacy Benefit Management Program  
Excluded Drugs (LAC 50:XXIX.107)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXIX.107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXIX. Pharmacy**

**Chapter 1. General Provisions**

**§107. Prior Authorization**

A. - C.3. ...

D. Drugs Excluded from Coverage. As provided by §1927(d)(2) of the Social Security Act, the following drugs are excluded from program coverage:

1. select covered outpatient drugs when used for anorexia, weight loss, or weight gain as determined by the department;

2. select covered outpatient drugs when used to promote fertility as determined by the department;

3. select covered outpatient drugs when used for symptomatic relief of cough and cold as determined by the department;

4. select prescription vitamin and mineral covered outpatient drugs as determined by the department; and

a. - o. Repealed.

D.5. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and the 1995-96 General Appropriate Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1180 (June 2017), LR 43:1553 (August 2017), LR 45:665 (May 2019), LR 46:33 (January 2020), LR 48:1582 (June 2022), LR 49:2106 (December 2023), LR 50:978 (July 2024).

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.

Michael Harrington, MBA, MA  
Secretary

2407#037

**RULE**

**Department of Health  
Bureau of Health Services Financing**

Provider Screening and Enrollment (LAC 50:I.Chapter 15)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.Chapter 15 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. Administration**

**Subpart 1. General Provisions**

**Chapter 15. Provider Screening and Enrollment**

**§1501. General Provisions**

A. Pursuant to the provisions of the Patient Protection and Affordable Care Act (PPACA), Public Law 111-148, 42 C.F.R. § Part 455, Subpart E, and the 21st Century Cures Act, the Medicaid Program adopts the following provider enrollment and screening requirements. The Centers for Medicare and Medicaid Services (CMS) has established guidelines for provider categorization based on an assessment of potential for fraud, waste, and abuse for each provider type. The Medicaid Program shall determine the risk level for providers and will adopt these federal requirements in addition to any existing requirements. Providers must comply with all applicable federal regulations and state requirements for their provider type

prior to enrollment with the Medicaid Program. Additional enrollment requirements may be adopted in the future.

B. In accordance with PPACA and federal regulations, the Medicaid Program shall screen all initial applications, including applications for a new practice location, and any applications received in response to a re-enrollment or revalidation, utilizing the following guidelines. If a provider could fit within more than one risk level described in this section, the highest level of screening is applicable.

1. Provider types shall be categorized by the following risk levels:

a. high categorical risk—categories of service that pose a significant risk of fraud, waste, and abuse to the Medicaid Program;

b. moderate categorical risk—categories of service that pose a moderate risk of fraud, waste, and abuse to the Medicaid Program;

c. limited categorical risk—categories of service that pose a minor risk of fraud, waste, and abuse to the Medicaid Program.

C. Screening activities for the varying risk levels shall include the following mandates.

1. High risk level screening activities shall include:

a. fingerprinting submission by the provider and any person with a 5 percent or more direct or indirect ownership interest in the provider, within 30 days upon request from CMS or the Department of Health (LDH);

b. criminal background checks for all disclosed individuals;

c. site visits before and after enrollment by LDH and/or CMS, its agents, or designated contractors; and

i. - v. Repealed.

d. verification of provider-specific requirements including, but not limited to:

i. license verification;

ii. national plan and provider enumeration system (NPPES) national provider identifier (NPI) registry check;

iii. Office of Inspector General (OIG) exclusion check;

iv. disclosure of ownership/controlling interest information;

v. the Social Security Administration's death master file (SSA DMF) check;

vi. Medicaid and Children's Health Insurance Program (CHIP) state information sharing system (MCSIS) check;

vii. systems for award management (SAM) check;

viii. LA adverse actions check; and

ix. provider enrollment, chain, and ownership system (PECOS) check.

2. Moderate risk level screening activities shall include:

a. site visits before and after enrollment by LDH and/or CMS, its agents, or designated contractors; and

b. verification of provider-specific requirements including, but not limited to:

i. ...

ii. NPPES NPI check;

iii. ...

iv. disclosure of ownership/controlling interest information;

v. SSA DMF check;

vi. MCSIS check;

vii. SAM check;

viii. LA adverse actions check; and

ix. PECOS check.

3. Limited risk level screening activities shall include, but are not limited to:

a. verification of provider-specific requirements including:

i. ...

ii. NPPES NPI check;

iii. ...

iv. disclosure of ownership/controlling interest information verification;

v. SSA DMF check;

vi. MCSIS check;

vii. SAM check;

viii. LA adverse actions check; and

ix. PECOS check.

D. The Medicaid Program may rely on, but is not limited to, the results of provider screenings performed by:

1. ...

2. other Medicaid agencies; or

3. CHIP of other states.

E. Updated Medicaid enrollment forms may require additional information for all disclosed individuals.

F. Providers shall be required to revalidate their enrollments with the Medicaid Program at a minimum of five year intervals. A more frequent revalidation requirement, a minimum of three year intervals, shall apply to durable medical equipment (DME) providers and pharmacy providers with DME or home medical equipment (HME) specialty enrollments. All providers shall be required to revalidate their enrollment under PPACA and Medicaid criteria.

1. Repealed.

G. Provider Screening Application Fee

1. In compliance with the requirements of the PPACA and 42 C.F.R. § 455.460, the department shall collect an application fee for provider screening prior to executing provider agreements from prospective or re-enrolling providers other than:

a. individual physicians or non-physician practitioners; or

G.1.b. - G.2. ...

H. After deactivation of a provider enrollment number for any reason, before the provider's enrollment may be reactivated, the department must re-screen the provider and require payment of associated provider application fees.

I. Any enrolled provider is subject to CMS, its agents, its designated contractors, or the department conducting unannounced on-site inspections of any and all provider locations.

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 39:1051 (April 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:920 (May 2018), LR 50:978 (July 2024).

### **§1503. Termination or Denial of Provider Enrollment**

A. The department will deny or terminate a provider's enrollment in the Medical Assistance Program in accordance with 42 C.F.R. § 455.416.

1. - 2.a. Repealed.

B. The department may deny or terminate a provider's enrollment in the Medical Assistance Program for any of the grounds listed in R.S. 46:437.14.

1. - 2. Repealed.

C. The department may deny a provider's application for enrollment in the Medical Assistance Program if, based on the grounds listed in R.S. 46:437.14, the secretary determines that the denial is in the best interest of the Medical Assistance Program and the department specifies the reasons for denial, as permitted by R.S. 46:437.13(C)(2).

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 39:1052 (April 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 50:979 (July 2024).

### **§1505. Informal Hearing**

A. A provider, or their agent, who seeks to appeal a notice of action issued by the department may first request an informal hearing with the department.

1. - 3.c.ii.(d). Repealed.

B. A provider, or their agent, who has received a notice of action shall be provided with an informal hearing if the provider, or their agent, makes a written request to the department for an informal hearing within 15 days of the date of the notice of action.

C. The notice of action is presumed to be received by the provider if the notice is mailed to the provider's mailing address listed with the Medicaid Program or if the notice is electronically mailed to the provider's e-mail address listed with the Medicaid Program.

D. The request for an informal hearing must be made in writing and sent in accordance with the instructions in the notice of action.

E. The time and place for the informal hearing will be set out in the notice of setting of the informal hearing.

F. The informal hearing is designed to provide the opportunity:

1. for the provider or agent of the provider to informally review the situation and action proposed by the department;

2. for the department to offer alternatives based on information presented by the provider or agent of the provider, if any; and

3. for the provider or agent of the provider or other person to evaluate the necessity for seeking an administrative appeal. During the informal hearing, the provider or agent of the provider may be afforded the opportunity to talk with the department's personnel involved in the situation, to review pertinent documents on which the alleged violations are based, to ask questions, to seek clarification, to provide additional information and be represented by counsel or other person. Upon agreement of all parties, an informal discussion may be recorded or transcribed.

G. At any time prior to the issuance of the written results of the informal hearing, the notice of action may be modified by the department.

1. If a finding or reason is removed from the notice of action by the department, no additional time will be granted to the provider, or their agent, to prepare for the informal hearing.

2. If additional reasons or actions are added to the notice of action prior to, during, or after the informal hearing, the provider, or their agent, shall be granted an additional 10 working days to prepare responses to the new reasons or actions proposed by the department, unless the 10-day period is waived by the provider, or their agent.

H. Notice of the Results of the Informal Hearing. Following the informal hearing, the department shall inform the provider, or their agent, in writing of the results of the informal hearing, which could range from modifying or upholding the termination, denial, or other actions contained in the notice. The notice of the results of the informal hearing must be signed by the director of the Bureau of Health Services Financing (BHSF) or their designee and the section chief of Medicaid Program Operations and Compliance or their designee.

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, LR 45:273 (February 2019), amended LR 50:980 (July 2024).

### **§1507. Administrative Appeal**

A. The provider, or their agent, has the right to request an administrative appeal within 30 days of the date of the notice of action or within 30 days of the date of the notice of the results of the informal hearing.

B. The appeal request must be adequate as to form and timely lodged with the Division of Administrative Law.

C. The notice of action and the notice of the results of the informal hearing are presumed to be received by the provider if the notice is mailed to the provider's mailing address listed with the Medicaid Program or if the notice is electronically mailed to the provider's e-mail address listed with the Medicaid Program.

D. The department shall not terminate an existing Medicaid provider agreement unless the provider, or their agent, has exhausted their appeal rights, the timeframe for an appeal has expired, or the termination is permitted due to the imposition of sanction(s) by the department and the director of Program Integrity pursuant to LAC 50:I.4101 et seq.

E. The provider's termination or denial in the Medicaid Program will become final if the provider, or their agent, does not timely request an appeal in accordance with the appeal deadlines described in this Subpart or once the provider's appeal rights are otherwise exhausted.

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, LR 50:980 (July 2024).

### **§1509. Basis of Administrative Appeal**

A. A provider, or their agent, may only appeal to the Division of Administrative Law a notice of action or a notice of the results of the informal hearing issued by the department that terminates or denies the provider's enrollment in Medicaid. Other actions by the department related to Medicaid provider enrollment and screening are not appealable.

1. If the provider, or their agent, timely requests an administrative appeal, then the provider, or their agent, has the right to challenge the basis for the termination or denial imposed by the department related to the provider's

Medicaid enrollment, provider enrollment application, and/or the revalidation application.

2. The provider, or their agent, must specifically state the basis for the appeal and the actions challenged on appeal.

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, LR 50:980 (July 2024).

#### **§1511. Out-of-State Medicaid Provider Enrollment**

A. An out-of-state provider is a provider located in a state other than Louisiana whose services are rendered in that state, excluding Louisiana Medicaid trade areas.

B. An out-of-state provider who wishes to participate in the Louisiana Medicaid Program must enroll with the Louisiana Medicaid Program and be assigned an identification number.

C. To enroll, the provider must submit a provider enrollment application to Louisiana Medicaid.

D. A retroactive provider enrollment date of no more than 365 days may be considered for approval by the department under the following circumstances:

1. A provider requests that the enrollment be retroactive to a specific date.

2. The provider submits proof of service rendered to a Louisiana Medicaid beneficiary within 365 days prior to the application received date, via submission of the claim.

3. All risk screening activities support that the provider was eligible as of the requested date of enrollment.

E. Out-of-state providers must accept Louisiana Medicaid reimbursement as payment in full for the covered services authorized. The department reserves the right to set rates for services.

F. Out-of-state providers who furnish services to Medicaid beneficiaries are not required to be enrolled if they meet the following criteria as detailed in the CMS Medicaid Provider Enrollment Compendium:

1. the item or service is furnished by an institutional provider, individual practitioner, or pharmacy at an out-of-state practice location;

2. the furnishing provider's NPI is on the claim;

3. the furnishing provider is enrolled and in an approved status in Medicare or in another state's Medicaid plan;

4. the claim represents services furnished; and

5. the claim represents either:  
a. a single instance of care furnished over a 180-day period; or

b. multiple instances of care furnished to a single beneficiary over a 180-day period.

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, LR 50:981 (July 2024).

#### **§1513. Out-of-Network Providers**

A. Out-of-network providers under single case agreements are not considered network providers and therefore are not subject to the requirements at 42 C.F.R. § 438.602(b). Out-of-network providers do not have to be screened and/or enrolled in the department's fee-for-service program. Additionally, emergency room physicians are only

subject to 42 C.F.R. § 438.602(b) to the extent they meet the definition of a network provider in 42 C.F.R. § 438.2.

B. The department may adopt limits or thresholds that require out-of-network providers to convert to an in-network status upon reaching a specific threshold of services provided to a network beneficiary or beneficiaries. A provider's conversion to an in-network status triggers the requirement for the provider to be screened and enrolled pursuant to 42 C.F.R. § 438.602(b)(1).

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, LR 50:981 (July 2024).

#### **§1515. Temporary Moratoria**

A. The department will comply with 42 C.F.R. § 455.470, which pertains to the imposition of temporary moratoria on the enrollment of new providers or provider types as implemented by the secretary of the U.S. Department of Health and Human Services (HSS).

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, LR 50:981 (July 2024).

#### **§1517. Managed Care Organization Payment Accountability and Provider Credentialing**

A. All managed care organizations (MCOs) participating in the Medical Assistance Program must comply with all requirements described in R.S. 46:460.72 and R.S. 46:460.73, which pertain to provider notices and payment accountability.

B. A provider who receives a notification of deficiency from a Medicaid MCO as described in R.S. 46:460.73(A)(1) may seek review of the matter to the department if the conditions of R.S. 46:460.73(A)(2) apply. The provider must notify the department of their intent to appeal the notification within 10 calendar days of the date of the MCO's notification and provide a detailed request for departmental review with supporting documents within 15 calendar days of the date of the MCO's notification.

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, LR 50:981 (July 2024).

#### **§1519. Definitions**

A. As used in this Subpart the following terms shall have the following meanings:

1. *Agent*—a person who is employed by or has a contractual relationship with a provider or who acts on behalf of the provider.

2. *Beneficiary*—an individual who is enrolled to receive health care through the Medical Assistance Program.

3. *Claim*—any request or demand, including any and all documents or information required by federal or state law or by rule made against Medical Assistance Program funds for payment. A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. Each claim may be treated as a separate claim, or several claims may be combined to form one claim.

4. *Department*—the Louisiana Department of Health (LDH).

5. *Disclosed Individuals*—persons required to be disclosed to the department, as the Medicaid agency, by the provider, such as, but not limited to:

a. *Agents or Managing Employees*—Pursuant to 42 C.F.R. § 455.106(a), a provider must disclose to the Medicaid agency the identity of each person who is an agent or managing employee of the provider and has been convicted of certain crimes. An agent or managing employee is any individual who exercises operational or managerial control, conducts day-to-day operations of the provider agency, or any person with authority to obligate or act on behalf of the disclosing entity, such as, but not limited to, a general manager, business manager, administrator, board member, chief operating officer, trustee, or partner.

b. *Persons with Ownership or Control Interest*—Pursuant to 42 C.F.R. §455.104(b), a provider must disclose the identity of all persons that have an ownership or control interest (either separately or in combination) of 5 percent or more in the provider.

6. *Division of Administrative Law*—the Louisiana Division of Administrative Law, which operates as Louisiana’s centralized administrative hearings panel for disputes between government agencies and regulated individuals and entities.

7. *Federal Regulations*—the provisions contained in the Code of Federal Regulations (C.F.R.) or the Federal Register (FR).

8. *General Terms*—Definitions contained in applicable federal laws and regulations shall also apply to this Subpart and all department regulations. In the case of a conflict between federal definitions and departmental definitions, the department’s definition shall apply unless the federal definition, as a matter of law, supersedes a departmental definition. Definitions contained in applicable state laws shall also apply to this and all departmental definitions. In the case of a conflict between a state statutory definition and a departmental definition, the departmental definition shall apply unless the state statutory definition, as a matter of state law, supersedes the departmental definition.

9. *Informal Hearing*—an informal conference between the provider, or other persons and the section chief of Medicaid Program Operations and Compliance or his/her designee and the Medicaid director or his/her designee.

10. *Medical Assistance Program or Medicaid*—the Medical Assistance Program (Title XIX) of the Social Security Act administered by the Department of Health, commonly referred to as Medicaid, the Medicaid Program, or Bureau of Health Services Financing (BHSF).

11. *Notice of Action*—a written notification of an action taken or to be taken by the department or BHSF, including a notice of termination of enrollment in the Medicaid Program or a notice of denial of enrollment in the Medicaid Program.

12. *Person*—any natural person, company, corporation, partnership, firm, association, group, or other legal entity or as provided by law.

13. *Provider*—a health care provider as defined in R.S. 46:437.3(A)(9).

14. *Provider Agreement*—the document(s), including electronic documents, signed by or on behalf of the provider in accordance with R.S. 46:437.11-437.14, which enrolls the provider in the Medical Assistance Program and grants to the provider a provider number and the privilege to participate in the Medical Assistance Program. This definition shall not be construed to conflict with the definition of provider agreement included in R.S. 437.3(A)(21).

15. *Provider Enrollment*—the process through which a person or provider becomes enrolled in the Medical Assistance Program through the department for the purpose of providing goods, services, or supplies to one or more Medicaid beneficiaries.

16. *Provider Number*—a provider’s billing or claim reimbursement number issued by the department through BHSF under the Medical Assistance Program.

17. *Rule or Regulation*—any rule or regulation promulgated by the department in accordance with the Administrative Procedure Act and any federal rule or regulation promulgated by the federal government in accordance with federal law.

18. *Secretary*—the Secretary of the Department of Health.

19. *Termination*—the termination or revocation of the provider agreement with the department to participate in the Medical Assistance Program. In a termination action, the state Medicaid agency has taken an action to revoke the provider’s billing privileges, and the provider has exhausted all applicable appeal rights or the timeline for appeal has expired. The requirement for termination applies in cases where providers, suppliers, or eligible professionals were terminated or had their billing privileges revoked for cause which may include, but is not limited to:

- a. fraud;
- b. integrity; or
- c. quality.

20. *Trade Areas*—Arkansas, Mississippi, and Texas counties directly touching Louisiana parish borders. Trade areas are treated with the same criteria as in-state providers.

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, LR 50:981 (July 2024).

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.

Michael Harrington, MBA, MA  
Secretary

2407#036

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and  
Office of Behavioral Health**

Children’s and Adult Mental Health Services  
(LAC 50:XXXIII.Chapters 23, 61, 63, and 65)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health has amended LAC 50:XXXIII.Chapters 23, 61, 63, and 65 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXXIII. Behavioral Health Services**

**Subpart 3. Children’s Mental Health Services**

**Chapter 23. Services**

**§2301. General Provisions**

A. All specialized behavioral health services must be medically necessary. The medical necessity for services shall be determined by a licensed mental health professional (LMHP) or physician who is acting within the scope of his/her professional license and applicable state law.

B. Services provided to children and youth must include communication and coordination with the family and/or legal guardian and, for children in state custody, the custodial agency. Coordination with other child-serving systems should occur as needed to achieve the treatment goals. All coordination must be documented in the child’s medical record.

1. The agency or individual who has the decision-making authority for a child or youth in state custody must request and approve the provision of services to the recipient.

C. Children who are in need of specialized behavioral health services shall be served within the context of the family and not as an isolated unit.

1. - 1.b....

2. Services shall be appropriate to children and youth of diverse racial, ethnic, religious, sexual, and gender identities, as well as other cultural and linguistic groups.

C.3.c. - D. ...

E. Services may be provided at a site-based facility, in the community, or in the individual’s place of residence as outlined in the treatment plan.

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 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2358 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1892 (October 2018), LR 50:983 (July 2024).

**§2303. Covered Services**

A. The following behavioral health services shall be reimbursed under the Medicaid Program:

1. therapeutic services delivered by licensed mental health professionals (LMHP), provisionally licensed professional counselors (PLPC), provisionally licensed marriage and family therapists (PLMFT), or licensed master social workers (LMSW);

A.2. - B.5. ...

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 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1892 (October 2018), LR 50:983 (July 2024).

**Subpart 7. Adult Mental Health Services**

**Chapter 61. General Provisions**

**§6103. Recipient Qualifications**

A. Individuals 21 years of age and older who meet Medicaid eligibility shall qualify to receive adult mental health services referenced in LAC 50:XXXIII.6307 if medically necessary in accordance with LAC 50:I.1101, if the recipient presents with mental health symptoms that are consistent with a diagnosable mental disorder, and the services are therapeutically appropriate and most beneficial to the recipient.

B. - C. ...

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 38:358 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), LR 46:794 (June 2020), repromulgated LR 46:951 (July 2020), amended LR 50:983 (July 2024).

**Chapter 63. Services**

**§6301. General Provisions**

A. All mental health services must be medically necessary, in accordance with the provisions of LAC 50:I.1101. The medical necessity for services shall be determined by a licensed mental health professional or physician who is acting within the scope of his/her professional license and applicable state law.

B. - C.3.c. ...

D. Anyone providing mental health services must operate within their license and scope of practice.

E. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), repromulgated LR 46:952 (July 2020), amended LR 50:983 (July 2024).

**§6303. Assessments**

A. Assessments shall be performed by a licensed mental health professional (LMHP), provisionally licensed

professional counselor (PLPC), provisionally licensed marriage and family therapist (PLMFT), or licensed master social worker (LMSW).

B. Assessments for community psychiatric support and treatment (CPST) and psychosocial rehabilitation (PSR) must be performed by a fully licensed mental health professional at least once every 365 days or any time there is significant change to the enrollee's circumstances.

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 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), amended LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 50:983 (July 2024).

### §6305. Treatment Plan

A. - B.1. ...

C. The treatment plan shall be developed by the licensed mental health professional (LMHP) in collaboration with direct care staff, the recipient, family and natural supports.

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 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:951 (July 2020), amended LR 50:984 (July 2024).

### §6307. Covered Services

A. The following mental health services shall be reimbursed under the Medicaid Program:

1. therapeutic services delivered by licensed mental health professionals (LMHPs), provisionally licensed professional counselors (PLPC), provisionally licensed marriage and family therapists (PLMFT), or licensed master social workers (LMSW), and physicians;

A.2. - B.3. ...

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 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 46:1680 (December 2020), LR 48:1098 (April 2022), LR 50:984 (July 2024).

## Chapter 65. Provider Participation

### §6501. Provider Responsibilities

A. ...

B. Providers shall deliver all services in accordance with their license and scope of practice, with federal and state laws and regulations, the provisions of this Rule, the provider manual and other notices or directives issued by the department. The provider shall create and maintain documents to substantiate that all requirements are met.

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 38:360 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 50:984 (July 2024).

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.

Michael Harrington, MBA, MA  
Secretary

2407#039

## RULE

### Department of Health Health Standards Section

Facility Need Review  
(LAC 48:I.Chapter 125)

The Department of Health (the department), Health Standards Section has amended LAC 48:I.Chapter 125, and adopted §12510, §12511, and §12512 as authorized by R.S. 36:254 and R.S. 40:2116 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

### Title 48

### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 5. Health Planning

#### Chapter 125. Facility Need Review

#### Subchapter A. General Provisions

#### §12501. Definitions

A. Definitions. When used in this Chapter the following terms and phrases shall have the following meanings unless the context requires otherwise.

\* \* \*

*Intermediate Care-Level I (IC-I)*—Repealed.

*Intermediate Care-Level II (IC-II)*—Repealed.

\* \* \*

*Nursing Facility (NF)*—a licensed institution that is primarily engaged in providing the following services to residents:

a. nursing care and related services for residents who require medical or nursing care;

b. - c. ...

\* \* \*

*Skilled Nursing Care*—Repealed.

*Skilled Nursing Facility*—Repealed.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.



HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:221 (February 2024), amended LR 50:984 (July 2024).

### §12503. General Information

A. - B.8.c. ...

C. The FNR committee will conduct an FNR to determine if there is a need for additional providers, facilities, or beds to be licensed by LDH and/or enrolled to participate in the Title XIX program for the following healthcare facility types, as defined under this Chapter:

1. intermediate care facilities for persons with developmental disabilities (ICF-DD);

2. home and community-based service (HCBS) providers of respite care (RC) services, personal care attendant (PCA) services, supervised independent living (SIL) services, and monitored in-home caregiving (MIHC) services;

3. hospice providers;

4. pediatric day health care (PDHC) facilities;

5. behavioral health services providers (BHSP) of psychosocial rehabilitation (PSR) services, and community psychiatric support and treatment (CPST) services; and

6. behavioral health services providers of opioid treatment program (OTP) services;

7. - 8. Repealed.

D. - E. ...

F. The department will determine if there is a need for additional providers, facilities, or beds to be licensed by LDH and/or enrolled to participate in the Title XIX program for nursing facilities.

G. Except as otherwise provided in the grandfather provisions of these regulations, each healthcare provider designated in R.S. 40:2116 or R.S. 40:2116.1 shall first receive FNR approval before applying to be licensed by LDH and before being certified to participate in the Title XIX program.

1. - 4. Repealed.

H. Grandfather Provision. An approval shall be deemed to have been granted under this program without review for NFs, ICFs/DD, and/or beds that meet one of the following descriptions:

1. all valid Section 1122 approved healthcare facilities/beds;

2. all valid approvals for healthcare facilities/beds issued under the Medicaid Capital Expenditures Review Program prior to the effective date of this program;

3. all valid approvals for healthcare facilities issued under the FNR program; or

4. all NF beds that were enrolled in Medicaid as of January 20, 1991.

5. - 8. Repealed.

I. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review for HCBS providers of RC, PCA, SIL, or MIHC services, ICFs/DD, hospice providers, PDHC providers, or BHSPs that meet one of the following conditions:

1. Home and Community Based Service providers that were licensed by January 31, 2009 or had a completed initial licensing application submitted to the department by June 30, 2008;

2. existing licensed ICFs-DD that are converting to the Residential Options Waiver;

3. licensed Adult Day Health Care (ADHC) providers who are enrolled or will enroll in the Louisiana Medicaid Program as a Program for All-inclusive Care for the Elderly (PACE) provider and apply for an HCBS license to provide PCA services as required by the program;

4. hospice providers that were licensed or had a completed initial licensing application submitted to the department by March 20, 2012;

5. pediatric day health care providers that were licensed by the department before March 1, 2014, or an entity that meets all of the following requirements:

a. has a building site or plan review approval for a PDHC facility from the Office of State Fire Marshal by March 1, 2014;

b. has begun construction on the PDHC facility by April 30, 2014, as verified by a notarized affidavit from a licensed architect submitted to the department, or the entity had a fully executed and recorded lease for a facility for the specific use as a PDHC facility by April 30, 2014, as verified by a copy of a lease agreement submitted to the department;

c. submits a letter of intent to the department's HSS by April 30, 2014, informing the department of its intent to operate a PDHC facility; and

d. became licensed as a PDHC by the department no later than December 31, 2014.

6. behavioral health services providers that are licensed to provide PSR and/or CPST, or that have submitted a completed application for licensure as a BHSP that includes PSR and/or CPST, prior to February 20, 2018;

7. behavioral health services providers that are licensed to provide OTP services, or that have submitted a complete application for licensure as a BHSP that includes OTP services prior to January 1, 2024; or

8. behavioral health services providers that fall within the provisions of Act 33 of the 2017 Regular Session of the Louisiana Legislature, commonly referred to as accredited mental health rehabilitation providers, that submit a completed BHSP licensing application by December 1, 2017 and become licensed by April 1, 2018.

J. Exemptions from the FNR process shall be made for:

1. a NF that needs to be replaced as a result of destruction by fire or a natural disaster, such as a hurricane; or

2. a NF and/or facility building owned by a government entity that is replaced due to a potential health hazard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:223 (February 2024), amended LR 50:985 (July 2024).

### §12505. Initial Application and Review Process for ICF-DD, HCBS Providers of RC, PCA, SIL, or MIHC Services, Hospice Providers, PDHC Facilities, BHSP of PSR, CPST, and OTP Services

A. ...

B. Facility need review applications shall be submitted on 8.5 inch by 11 inch paper that shall not include Health Insurance Portability and Accountability Act (HIPAA) protected information, to the HSS, FNR program manager by one of the following means:

B.1. - G.6.b.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:224 (February 2024), amended LR 50:985 (July 2024).

**§12507. Supplemental Application Review Process for ICF-DD, HCBS Providers of RC, PCA, SIL, or MIHC Services, Hospice Providers, PDHC Facilities, BHSP of PSR, CPST, and OTP Services**

A. ...

B. Upon receipt of the applicant's timely written request to supplement its FNR application, a written confirmation notice will be sent to the applicant informing the applicant of the deadline to submit any additional documentation and evidence in support of the FNR application, pursuant to the provisions of this Rule.

B.1. - C.2. ...

D. Following the meeting, the applicant will have an additional 30 days to submit any other evidence, data, and documentation to further supplement the FNR application. At the conclusion of this step, the FNR committee will meet to consider all the supplemental documentation, data, and evidence submitted by the applicant, as well as the issues discussed at the meeting with the applicant, if applicable.

1. ...

2. The FNR committee shall render a decision on the supplemental application within 60 days of the deadline for submission of any additional documentation and evidence by the applicant after the supplemental review meeting; such decisions are to be by simple majority decision.

3. - 3.c....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:225 (February 2024), amended LR 50:986 (July 2024).

**§12509. Administrative Appeal Procedures for ICF-DD, HCBS Providers of RC, PCA, SIL, or MIHC Services, Hospice Providers, PDHC Facilities, BHSP of PSR, CPST, and OTP Services**

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:226 (February 2024), amended LR 50:986 (July 2024).

**§12510. Initial Application and Review Process for Nursing Facilities**

A. The department will conduct an FNR to determine if there is a need for additional nursing facilities or beds to be licensed by LDH and/or enrolled to participate in the Title XIX program.

B. Facility need review applications shall be submitted on 8.5 inch by 11 inch paper that shall not include Health Insurance Portability and Accountability Act (HIPAA) protected information, to the HSS, FNR program manager by one of the following means:

1. via postal service to the designated FNR program mailing address; or

2. electronically via the HSS designated system or software.

C. Application forms may be requested in writing or by telephone from the FNR program, or accessed via the department's designated website.

D. The applicant shall also submit with its application, any written documentation or evidence the applicant believes supports its FNR application, including but not limited to the following examples.

1. Any data/documents regarding waiting lists for the proposed services in the applicant's service area.

2. Any letters from healthcare facilities, medical professionals or others, who have clients/patients/recipients awaiting the proposed services in the applicant's service area.

3. Any data/documentation of complaints about clients/patients/recipients not being able to access the proposed services in the applicant's service area.

4. Any data/documentation about population groups that do not have access to the proposed services in the applicant's service area, to whom the applicant will provide such services.

5. Other data/documentation about the need in the applicant's service area for the proposed services.

6. Other data/documentation about the probability of serious adverse consequences to recipient's ability to access healthcare if the applicant was not allowed to be licensed.

E. The applicant representative specified on the application will be the only person to whom the FNR program will send written notification in matters relative to the status of the application during the review process. If the applicant's application information or representative changes at any time during the review process, the applicant is required to notify the FNR program in writing.

F. The required nonrefundable FNR application fee of \$200 shall be submitted either by mail to the designated payment address or electronically via the HSS designated system or software.

G. The review period of the initial application will be no more than 90 days from receipt of the FNR application; thereafter, a decision will be rendered by the department. The review period begins on the first day after the date of receipt of the completed application.

H. Grandfather Provision. An FNR approval shall be deemed to have been granted under this program without review for NFs that meet one of the following descriptions:

1. all valid Section 1122 approved healthcare facilities/beds;

2. all valid approvals for healthcare facilities/beds issued under the Medicaid Capital Expenditure Review Program prior to the effective date of this program;

3. all valid approvals for healthcare facilities issued under the FNR program; or

4. all NF beds that were enrolled in Medicaid as of January 20, 1991.

I. Exemptions from the FNR process shall be made for:

1. a NF that needs to be replaced as a result of destruction by fire or a natural disaster, such as a hurricane; or

2. a NF and/or facility building owned by a government entity that is replaced due to a potential health hazard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:986 (July 2024).

#### **§12511. Supplemental Application Review Process for Nursing Facilities**

A. If the applicant decides to request a supplemental review of the denied initial application, a written request for supplemental application review must be received by the department within 30 days of receipt of notice of the denial letter.

B. Upon receipt of the applicant's timely written request to supplement its FNR application, a written confirmation notice will be sent to the applicant informing the applicant of the deadline to submit any additional documentation and evidence in support of the FNR application, pursuant to the provisions of this Rule.

1. If the applicant fails to timely submit the supplemental materials, the supplemental application is automatically denied. Written notice of the denial shall be forwarded to the applicant, with information regarding the applicant's right to file an administrative appeal with the DAL.

C. Upon timely receipt of the supplemental materials from the applicant, the department shall conduct a supplemental application review.

1. The department shall review all supplemental review material submitted by the applicant and issue a supplemental review decision to approve or deny the FNR application within 60 days of the deadline for submission of any additional documentation and evidence by the applicant, and shall forward written notice to the applicant of such decision.

a. The written notice of the supplemental application review decision shall be sent to the applicant by certified mail or by electronic mail with a request for acknowledgement and a read delivery receipt.

b. The written notice shall include information on the applicant's right to file an administrative appeal of the denial with the DAL within 30 calendar days of receipt of the supplemental application denial notice.

c. Failure to file timely for an administrative appeal shall exhaust the applicant's remedies with the department, and the decision to deny FNR approval is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:987 (July 2024).

#### **§12512. Administrative Appeal Procedures for Nursing Facilities**

A. An applicant who receives a denial of an initial FNR application or denial of a supplemental FNR application may request an administrative hearing within 30 calendar days after receipt of the department's notice of denial of FNR application.

1. The request for an administrative hearing shall be made in writing to the DAL with a copy of the request also sent to the department's FNR program.

2. The request shall contain a statement setting forth the specific reason with which the applicant disagrees and the reasons for the disagreement.

3. The request shall be considered timely if it is postmarked by the 30th calendar day after receipt of the department's notice of denial.

B. The administrative appeal shall be conducted by the DAL in accordance with the Administrative Procedure Act.

C. Failure to file timely for an administrative appeal shall exhaust the applicant's remedies with the department and the decision to deny FNR approval is final.

D. Unless a timely and proper administrative appeal request is received by the DAL, the findings of the department shall be considered a final and binding administrative determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:987 (July 2024).

#### **Subchapter B. Determination of Bed, Unit, Facility, or Agency Need**

##### **§12517. Nursing Facilities**

A. - F.1. ...

G. The determination of occupancy rates of nursing facilities or beds shall be as follows:

1. Beds for which occupancy shall be based shall include NF beds that are enrolled in Title XIX.

G.2. - J. ...

K. Exceptions for areas with high occupancy rates may be considered in the following situations.

1. - 2.c. ...

3. If the department determines that there is, in fact, a need for beds in a parish with average annual occupancy in excess of 95 percent, a RFP or RFA will be issued. No applications will be accepted under these provisions unless the department declares a need and issues a RFP or RFA. Applications will be accepted for expansions of existing facilities and/or for the development of new nursing facilities.

a. - c. ...

d. The RFP or RFA shall specify the following:

i. - ii. ...

iii. process of review by the department of any applications timely received, including any supplemental review process;

iv. - vi. ...

e. The department will review the proposals and independently evaluate and assign points (out of a possible 120) to the applications as follows:

e.i. - f.v. ...

g. If there is a tie for the highest score for a specific facility or beds, the department will conduct a comparative review of the top scoring proposals that will include prior compliance history, if applicable. The department may request and review data from OAAS and HSS on prior compliance history. Subject to K.3.h of this Section, the department will make a decision to approve one of the top scoring applications based on comparative review of the proposals.

K.3.h. - L.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:229 (February 2024), amended LR 50:987 (July 2024).

#### **Subchapter D. Relocation of Nursing Facility Beds**

##### **§12541. General Provisions**

A. - C.1.h. ...

i. The provisions of §12541.C pertaining to the transfer of Medicaid FNR approvals shall sunset in 24 months from the date of the promulgation of the final Rule implementing §12541.C and shall have no effect henceforth.

D. - D.1.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:236 (February 2024) amended LR 50:988 (July 2024).

#### **Subchapter F. Exception Criteria for Facility Need Review Bed Approvals**

##### **§12553. Temporary Inactivation Due to Major Alterations**

A. A NF, ARCP, ICF/DD, hospice, PDHC, or BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that is undergoing major alterations to its physical plant may request a temporary inactivation of a certain number of the facility's FNR bed approvals provided that:

1. - 5.b....

6. there shall be no effect upon the Medicaid reimbursement rate of a nursing facility or an ICF/DD that is undergoing major alterations pursuant to this Rule during the period of the inactivation of the FNR approval.

7. failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FNR bed approvals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:240 (February 2024), amended LR 50:988 (July 2024).

Michael Harrington, MBA, MA  
Secretary

2407#027

#### **RULE**

##### **Department of Health Office of Public Health Bureau of Emergency Medical Services**

##### **Emergency Medical Services Professionals (LAC 46:XXXVIII.Chapters 1-5)**

Editor's Note: The following Rule is being repromulgated to correct manifest typographical errors. The original Rule can be viewed in the February 20, 2024 *Louisiana Register* on pages 246-258.

The Department of Health, Office of Public Health, Bureau of Emergency Medical Services (LDH-OPH-Bureau of EMS) and the Louisiana Emergency Medical Services Certification Commission (EMSCC) has amended LAC 46:XXXVIII.Chapters 1-5 regarding emergency medical services professionals as authorized by R.S. 40:1131-1133.16 and R.S. 40:1141. This Rule is promulgated in

accordance with the provisions of the Administrative Procedure Act, 4.2. 49:950, et seq.

In compliance with Act 31 of the 2020 2nd Extraordinary Session of the Louisiana Legislature, the LDH-OPH-BEMS and the EMSCC has amended the regulations governing the professional and occupational standards for emergency medical services professionals in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; and, 3) promulgate the provisions clearly and concisely in the Louisiana Administrative Code.

Part XXXVIII is to be substantively rearranged as regards to the location of the bulk of the text content which exists in some particular Sections of the current Rule housed within Title 46 of the Louisiana Administrative Code (LAC) but which is now moved into another Section of the Rule. The text content of each Section which has been moved does contain one or more amendments within the new location. In addition, currently existing headings labeled as a particular Subpart, a particular Chapter and a particular Subchapter are to be repealed. For this reason, the table below summarizes the rearrangement of the text content and which specific items are proposed to be repealed.

This Rule shall be effective upon publication as a Final Rule. This Rule is hereby adopted on the day of promulgation.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XXXVIII. Emergency Medical Services Professionals**

#### **Subpart 1. Rules of Procedure**

#### **Chapter 1. General**

#### **§101. Statement of Purpose/General Definitions**

A. Purpose. The Louisiana Emergency Medical Services Certification Commission is a legally created administrative commission acting within the governmental structure of the state and possessing legal power. To safeguard life and health of the citizens of Louisiana, the law governing the practice of Nationally Certified and State Licensed Emergency Medical Services professionals, Louisiana Revised Statutes of 1950, R.S. 40:1131 et seq., as re-enacted and amended, delegates to this commission the responsibility to establish and publish standards of out-of-hospital practice; to regulate the scope of practice of Emergency Medical Services practitioners, to discipline and regulate the practice of Emergency Medical Services professionals and to establish standards for educational programs preparing individuals for out of hospital practice.

B. General Definitions. The following words and terms shall have general applicability to their usage within the entirety of this Part.

*Bureau*—unless otherwise specified, the Bureau of Emergency medical Services within the Office of Public Health of the Louisiana Department of Health.

*Bureau Director*—the duly appointed administrator who oversees the Bureau.

*Certified Ambulance Operator*—an individual who is certified by the Bureau of EMS as a certified ambulance operator. Documentation and requirements outlined in

statute must be submitted and approved before certification is received.

*Chair*—the chairperson of the Louisiana Emergency Medical Services Certification Commission.

*Commission*—the Louisiana Emergency Medical Services Certification Commission as created under the Louisiana Department of Health pursuant to R.S. 40:1133.3.

*Emergency Medical Services*—a system that represents the combined efforts of various professionals and agencies to provide out-of-hospital emergency care to the sick and injured.

*EMS Medical Director*—a physician (MD or DO) licensed by the Louisiana State Board of Medical Examiners who has responsibility and authority to ensure the quality of care and provide guidance for all out-of-hospital medical care provided by EMS ambulance services and EMS Practitioners.

*EMS Practitioner*—an individual who is a licensed emergency medical responder, licensed emergency medical technician, licensed advanced emergency medical technician or a licensed paramedic.

*EMS*—emergency medical services.

*Public Safety Agency*—a functional division of a public or private agency which provides firefighting, police, medical, or other emergency services.

*Public Safety Telecommunicator*—an individual answering 911 emergency medical condition calls on behalf of a public safety agency who has authority, based on a protocol adopted by the agency, to provide T-CPR instructions to a caller before arrival or medical assistance by an individual with CPR training.

*T-CPR*—telephone cardiopulmonary resuscitation

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.1 (A), R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9)(10) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services LR 50:000 (February 2024), LR 50:988 (July 2024).

### **§103. Duties of EMS Practitioners**

A. A licensed emergency medical services practitioner may perform any of the following functions while caring for a patient at the scene of a medical or other emergency, during the transport of a patient where voice contact is established with a physician and under the physician's order, or under the protocol that has been approved by the local parish medical society or the emergency medical services practitioner's medical director:

1. services, treatment, and procedures consistent with the national EMS education standards that have been approved and adopted by the bureau, to the extent that he or she has been trained to perform such services, treatment or procedures.

2. administration of other drugs or procedures for which the licensed emergency medical services practitioner has received training, license, and approval by the commission and which may be considered necessary by the ordering physician.

3. determine, based on approved protocols, whether it is appropriate for a person to be transported by ground ambulance to an alternative destination when the individual

condition does not meet the definition of emergency medical conditions, however:

a. no person shall be transported to an alternative destination unless he or she consents to being transported to that destination; and

b. no emergency medical services practitioner shall transport a person to an alternative destination in which the practitioner or practitioner's employer has a financial interest.

B. An emergency medical services practitioner student, while he or she is enrolled in good standing in a state-approved educational program, and under the direct supervision of a physician, registered nurse, paramedic or other preceptor recognized by the bureau, may:

1. perform services, treatments, and procedures consistent with national EMS education standards that have been approved and adopted by the bureau, and to the extent that he or she has been trained to perform such services, treatment, and procedures.

C. In case of a life-threatening situation as determined by a licensed emergency medical services practitioner, when voice contact with a physician is delayed, not possible, or when the delay in treatment could endanger the life of the patient, the emergency medical services practitioner may provide treatment to the patient in accordance with:

1. a protocol approved by the EMS medical director who is a board-certified or a board-eligible emergency medicine physician; or

2. a protocol established by the emergency medical services committee or the executive committee of the parish or component medical society or its designee.

a. In the event that there is no organized or functional local medical society within a parish of the state at the time that an EMS practitioner responds to a life-threatening situation therein under the conditions outlined in Subsection C of this Section, the protocol established by the EMS medical director may be applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:989 (July 2024).

### **§105. Public Safety Telecommunicator**

A. No person shall act as a public safety telecommunicator unless he has received a certificate of completion of an approved training course in T-CPR conducted by an entity or individual approved by the Bureau to conduct such T-CPR course. A public safety telecommunicator must possess and maintain a current certificate of completion of the T-CPR training required under this Section.

B. The bureau shall give approval to a T-CPR training course if the course and the entity or individual proposing it meets the minimum standards for course approval set by the bureau, including standards concerning instruction, training and examination. Such standards shall mandate training every two years that meets or exceed nationally recognized emergency cardiovascular care guidelines adopted by the bureau and shall incorporate recognition protocols for out-of-hospital cardiac arrest and compression-only CPR instructions for callers. An approved entity or individual shall comply with the course approval criteria set by the

bureau, and may be removed by the bureau from the roster of approved T-CPR trainers for failure to comply.

C. Each public safety agency employing public safety telecommunicators shall, for each individual so employed, upload the certificate of completion of the T-CPR training required by this Section, and any renewals thereof, to the Bureau's Information Management System (IMS). This requirement shall not apply with respect to any individual so employed who has already uploaded such certificates to the IMS.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

**HISTORICAL NOTE:** Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:989 (July 2024).

### **Chapter 3. Licensure and Certification**

#### **§301. State Licensure and National Certification**

A. State licensure by the Bureau is mandatory for practicing as a licensed emergency medical responder.

B. National certification and state licensure are mandatory for practicing as a licensed emergency medical technician, advanced emergency medical technician, and paramedic.

C. State licensure as a licensed Emergency Medical Services practitioner shall be issued only to an applicant who qualifies by examination or endorsement in accordance with R.S. 40:1131.1, et seq. All applicants shall meet the same standards.

D. The commission shall render an opinion to the Bureau of Emergency Medical Services on whether the applicant meets the requirements of certification in all questionable cases.

E. Reciprocity shall be granted to an applicant who submits evidence of licensing or certification in good standing from another state, territory, or country or has received military training and certification or licensure as an emergency medical services practitioner as defined in §101.B of this Part, and meets all other applicable requirements set forth in this Part.

1. The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA) has been enacted into state law under Act 31 of the 2020 2<sup>nd</sup> Extraordinary Session of the Louisiana Legislature and may be found under R.S. 40:1141.

F. A Louisiana EMS Practitioner license must be renewed every two years, and shall be if the licensee/applicant completes the appropriate renewal application and meets the requirements for renewal set forth in this part and R.S. 40:1133.1 et seq. prior to the expiration date on his or her current license.

1. An individual whose license expires by his or her failure to timely renew may be reinstated within 30 days of expiration provided the applicant submits a completed application and meets any additional requirements established by the bureau.

G. The commission shall render an opinion to the bureau on whether the applicant meets the requirements of licensure in all questionable cases.

H. Each license holder and each applicant for licensure must provide both a valid current mailing and email address

at which the licensee or applicant can receive correspondence and official notices from the bureau. A licensee or applicant shall update either such address via the EMS information management system within five calendar days of any change thereto.

I. Whenever any provision of law or of this Part requires or authorizes service or delivery of a letter, notice, order, summons, or other document to be made upon a licensee or applicant, then, in addition to any other method authorized by law or this Part for such service or delivery, the following shall constitute good and valid service or delivery for all purposes related to this Part:

1. service made in any manner authorized by the Louisiana Code of Civil Procedure or the Louisiana Revised Statutes of 1950;

2. service made by U.S. Postal Service certified mail, return receipt requested, addressed to the mailing address provided to the bureau in accordance with Subsection F of this Section; or

3. service by email sent to the email address provided to the department in accordance with Subsection H of this Section, even if returned as undeliverable. A document served by email must be in printable document format (PDF) and may be either attached, in which case the entire email with the attachment cannot exceed 20 megabytes (MB), or linked within the body of the email to a file sharing or similar site from which it can be viewed or downloaded.

J. Whenever service or delivery by certified mail is authorized by this Section or any other provision of law or this Part, if a certified mail receipt shows that service has been refused or unclaimed, then service shall nevertheless be deemed complete and valid.

K. A certified mailing sent in accordance with this Section shall be deemed good and valid service if a signed receipt is returned to the bureau, regardless of whether the licensee/applicant to whom the mailing was addressed personally signed the return receipt.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1131.2(E), R.S. 40:1131.1(A), R.S. 40:1133.5(9), R.S. 40:1133.6, R.S. 40:1141, R.S. 40:2017.10.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:990 (July 2024).

#### **§303. Denial of Licensure, Reinstatement, or the Right to Practice EMS as a Student**

A. Applicants for licensure, reinstatement, or the right to practice as an EMS student may be denied approval for licensure, reinstatement, receipt of a temporary permit, eligibility to continue in or enter into an education program (didactic, clinical, or field internship aspects) if the applicant:

1. knowingly falsifies any documents submitted to the bureau, commission or the EMS educational facility;

2. is unfit or incompetent by reason of negligence, habit, or other cause;

3. has pled guilty, nolo contendere, or been convicted of, or any crime that directly related to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought.

B. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

C. Applicants who are denied licensure, reinstatement, or the right to practice EMS as a student shall not be eligible to submit a new application, until a combination of the following conditions are met:

1. a minimum of two years has passed since the denial was issued; or
2. the applicant presents evidence that the cause for the denial no longer exists; and
3. a hearing or conference is held before the commission to review the evidence, to afford the applicant the opportunity to prove that the cause for the denial no longer exists, and to provide an opportunity for the commission to evaluate changes in the person or conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A)and(E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)and(2), R.S. 40:1133.4, and 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:990 (July 2024).

### **§305. Delay of Licensure, Reinstatement, or the Right to Practice EMS as a Student**

A. Applicants for licensure, reinstatement, and for practice as a EMS student shall have approval delayed for licensure, for reinstatement, to receive a temporary working permit, to be eligible for the national registry exam, or to enter or progress into any clinical EMS course, if the applicant:

1. has any pending disciplinary action or any restrictions of any form by any licensing/certifying entity in any state; or
2. has a pending criminal charge for any crime that directly related to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought; or
3. has pled guilty, nolo contendere, been convicted of or committed a crime that directly related to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole.

B. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

C. Applicants who are delayed licensure, reinstatement, or the right to practice EMS, as a student shall not be eligible to submit a new application until the following conditions are met:

1. the applicant presents sufficient evidence that the cause for the delay no longer exists; and
2. a hearing or conference is held before the commission to review the evidence, to afford the applicant the opportunity to prove that the cause for the delay no longer exists, and to provide an opportunity for the commission to evaluate changes in the person or conditions.

AUTHORITY NOTE: Promulgated in accordance with 40:1131.1(E), R.S. 40:1133.2(A) and (E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)and(2), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003) amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:991 (July 2024).

### **§306. Pre-Application Eligibility Determination**

A. An individual convicted of a crime may request at any time, including before obtaining any required education or training, a determination as to whether the individual's criminal conviction(s) disqualify the individual from licensure or certification by the bureau.

1. The individual making the request shall provide to the bureau all pertinent information and documents pertaining to the conviction(s), including any information relevant to the factors provided in R.S. 37:2950. Any such request shall list and include all of the individual's convictions, regardless of jurisdiction and regardless of subsequent pardon or expungement, through the date of the request. After initial receipt of the request, the bureau may require that the individual submit additional pertinent information or documents.

2. The process for submitting the request and associated documents is posted on the bureau's website (URL: <https://ldh.la.gov/subhome/28>). Alternatively, the request may be made in writing and mailed to the Bureau at 7273 Florida Blvd., Baton Rouge, LA 70806.

3. The individual making the request shall also provide to the bureau the individual's pertinent identifying information, including date of birth, social security number, and driver's license number.

4. The individual making the request shall provide a valid email address to which the bureau may send correspondence related to the request, including the determination as to whether the individual is disqualified.

5. Within 45 days after receipt of the request and all pertinent information and documents, including additional information or documents requested by the bureau pursuant to A.1. of this Section, or within 45 days of receipt by the bureau of any criminal background check provided or requested by the individual, whichever is later, the bureau shall send notification to the individual concerning whether, based on the criminal information submitted, the individual is disqualified from receiving or possessing a license from the bureau. This determination, which may be disseminated to the requesting individual by email, shall be one of the following:

a. The conviction(s) do not make the individual ineligible to be licensed ("not ineligible"). Such determinations include instances where licensing may be necessarily accompanied by concurrent initial probation, per the Commission's Deferred Decision Matrix or Commission Review Panel, unless a requested hearing before the commission determines otherwise.

b. The conviction(s) make the individual presumptively ineligible to be licensed, in which case the following information shall be provided to the individual:

i. specific conviction(s) that constitute the basis for the presumptive ineligibility;

- ii. reasons the conviction(s) are directly related to the license, using the factors set forth in La. R.S. 37:2950;
- iii. right to submit within 60 days additional documentation or evidence relevant to each of the factors listed in R.S. 37:2950 concerning the conviction(s) upon which the presumptive ineligibility is based; and
- iv. date of eligibility to apply or reapply for a license.

6. An individual who is informed that the conviction(s) at issue make him presumptively ineligible is entitled to a hearing (“appeal”) before the commission concerning such determination.

a. Such individual shall be placed on the agenda for a formal hearing at the next regularly scheduled meeting of the commission, but may decline such a hearing if s/he does not wish to proceed. If the 60 day period for providing additional documentation or evidence, as provided in Subsection A.5.b.iii of this Section, expires after the next scheduled meeting, the individual may request that the hearing be postponed until the subsequent regularly scheduled meeting.

7. A determination of “not ineligible” made pursuant to this Section is binding upon the Bureau unless the individual is convicted of a subsequent crime between the inquiry period and the time of license application, has pending criminal charges at the time of license application, or has undisclosed criminal convictions not revealed at the time of inquiry.

B. The following information can be found on the bureau website and/or on the EMS license application:

- 1. the process by which the bureau investigates affirmative criminal background disclosures.
- 2. the deferred decision matrix used by the bureau regarding the criminal history of applicants.
- 3. additional details regarding the process by which potential applicants may obtain a determination regarding their license eligibility as it relates to criminal convictions.

C. When determining whether a conviction directly relates to the EMS profession, the commission shall consider:

- 1. the nature and seriousness of the offense;
- 2. the nature of the specific duties and responsibilities of licensed EMTs, Advanced EMTs, paramedics, and emergency medical responders.
- 3. the amount of time since the conviction;
- 4. facts relevant to the circumstances of the underlying offense, including any aggravating or mitigating circumstances, or social conditions surrounding the commission of the offense; and
- 5. evidence of rehabilitation or treatment undertaken by the applicant since the conviction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:991 (July 2024).

**§307. Application Eligibility Determination; Criminal Convictions; Right to hearing**

A. When determining whether an applicant’s criminal conviction directly relates to the EMS profession generally or the specific type of EMS license type, permit, or

eligibility sought, the commission shall consider the factors set forth in §306.C of this Part.

B. The bureau may utilize any “deferred decision matrix” or similar document setting forth guidelines approved by the commission in making an initial presumptive determination concerning whether an applicant’s criminal conviction directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought.

C. Any applicant who is determined by the bureau to be presumptively ineligible, based upon the bureau’s application of a deferred decision matrix (or similar guidance document approved by the commission) or otherwise, shall be entitled to a hearing (“appeal”) before the commission concerning such determination, at which the applicant may present testimony, documentation, or evidence relevant to each of the factors set forth in §306.C of this Part concerning the conviction upon which the presumptive ineligibility is based.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:992 (July 2024).

**§308. Criminal History Record and Identification**

A. The bureau is entitled to and shall require submission of the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Louisiana Department of Public Safety and Corrections, of any person who is seeking an initial license as an emergency medical technician, advanced emergency medical technician or paramedic; and any person who answers affirmatively to any of the criminal background questions on a license renewal application. In such situations, fingerprints and other identifying information of the applicant shall be required and submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry.

1. The criminal history records must be not more than two years old.

B. The Louisiana Bureau of Criminal Identification and Information shall, after receipt of such fingerprint card and other identifying information from the applicant, make available to the bureau all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification and Information’s criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

C. The applicant shall pay the appropriate fees to the Louisiana Bureau of Criminal Identification and Information for furnishing information contained in the Louisiana Bureau of Criminal Identification and Information’s criminal history record and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.(A)and(C), R.S. 40:1133.5(9), R.S.40:1133.7(1)and(2), and R.S. 40:2017.10.



HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:992 (July 2024).

## **Chapter 5. Disciplinary Proceedings; Alternative to Disciplinary Proceedings**

### **§501. Definition of Terms Applying to EMS Practice as Used in This Chapter**

A. As they apply to EMS practice and/or to the exercise of the commission's disciplinary authority, the following words and terms are hereby defined as used within this Chapter.

*Accountability*—being answerable for one's actions or inactions. The licensed EMS practitioner answers to self, patient, agency, medical director, profession and society for the effectiveness and quality of EMS care rendered. It is the personal responsibility for each individual to maintain competency in practice. If the assigned EMS practitioner does not possess the specialized EMS knowledge, skills and abilities required to provide the required care, said professional shall notify the appropriate supervisory EMS personnel.

*Additional Acts*—activities beyond those taught in state approved EMS education programs. Additional acts are authorized by the commission through rules and regulations or declaratory statements interpreting the legal definition of EMS. Licensed EMS practitioner are accountable for attaining and maintaining competency when performing approved additional acts.

*Aiding and Abetting*—to intentionally assist anyone by condoning, or to apply positive or negative force to assist anyone in violating Parts I-III of Chapter 5-C of Title 40 of the Revised Statutes or the rules and regulations of the commission or bureau

*Assessment*—identifying human responses, which indicate existing, or potential abnormal condition through the patient history, physical examination or observation, in accordance with the standards of EMS practice.

*Assignment*—designating EMS activities to be performed by an individual consistent with his or her scope of practice.

*Carrying Out the Medical Orders of a Physician Licensed in Louisiana*—

a. licensed EMS practitioners may, based on their individual judgment of each situation, accept verbal orders initiated by a licensed physician, provided the order is related to the said practitioner's scope of practice;

b. licensed EMS practitioners may execute standing orders of a licensed physician.

*Collaborating* – a process involving two or more health care professionals working together, though not necessarily in each other's presence, each contributing one's respective area of expertise to provide more comprehensive care than one alone can offer.

*Delegating EMS Interventions*—committing or entrusting the performance of selected EMS tasks by the licensed EMS practitioner to other competent EMS personnel in selected situations. The licensed EMS practitioner retains the accountability for the total EMS care of the individual.

*Deny*—to refuse for cause

*EMS Services*—activities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the standards of EMS practice.

*Expanded Scope of Practice*—those functions, procedures and activities which are currently not part of the approved National EMS curriculum, but have been approved by the EMS Certification Commission as appropriate for the various levels of EMS practitioners.

*Field Diagnosis*—out-of-hospital evaluation of the patient's condition and its causes.

*Habit*—a mode of behavior, which an individual acquires over a period of time.

*Limit*—to confine within certain bounds

*Maintaining EMS Care Rendered Directly or Indirectly*—preserving the continuity of safe and effective EMS care, including the delegated EMS activities.

*Managing and Supervising the Practice of EMS*—those activities which serve to fulfill the accountability of the licensed EMS practitioner for the total EMS care of the individual when tasks in the EMS care are delegated to other EMS personnel. These activities include:

a. judging the priority of EMS needs of the individual(s);

b. determining actions required to meet the needs;

c. assigning personnel, including self, qualified to implement the prescribed EMS care components of that care;

d. providing information needed by personnel for the implementation of the assigned EMS care and ascertaining the assimilation of same information;

e. directing the EMS care and evaluating the outcomes of the care; and

f. determining and initiating changes in EMS care or in assignment of EMS personnel.

*Medical Diagnosis*—the conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment.

*Medical Interventions*—all functions, activities, medications and medical treatments of therapeutic or corrective nature approved by the Bureau of EMS and the EMS Certification Commission.

*Mentally Incompetent*—a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

*Moral Turpitude*—an act of baseness, vileness, or depravity in the duties which one person owes to another, or to society in general, which is contrary to the usual, accepted, and customary rule of right and duty which a person should follow.

*Negligence*—a breach of duty of care owed to an individual.

*Other Causes*—includes, but is not limited to:

a. failure to practice EMS in accordance with the standards of EMS practice

b. possessing a physical impairment or mental impairment, which interferes with the judgment, skills or abilities required for the practice of EMS;

c. failure to utilize appropriate judgment;

- d. failure to exercise technical competence in carrying out EMS care;
- e. violating the confidentiality of information or knowledge concerning the patient;
- f. performing procedures beyond the authorized scope of EMS or any specialty thereof;
- g. performing duties and assuming responsibilities within the scope of the definition of EMS practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;
- h. improper use of drugs, medical supplies or equipment, patient's records, or other items;
- i. misappropriating items of an individual, agency or entity;
- j. falsifying records or documents, including patient records or any records or documents provided to the commission, the bureau, or any other any governmental or regulatory agency;
- k. failure to act, or negligently or willfully committing any act that adversely affects the physical or psychosocial welfare of the patient;
- l. delegating or assigning EMS care, functions, tasks, or responsibilities to others contrary to regulations or failing to adequately supervise EMS tasks assigned to others during the course of providing EMS care;
- m. leaving a EMS assignment where there was a duty to act without properly notifying appropriate personnel;
- n. failing to report, or self-report, to the Bureau, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice or conduct, including criminal conduct, arrest, or conviction, of any EMS practitioner, including any practice or conduct that violates any provision, requirements, or prohibition contained in this Part or R.S. 40:1131-1141;
- o. has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS, or a state or federal narcotics or controlled substance law;
- p. inappropriate, incomplete, or improper documentation;
- q. use of or being under the influence of alcoholic beverages, illegal drugs, or drugs which impair judgement while on duty;
- r. failure to cooperate with the commission or bureau by:
  - i. not furnishing in writing a full and complete explanation covering a matter requested in writing by the commission or bureau; or
  - ii. not responding to subpoenas issued by the commission in connection with any investigation or hearing;
- s. exceeds professional boundaries, including but not limited to sexual misconduct; and
- t. use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

*Preventive Instruction*—those EMS measures that provide health information and explanation to the public to reduce the incident of death and injury.

*Probate*—to stay a sentence of certification suspension during good behavior and placing under supervision of the Bureau for a period of time. License is marked “probated” and specific requirements are identified.

*Professional Boundaries*—the limits of the professional relationship that allow for a safe therapeutic connection between the practitioner and the patient.

*Reasonable Skill and Safety*—practicing EMS in accordance with the standards of EMS practice.

*Reprimand*—written communication to the individual stating the commission’s concerns, and public notification of the individual’s name and reasons for the reprimand.

*Restrict*—to limit or restrain EMS practice by settings, types of patients, or other means.

*Revoke*—to annul or make void by calling back. Revocation of certification or licensure shall be indefinite as to the practice of EMS in Louisiana.

*Scope of Practice*—the range of duties and skill EMS professionals are expected to perform.

*Sexual Misconduct*—an extreme boundary violation which involves the use of power, influence and/or knowledge inherent in one’s profession in order to obtain sexual gratification, romantic partners and/or sexual deviant outlet. Any behavior that is seductive, sexually demeaning, harassing or reasonably interpreted by a patient as sexually inappropriate, is a violation of the EMS professional’s fiduciary responsibility to the patient.

*Specialized Knowledge and Skills*—required for the practice of EMS means the current theory and practice taught in state approved EMS education programs preparing persons for EMS practitioner licensure as well as information in the biological, physical and behavior sciences.

*Specialty Care Transport Paramedic*—those individuals who have met the requirements as approved by the EMS Certification Commission

*Student EMS Practitioner*—a person who is engaged in learning experiences in a program of study leading to the candidacy for licensure to practice as a licensed EMS practitioners. The term applied only when the person is participating in an integral part of the program of study.

*Suspend*—to hold certification to practice as a certified EMS professional in abeyance for a definite or an indefinite period of time.

*Teaching of EMS*—instructing EMS practitioner student and providing continuing EMS education to licensed EMS practitioners.

*Unfit or Incompetent*—unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 1133.5(9) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission and the Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:993 (July 2024).

### **§503. Disciplinary Proceedings before the Commission**

A. The commission has the responsibility to consider and determine the action necessary upon all charges of conduct that allegedly fails to conform to R.S. 40:1131.1, et seq., as

re-enacted and amended, or to the requirements and provision of this Part.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 40:2017.10.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:000 (February 2024), LR 50:994 (July 2024).

**§505. Proceedings against Licensed EMS Practitioner, Certification Ambulance Operators, Certification EMS Practitioner Applicants or Ambulance Operator Applicants**

A. The commission may direct the bureau to deny, revoke, suspend, probate, limit, reprimand, fine or restrict any certification or license to practice as a licensed EMS practitioner or certified ambulance operator; or otherwise discipline an individual in accordance with R.S. 40:1133.7 and R.S. 40:1133.18.

1. In accordance with R.S. 40:1133.9, the commission, through the bureau, may obtain an injunction without bond forbidding any person from violating or continuing to violate any of the applicable provisions of Part II of Chapter 5-C of Title 40 of the Revised Statutes. This injunction shall not be subject to release upon bond.

B. Every individual subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the commission or its duly appointed hearing officer or committee.

C. A complaint that an individual has engaged in, or is engaging in, any conduct proscribed by R.S. 40:1133.7, 40:1133.10, 40:1133.18, or this Part, may be made by any person, staff, agency or the commission. Such complaints shall be in writing, and on a form prescribed by the commission or affixed to the form prescribed by the commission. However, nothing shall prohibit the bureau or commission from acting upon an allegation or licenses wrongdoing learned of or submitted by other means.

D. Grounds for disciplinary proceedings against a person, individual or licensed EMS practitioner, as applicable, are specified in R.S. 40:1133.7 including, but not limited to, the following:

1. selling or attempting to sell, falsely obtaining or furnishing a person a licensed EMS practitioner document;
2. providing emergency medical services without due regard for the health and safety of clients or patients;
3. has pled guilty, nolo contendere, been convicted of or committed a crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought
4. exhibiting incompetency or unfitness by reason of negligence, habit or other cause;
5. exhibiting habitual intemperance in the use of or abuses alcohol or habit-forming drugs
6. aiding or abetting another person in the violation of this Part;
7. exhibiting mental incompetence;
8. deceiving or defrauding the public;
9. exhibiting professional or medical incompetence;
10. exhibiting unprofessional conduct;
11. continuing or recurring practices which fail to meet the standards of EMS care in this state;

12. abandoning a patient;

13. has had a certification or license to practice as an emergency medical services practitioner or to practice as another health care provide denied, revokes, suspended or otherwise restricted;

14. being guilty of moral turpitude;

15. violating or failing to conform to any requirement or provision of this Part; or

16. intentionally falsifying any document related to license, emergency medical services education, or related to the care of the patient

17. aiding or abetting another person in the violation of any conduct proscribed under Paragraphs 1, 2, 3, 4, or 5 of this Subsection.

E. Grounds for disciplinary proceedings against a certified ambulance driver are specified in R.S. 40:1133.18 including, but not limited to, the following:

1. fraud or any misstatement of fact in the procurement of any certification or in any other statement or representation to the bureau or its representatives;

2. has pled guilty, nolo contendere, been convicted of or committed a crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought;

3. is unfit or incompetent by reason of negligence, habit, or other cause;

4. is mentally incompetent;

5. is habitually intemperate in the use of or abuses alcohol or habit-forming drugs;

6. is guilty of aiding or abetting another person in violating any provision of this Part;

7. continuing or recurring practices which fail to meet the standards of ambulance operators in this state;

8. endeavors to deceive or defraud the public;

9. is guilty of moral turpitude;

10. has violated any rules and regulations of the commission or the bureau or any provision of this Part;

11. intentional falsification of any document related to the procurement of any certification or license;

12. operating any vehicle in violation of state or local traffic laws;

13. revocation, suspension, or any restriction of the ambulance operator's driver's license;

14. failure to maintain all current ambulance operator training standards as required by the bureau; or

15. has had a certification or license to practice as an ambulance operator denied, revoked, suspended, or otherwise restricted in Louisiana or any other state or territory of the United States.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 40:1133.9, R.S. 40:1133.10, and R.S. 40:2017.10.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:000 (February 2024), LR 50:995 (July 2024).

**§507. Proceedings Involving Students Enrolled in EMS Education Programs**

A. The commission may direct the bureau to deny, revoke, suspend, probate, limit, reprimand, fine, or restrict any student enrolled in EMS education programs, or

otherwise discipline a student enrolled in EMS education programs or attempting to enroll in EMS education programs as part of its duties and responsibilities in regulating the practice of EMS in Louisiana and in overseeing the administration of the curriculum and operation of EMS education programs in the state of Louisiana.

B. Every student enrolled or attempting to enroll in EMS education programs subjected to the proceedings set forth in this Section, shall be afforded an opportunity for a hearing before the commission or its duly appointed hearing officer or committee.

C. Information obtained by the commission that an EMS student enrolled or attempting to enroll in EMS education programs is or has engaged in any conduct prescribed by R.S. 40:1133.7, shall be received in a form prescribed by the commission. However, nothing shall, prohibit the bureau or commission from acting upon an allegation of wrongdoing learned of or submitted by other means. This information may be furnished by any person, staff, agency, or by the commission.

D. Grounds for proceedings against a student enrolled or attempting to enroll in EMS education programs are:

1. all of the grounds for disciplinary proceedings against a person, individual or licensed EMS practitioner, as applicable, listed in Subsection D of § 505 of this Chapter; or

2. has been denied a request to enroll in EMS education programs or has been denied a license to practice in any healthcare field or had such privileges revoked, suspended, or otherwise restricted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 37:33, and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:000 (February 2024), LR 50:995 (July 2024).

### **§509. Disciplinary Process and Procedures**

A. The provisions of the Administrative Procedure Act shall govern proceedings on questions of violation of R.S. 40:1131.1 et seq., as re-enacted and amended.

1. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

2. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the individual did certain acts and, if he or she did, whether those acts violated the provisions or requirements of this Part; and to determine the appropriate disciplinary action.

3. Any disciplinary action shall also be forwarded to all applicable licensing agencies and/or required reporting entities.

#### **B. Investigation**

1. The process of a disciplinary proceeding shall include certain steps and may include other steps as follows.

a. The bureau or commission receives information alleging that an individual has acted in violation of the provisions or requirements of this Part. Communications from the informant shall be privileged and shall not be revealed to any person unless such documents will be offered for evidence in a disciplinary review panel, settlement, informal or formal hearing, or unless those documents are subpoenaed by a court, or requested by other regulatory or law enforcement agencies.

b. The information is investigated by the bureau's staff to determine if there is sufficient evidence to warrant disciplinary proceedings. The commission chair or designee may issue a subpoena prior to the filing of charges if, in the opinion of the chair, such a subpoena is necessary to investigate any potential violation or lack of compliance with the provisions or requirements of this Part. The subpoena may be to compel the attendance of any person to appear for the purposes of giving sworn testimony and/or to compel the production of books, records, papers, or other objects.

2. An agreement worked out between the complainant and the individual does not preclude disciplinary action by the commission. The nature of the offense alleged and the evidence before the commission must be considered.

#### **C. Informal Disposition of with No Disciplinary Action**

1. Some allegations may be settled informally by the commission and the individual, without formal disciplinary action. The following types of informal dispositions may be utilized.

##### **a. Disposition by Correspondence**

i. For less serious allegations, the chair, or a designee of the commission, may write to the individual explaining the nature of the information received. The individual's subsequent response may satisfactorily explain that no violation of the provisions or requirements of this Part occurred, or that the matter does not rise to the level requiring formal disposition at this time, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be investigated and disposed of through another informal means or brought before the commission for a formal hearing.

##### **b. Informal Conference**

i. The chair, or a designee of the chair, and another member of the commission may hold a conference with the individual, in lieu of, or in addition to correspondence, in cases of less serious allegations. If the respondent can satisfactorily explain that no violation of the provisions or requirements of this Part occurred, or that the matter does not rise to the level requiring formal disposition at this time, then the matter may be dismissed.

ii. The individual shall be given adequate notice of the fact that information brought out at the conference may later be used in a formal hearing.

iii. Referral to an alternative to the disciplinary process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1824 (September 2003) amended by the

Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:000 (February 2024), LR 50:996 (July 2024).

**§510. Disciplinary Process and Procedure Limitations on Disciplinary Proceedings by the Commission**

A. Unless a special law is applicable, no disciplinary proceeding of any kind may be initiated by the bureau or commission as follows.

1. If the nature of the complaint is based on negligence or gross negligence, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.

2. If the nature of the complaint is based on an intentional act or omission, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.

3. If the nature of the complaint is based on fraud, no proceeding may be initiated after two years from discovery by the complainant.

4. If the nature of the complaint is based on a license or rules violation, no proceeding may be initiated after five years from the date of the act or omission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:21(A)and(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1824 (September 2003) amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:000 (February 2024), LR 50:997 (July 2024).

**§511. Formal Disciplinary Action**

A. A decision to initiate formal disciplinary proceedings is made if one or more of the following conditions exist:

1. the complaint is sufficiently serious;
2. the individual fails to respond to the commission's correspondence concerning the complaint;
3. the individual's response to the commission's letter or investigative demand is not convincing that no action is necessary;
4. an informal approach is used, but fails to resolve all of the issues.

**B. Informal Procedures**

1. The matter may be resolved without a formal administrative hearing by either a voluntary surrender of license, consent order, or settlement order. These actions shall constitute disciplinary action and shall be a public record of the commission. The commission shall publish the individual's name, a brief description of the violation, and the disciplinary action.

C. Voluntary Surrender of License. An individual who is under investigation for violation of the provisions or requirements of the Part may voluntarily surrender his or her license or certification to the bureau. The voluntary surrender invalidates the license or certification at the time of its relinquishment. An individual practicing as a licensed EMS practitioner or a surrender is considered an illegal practitioner and is subject to the penalties provided by this chapter and RS 40:1131 et seq.

1. Any license surrender shall not be deemed to be an admission of the alleged facts of any pending investigation or complaint. The fact of license surrender shall be deemed a disciplinary action and shall be reported and distributed in the same manner as final decisions of the commission.

2. Surrender or non-renewal of license shall not preclude the commission from investigating or completing a disciplinary proceeding based upon the individual's conduct prior to or subsequent to the surrender of license.

3. Individuals who surrender their license are not eligible for a reinstatement of their license for a minimum of two years following such surrender and, in addition, not until meeting the requirements for reinstatement of license as described in this Chapter.

**D. Consent Order**

1. An order involving some type of disciplinary action may be made by the commission with the consent of the individual.

2. The chair is authorized to offer the individual the choice of a consent order in lieu of an administrative hearing.

3. A consent order signed by an individual is an irrevocable offer by the individual until approved, or rejected, by the commission chair or designee.

4. A consent order requires formal approval of a quorum of the commission. All actions of the bureau shall be reported to the commission at its next regularly scheduled meeting.

5. A consent order is not the result of the commission's deliberation; it is the commission's formal approval of an agreement reached between the commission and the individual. The order is issued by the commission to carry out the parties' agreement.

a. Should the commission require evidence before arriving at a decision, the individual shall be notified and given an opportunity for a hearing.

b. Should the commission revise the terms of the agreement, said revised agreement shall be presented for the individual's acceptance. The commission may formulate its order contingent upon the individual's acceptance.

c. The commission shall have the right to refer any case directly to an administrative hearing without first offering a consent agreement.

**E. Settlement Order**

1. Disciplinary settlement committee, consisting of the chair, or a designee of the chair, and another member of the commission, is delegated the authority to render a final decision regarding settlement of a contested administrative matter by offering a settlement order in lieu of an administrative hearing. The settlement order shall be deemed an order of the commission, effective immediately upon signature of all parties to the agreement.

a. The disciplinary settlement shall be submitted to the commission for review at the next regularly scheduled disciplinary hearing.

b. Should the disciplinary settlement committee be unable to successfully resolve a case, or should the committee believe that the public would be better protected by a decision rendered by the entire commission, the matter will be forwarded to the commission for a formal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:000 (February 2024), LR 50:997 (July 2024).

### §513. Formal Hearing

A. The commission has the authority, granted by R.S. 40:1133.4, to bring administrative proceedings against licensed EMS practitioners, applicants for licensure, individuals seeking enrollment or progression in an approved EMS education program, certified ambulance operators and individuals practicing EMS without licensure or certification. The commission and the individual are the parties to the proceeding. The individual has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

#### B. Notice and Service

1. The chair or a designee fixes a time and place for a hearing.

2. At least 30 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing, shall be sent to the individual respondent by any means authorized for such purpose by this Part.

3. At least 20 working days prior to the scheduled hearing date, the individual shall respond in writing as to his or her intention to appear or not appear at the scheduled hearing. At least 20 working days prior to the scheduled hearing date, the individual shall also file with the commission a written response to the specific allegations contained in the notice of charges. Allegations not specifically answered shall be deemed admitted.

4. If the individual does not appear, in person or through counsel, after proper notice has been given, the individual has waived these rights and the commission may proceed with the hearing without the presence of the individual.

5. An individual who fails without a valid continuance to appear at two consecutive meetings after being validly served with a notice to appear, as set forth in Subsection B of this Section, at each may be summarily suspended for such reason. Any such suspension shall continue until the individual appears for a hearing before the commission, opportunity for which shall be afforded at the next regularly scheduled meeting thereof.

#### C. Motions for Continuance

1. The commission shall not postpone cases that have been scheduled for hearing absent good cause. A written motion by a licensed EMS practitioner, applicant, or student for a continuance shall be filed with the commission five working days prior to the time set for the hearing, except for extreme emergencies. The motion shall contain the reason for the request, which reason must be based upon good cause and have relevance for due process. Requests for continuances may be approved or denied by the chair or designee. No more than three requests for continuance shall be granted.

#### D. Subpoenas

1. The chair, or a designee of the commission, issues subpoenas for the commission for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

a. a subpoena requiring a person to appear and give testimony;

b. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has control.

#### E. Hearing

1. The hearing is held, at which time the commission's primary role is to hear evidence and argument, and to reach a decision. Any commission member, who because of bias or interest is unable to assure a fair hearing, shall be recused from that particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the commission members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

2. The commission shall be represented by a Louisiana Department of Health's attorney. Evidence is presented that disciplinary action should be taken against the individual. The individual may present evidence personally or through an attorney, and witnesses may testify on behalf of the individual.

3. Evidence includes the following:

a. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by requesting party) and/or by sworn affidavits;

b. documentary evidence, i.e., written or printed materials including public, business or institutional records, books and reports; such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference, if the incorporated materials are available for examination by the parties before being received into evidence;

c. visual, physical and illustrative evidence;

d. admissions, which are written or oral statements of a party made either before or during the hearing;

e. facts officially noted into the record, usually readily determined facts making proof of such unnecessary;

f. all testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

4. The chair of the commission presides and the customary order of proceedings at a hearing is as follows.

a. The director of the Bureau of EMS or their designee, or an attorney therefore, presents the case against the individual.

b. The individual, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded.

c. The individual commission members ask relevant questions.

d. The individual, or his attorney, may make any statements.

e. The director of the Bureau of EMS or their designee or an attorney therefore, makes the final statement.

f. The commission may impose reasonable time limits on all sides in a hearing, provided that limits will not unduly prejudice the rights of the parties.

g. The commission may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record.

h. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

i. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the transcript of the proceeding.

5. The records of the hearing shall include:

- a. all papers filed and served in the proceeding;
- b. all documents and other materials accepted as evidence at the hearing;
- c. statements of matters officially noticed;
- d. notices required by the statutes or rules, including notice of the hearing;
- e. affidavits of service or receipts for mailing or process or other evidence of service;
- f. stipulations, settlement agreements or consent orders, if any;
- g. records of matters agreed upon at a pre-hearing conference;
- h. orders of the commission and its final decision;
- i. actions taken subsequent to the decision, including requests for reconsideration and rehearing;
- j. a transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

6. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript. A party who appeals a decision of the commission shall pay all of the costs incurred by the Louisiana Department of Health for preparation of the original and any certified copy of the record of the proceeding that is required to be transmitted to the reviewing court.

7. The decision of the commission shall be reached according to the following process:

- a. determine the facts in the issue on the basis of the evidence submitted at the hearing;
- b. determine whether the facts in the case support the charges brought against the individual;
- c. determine whether charges brought are a violation of the provisions or requirements of this Part.

8. The vote of the commission shall be recorded. Minority views may be made part of the record.

9. Sanctions against the individual who is party to the proceeding are based upon the findings of fact and conclusions of law determined by the hearing. The party is notified by certified mail of the decision of the commission.

#### F. Disciplinary Sanctions

1. The type of disciplinary sanctions and length of time specified for the sanctions shall be determined on an individual basis, considering all facts pertinent to the case.

2. The commission may set forth guidelines with ranges of disciplinary sanctions from which disciplinary penalties may be imposed. These guidelines are intended to serve only as a guide for staff and commission members when considering penalties, which could be imposed for specific violations of the provisions or requirements of this Part. Guidelines are in no way binding on the commission when dealing with disciplinary matters. The commission may order license certification sanctions.

3. The disciplinary guidelines are based upon a single count violation. Multiple counts of violations of the same action, or other unrelated violations contained in the same complaint will be grounds for enhancement of penalties. Each day of a continuum of violations may be treated as a separate violation.

4. In determining sanctions, consideration may be given to aggravating or mitigating circumstances identified by the commission in addition to any other factors. The list of aggravating and mitigating circumstances in the guidelines is not to be considered an exclusive list of circumstances.

a. Aggravating circumstances may result in the commission issuing maximum sanctions, or they may justify enhancement of a penalty beyond the maximum guidelines.

b. Mitigating or extenuating circumstances may justify lessening of the sanctions below the minimum guidelines. License suspensions may be stayed with stipulated probations in some extenuating circumstances.

5. The order may stipulate remedial education, specific evaluation and therapy, and other sanctions as deemed necessary and appropriate to the case.

#### G. Reconsideration or Rehearing

1. The commission shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the commission's decision has been appealed.

2. The commission may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party files a petition requesting that the decision be reconsidered by the commission and specifies the particular grounds therefore.

3. A petition by a party for reconsideration or rehearing must be in proper form and filed within 20 days from the date of entry of the decision. A decision is deemed to be entered when it is signed by the chair or designee and sent by certified mail to the individual's address of record. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

a. the commission's decision is clearly contrary to the law and the evidence;

b. there is newly discovered evidence, which was not available to the individual at the time of the hearing and which may be sufficient to reverse the commission's action;

c. previously considered ought to be examined in order to dispose of the case properly;

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

4. Upon the commission's receipt of a petition for rehearing or reconsideration, the commission may affirm or modify the decision or grant a rehearing to all or any of the

parties and on all or part of the issues for any of the above stated reasons. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

#### H. Emergency Action

1. If the commission finds that public health, safety, and welfare requires emergency action and a finding to that effect is incorporated in its order, summary suspension of a license or certification may be ordered by the chair or designee pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined at the next regularly scheduled commission meeting.

#### I. Disciplinary Proceedings in Another Licensing Jurisdiction

1. When a licensed EMS practitioner has his or her license revoked, suspended, denied or sanctioned in other ways for disciplinary reasons by the original certification/licensing jurisdiction or by a subsequent certification/licensing authority, that licensed or certified EMS practitioner shall be notified that his or her Louisiana license or certification is automatically suspended, except for the following:

- a. nonpayment of fees;
- b. a person in a recovery program for chemical dependency receives permission of the state of origin to transfer to another state;
- c. the licensed EMS practitioner is issued a reprimand and the licensed EMS practitioner agrees to having his or her Louisiana License reprimanded identically to, or in excess of, the said jurisdiction's reprimand; or
- d. the license is encumbered with a reprimand with stipulations and the licensed EMS practitioner agrees to having his or her Louisiana license probated with stipulations that are identical to, or exceed, the stipulations in said jurisdiction.

2. The licensed EMS practitioner may have his or her license reinstated provided that the licensed EMS practitioner:

- a. provides evidence of an unencumbered license by the involved certification/licensing authority and
- b. meets requirements for reinstatement of license as described in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:000 (February 2024), LR 50:998 (July 2024).

#### §515. Appeal from Commission Decision

A. Any person whose license has been revoked, suspended, denied, or otherwise disciplined by the commission shall have the right to have the proceedings of the commission reviewed by the court having jurisdiction over the commission, provided that such appeal is made within 30 days after the date indicated on the registered mail receipt of the written notice of the commission's decision. The commission's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1827 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:000 (February 2024), LR 50:1000 (July 2024).

#### §517. Reinstatement of License

A. Application for reinstatement of a suspended or surrendered license shall be in writing.

B. The application for reinstatement of a suspended license certification does not require the satisfaction of all of the requirements for initial licensure. However, the requirements of this Part, as determined by the commission or bureau shall be met.

C. Prior to reinstatement of a license previously suspended (except for nonpayment of fees), a hearing or conference is held before the commission to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the commission to evaluate changes in the person or conditions. In certain situations, the license may be reinstated by consent order or settlement order. The burden of proof is on the applicant to prove that conditions that led to the suspension no longer exist and/or no longer affect the applicant's ability to practice safely. If reinstatement is granted, a period of probation with stipulations may be imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1828 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Commission, LR 50:000 (February 2024), LR 50:1000 (July 2024).

Michael Harrington, MBA, MA  
Secretary

2407#035

#### RULE

#### Department of Public Safety and Corrections, Corrections Services

#### Inmate Incentive Pay and Other Wage Compensation (LAC 22:I.331)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of §331, Inmate Incentive Pay and Other Wage Compensation.

The Department of Public Safety and Corrections, Corrections Services, has changed offender to inmate throughout, updated terminology to include the use of facilitators and remove peer ministers, added incentive pay rates for ASL interpreters and removed references to BEI as BEI is no longer used. This Rule is hereby adopted on the day of promulgation.



**Title 22**  
**CORRECTIONS, CRIMINAL JUSTICE AND LAW**  
**ENFORCEMENT**  
**Part I. Corrections**

**Chapter 3. Adult Services**

**Subchapter A. General**

**§331. Inmate Incentive Pay and Other Wage Compensation**

A. Purpose. This department regulation governs payment of incentive pay and other wage compensation to inmates.

B. Applicability—deputy secretary, undersecretary, chief of operations, director of prison enterprises, regional wardens, and wardens. Each warden and the director of prison enterprises shall ensure appropriate facility written policies and procedures are in place to comply with the provisions of this department regulation.

C. Policy. Compensation shall be paid, in accordance with the provisions of this department regulation and the applicable and governing laws, to inmates who have performed satisfactory work in the job assignment in which they have been classified, except for those inmates who opt to receive good time in lieu of incentive pay pursuant to R.S. 15:571.3.

D. Eligibility

1. An inmate sentenced or resentenced or who is returning to the physical custody of the department on or after September 20, 2008, who is not eligible to earn good time at any rate shall serve three years from the date of reception prior to becoming eligible to earn incentive pay.

a. Grandfather Clause: Offenders received at a reception and diagnostic center prior to September 20, 2008

i. The provisions of Paragraph D.1 above shall apply to inmates received at a reception and diagnostic center on or after September 20, 2008. Inmates received at a reception and diagnostic center prior to September 20, 2008 shall be subject to the waiting period previously in effect for this regulation. Inmates who are currently receiving incentive pay shall not be affected and shall continue to be eligible to receive incentive pay as they did on the effective date of this regulation, but shall be subject to the provisions of Subparagraph E.2.a as it applies to job changes.

b. Exception. Inmates participating in a certified apprenticeship program

i. Inmates in the physical custody of the department who are participating in a certified apprenticeship program shall not be required to serve three years from the date of reception prior to becoming eligible to earn incentive pay. These inmates shall be eligible to earn incentive pay while participating in the certified apprenticeship program.

2. An inmate sentenced or re-sentenced or who is returning to the physical custody of the department on or after September 20, 2008, who is eligible to earn good time at any rate shall not be eligible to earn incentive pay.

a. Grandfather Clause: Inmates earning good time pursuant to Act 1099 of the 1995 Regular Session

i. Inmates currently earning good time at a rate of three days for every 17 days served pursuant to Act 1099 of the 1995 Regular Session who are also earning incentive pay shall be allowed to continue to earn incentive pay at authorized rates.

E. Procedures

1. Pay Rules

a. 80 hours in a Two-Week Period

i. No inmate shall earn incentive pay for more than 80 hours in a two-week period, unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution.

ii. Exception: Governor's mansion

(a). Inmates assigned to job duties at the governor's mansion shall not be limited to 80 hours in a two-week period.

b. Actual Hours Worked

i. Inmates who are eligible to earn incentive pay shall be paid only for actual hours worked in their job assignment. Inmates shall not be paid for time spent away from their job assignment due to circumstances such as holidays, callouts, duty status, weather, illness, etc.

c. Extra Duty Assignments

i. Incentive pay shall not be paid for extra duty assignments that are imposed as sanctions through the inmate disciplinary process.

d. Forfeiture Due to Disciplinary Sanction

i. Any inmate whose incentive pay is forfeited as a disciplinary sanction shall return to the "introductory pay level" of \$0.02 per hour for a six-month period if his eligibility to earn incentive pay is reinstated. At the end of the six-month period, the inmate's pay shall be automatically adjusted to the lowest pay rate for the assigned job.

e. Professional Inmate Job Classifications

i. Inmates who were previously incarcerated and working in a professional inmate job classification who return to the physical custody of the department shall not be ensured placement in the previously worked professional inmate job classification. Placing an inmate in a previously worked professional inmate job classification shall be at the discretion of the warden or designee.

ii. Once eligible to earn incentive pay, if a returning inmate is placed in a previously worked professional inmate job classification, the inmate shall be paid at the lowest pay rate and shall earn any increases in pay rate by working his way up the pay scale as if he had not previously worked in the professional inmate job classification.

iii. For the purpose of this regulation, a professional inmate job classification is defined as a tutor, mentor, facilitator, American Sign Language interpreter, or counsel substitute.

f. Private Sector/ Prison Industry Enhancement (PS/PIE) Programs or Work Release Programs

i. For the purpose of this regulation, wages earned from a private sector/prison industry enhancement (PS/PIE) program or a work release program shall not be considered "incentive pay." Therefore, inmates employed in any of these programs are eligible to earn good time. The director of prison enterprises shall establish record-keeping procedures relating to wages earned by inmates employed in a PS/PIE program which shall include all mandatory deductions from inmate wages, other deductions such as child support or garnishment, and the distribution of net inmate wages to inmate banking.

## 2. Pay Rates

a. Once eligible to earn incentive pay, each inmate shall initially be paid an “introductory pay level” of \$0.02 per hour for a period of six months. After six months, the inmate shall be paid at the lowest pay rate that is commensurate with the job assignment he is placed in by the institution. In the event of a change in an inmate’s job assignment or custody status, the inmate’s rate of compensation shall automatically be adjusted to the lowest pay rate of the assigned job. If a change in job assignment is not for disciplinary reasons, the warden may approve the inmate to be paid at the same rate as the previous job assignment and the rate of compensation shall not be automatically adjusted to the lowest pay rate of the new job assignment.

i. Grandfather Clause: Inmates earning incentive pay prior to effective date of this regulation

(a). Inmates earning incentive pay at any rate, prior to the effective date of this regulation, shall continue to earn at these rates. If the inmate is reassigned to a new job or vacates the job for any reason and it has been determined the rate of pay for the job that he is leaving should be lower, the next inmate to fill that position shall receive the adjusted lower rate.

b. An inmate may receive an increase in his hourly pay rate of no greater than \$0.04 per hour on an annual basis unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution, except as provided below in Subparagraphs E.2.f.-1 of this Section.

c. A series of pay ranges and a standardized list of job titles shall be established by the director of prison enterprises and approved by the secretary or designee. The institutions shall be assigned limits on the total amount of incentive pay paid in certain pay ranges. These limits shall be derived on a percentage basis determined by the total hours worked by inmates who are eligible to earn incentive pay at each institution and shall be approved by the director of prison enterprises and the secretary or designee. Prison enterprises shall issue reports detailing each institution’s status with regard to their limits on a quarterly basis. Inmate banking shall monitor the assigned limits to ensure that the institutions remain within their limits and report discrepancies to the chief of operations, the appropriate regional warden, the director of prison enterprises and the warden of the institution.

i. The regional wardens shall work closely with the director of prison enterprises to ensure that any institution that exceeds the established limits is brought back into compliance in an expeditious manner.

ii. Exception: Inmates in PE job titles

(a). Inmates who work in prison enterprises job titles shall not affect an institution’s pay range percentage limits.

d. All inmates classified in limited duty status and who are eligible to earn incentive pay shall earn at a rate of no more than \$0.04 per hour. This excludes inmates classified as regular duty with restrictions or those with a temporary limited duty status.

e. All inmates classified in working cellblocks and maximum custody field lines who are eligible to earn incentive pay shall earn at the rate of \$0.02 per hour.

f. All inmates assigned as students to educational or career and technical education programs who are eligible to earn incentive pay shall be paid at the rate of \$0.04 per hour.

i. Exception: Inmates in NOBTS

(a). Inmates enrolled in the New Orleans Baptist Theological Seminary program shall earn incentive pay at the following rates:

- (i). freshmen: \$0.14 per hour;
- (ii). sophomores: \$0.16 per hour;
- (iii). juniors: \$0.18 per hour; and
- (iv). seniors: \$0.20 per hour.

ii. Upon completion of any educational or career and technical education program, the inmate may, upon request and at the discretion of the warden and based upon availability, return to the same job at the same rate of pay he held prior to enrollment in the program.

g. Inmates assigned to prison enterprises industrial, agricultural service, or other prison enterprises jobs may be compensated at a rate up to \$0.40 per hour, pursuant to 2009 La. Acts No. 85, §1 (R.S. 15:873). The pay range for prison enterprises jobs shall be established by the director of prison enterprises and approved by the secretary or designee.

h. Tutors shall earn incentive pay at the following rates:

- i. registered academic tutor: \$0.25 per hour;
- ii. certified academic tutor: \$0.65 per hour;
- iii. certified college tutor: \$0.75 per hour;
- iv. registered CTE tutor: \$0.25 per hour;
- v. certified CTE tutor: \$0.65 per hour; and
- vi. lead certified CTE tutor: \$0.75 per hour.

i. Registered tutors may earn \$0.25 per hour during the first 12 months after registration and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.50 per hour. Certified Tutors may earn \$0.65 per hour during the first twelve months after certification and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00 per hour.

i. Inmates who have successfully completed the department’s American Sign Language Interpreter course and have been hired as Inmate Sign Language Interpreters shall earn incentive pay at a rate of \$0.75 an hour and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00.

j.i. Inmates working as mentors shall earn incentive pay at the following rates:

- (a). mentor: \$0.50 per hour;
- (b). certified mentor: \$0.65 per hour; and
- (c). lead certified mentor: \$0.75 per hour.

ii. Mentors may earn \$0.50 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.65 per hour. Certified mentors may earn \$0.65 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.75 per hour. Lead certified mentors may earn \$0.75 per hour during

the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00.

k. Inmates who are assigned to work as counsel substitutes shall be paid in accordance with their education and years of legal experience. Incentive pay shall be earned at the following rates:

i. legal worker 1: \$0.25 per hour ;

(a). Must be enrolled in paralegal classes or have less than five years legal work experience;

ii. legal worker 2: \$0.50 per hour;

(a). must have attained paralegal certificate or paralegal degree and have less than three years legal work experience or have five years legal work experience and no paralegal certificate or paralegal degree;

iii. legal worker 3: \$0.80 per hour;

(a). must have attained paralegal certificate or paralegal degree and have a minimum of three years legal work experience or have ten years legal work experience and no paralegal certificate or paralegal degree;

iv. counsel substitutes may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00 per hour, at the discretion of the secretary or designee.

l.i. Inmates working as facilitators shall earn incentive pay at the following rates.

(a). Facilitator: \$0.20 per hour

ii. Facilitators may earn \$0.20 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.40 per hour.

#### F. Sources of Funding

1. Pursuant to R.S. 15:873, inmate compensation may be paid from the following sources:

a. inmates assigned to any state agency that operates from self-generated revenues shall be paid from those self-generated revenues; or

b. the division of prison enterprises.

2. Pursuant to R.S. 15:873, inmates who are employed in a certified PS/PIE program shall be paid by one of the following, in accordance with the PS/PIE program's operational model and the terms of the employment agreement:

a. the private business that employs the inmate; or

b. the division of prison enterprises.

3. Inmates who are participating in a transitional work program shall be paid by the private business that employs them, in accordance with the terms of the employment agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 34:1927 (September 2008), amended LR 36:531 (March 2010), LR 38:1253 (May 2012), LR 40:2600 (December 2014), LR 41:1307 (July 2015), LR 45:69 (January 2019), LR 48:1292 (May 2022), LR 50:1001 (July 2024).

James M. LeBlanc  
Secretary

2407#028

## RULE

### Department of Public Safety and Corrections Office of Motor Vehicles

#### Driving Schools (LAC 55:III.Chapter 1)

Under the authority of R.S. 32:402.1(A)(1) and R.S. 40:1461, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., the Office of Motor Vehicles adopts sections in Chapter 1, regarding driving schools. This amends the listed sections, §143, §144, §145, §146, §147, §150, §151, §152, §154, §155, §156, §157, §185, and §187 as follows: amends definitions, amends the application process, amends the qualification requirements, adds verbiage on training requirements for all new instructors/examiners, adds the requirement for obtaining a valid email address for each instructor, adds the requirement for prevention of sexual harassment course prior to licensing an instructor/examiner, removes the fee for adding or renewing a third party location, removes the fee for licensing an instructor as a third party examiner, adds verbiage for the schools to purchase equipment for students to take the OMV knowledge test electronically, removes the option for secondary schools to choose not to be third party testers, adds due dates for sending in proof of continuing education annually instead of biennially, adds verbiage on monitoring students during testing, changes the word destroyed to invalidated, changes verbiage of what items may be in the sealed envelope, changes percent score on behind the wheel assessment to a point score, adds verbiage on when the 15 minute break must be given during driving sessions, adds verbiage of giving a road skills test in place of a behind the wheel assessment at the end of the 8 hours of driving based on the discretion of the instructor/examiner, adds verbiage relative to OMV knowledge test being administered through approved means, and adds clarifying language on the contractual requirements for administering the knowledge and road skills test on behalf of OMV. These amendments become effective upon the promulgation of the permanent Rule in the *Louisiana Register* on July 20, 2024. This Rule is hereby adopted on the day of promulgation.

#### Title 55

#### PUBLIC SAFETY

#### Part III. Motor Vehicles

#### Chapter 1. Driver's License

#### Subchapter A. General Requirements

#### §143. Commercial Driving Schools

A. Definitions. As used in this Chapter, the following terms have the meanings described below.

*30-Hour Classroom Course*—a DPS approved program which shall consist of a course of not less than 30 hours of classroom instruction required of first-time driver's license applicants' age 14 years 9 months through 17 excluding lunch breaks. This course shall be conducted utilizing the curriculum contained in this Subchapter.

*Adult*—a person 18 years of age or older.

*Background Check*—a secure and reliable way to initiate a criminal check on potential owners, instructors, employees and other types of applicants.

*Behind-the-Wheel Instruction*—a course which shall consist of a minimum of eight hours of instruction with a student as the operator of a dual-controlled motor vehicle. The course is also referred to as BTW.

*Classroom Instruction*—a driver education course that is administered in a classroom environment that enables a student to learn through various instructional methods, under the direct guidance of a properly licensed driver education instructor.

*Commissioner*—the assistant secretary of the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles.

*DPS*—the Louisiana Department of Public Safety and Corrections, Public Safety Services, acting directly or through its duly authorized officers and representatives.

*Driver Education Certificate of Completion*—proof of completion of any portion of the driver education course or the pre-licensing course required by law. The course is administered by a certified and approved driving school in the form designated by the DPS.

*Driver Education Course*—a formal class or program that prepares a new driver to obtain a learner's permit or driver's license. The course of study may be administered in a classroom; and in a vehicle. Individuals are instructed on the techniques of driving a vehicle, safety precautions and traffic regulations and laws.

*Driver Education Registration and Course Form*—a document issued by the driving school on a form approved and provided by DPS. The registration of students, driving instruction details, behind-the-wheel assessment and other information will be documented on this form.

*Driving School*—an entity licensed by DPS that offers instruction for the purpose of educating and training an individual, by offering a 38-hour driver education course or a 14-hour pre-licensing course, or both.

*Eight-Hour behind the Wheel Course Assessment*—An assessment administered at the end of the Behind the Wheel driving to determine a student's driving ability. If under the age of 18, the student's parent or guardian may sign, authorizing the instruction. The assessment may be replaced by the Third-Party Road Skills Exam, for students registered in a 14-hour pre-licensing course, if the instructor determines the student has demonstrated the necessary skills during the eight hours behind the wheel training.

*Fees*—the monetary amount for a school license or instructor license. All fees shall be submitted in the form of a money order, certified check or secondary school system checks.

*Instructor*—a person who is licensed by DPS to provide the driver education curriculum through classroom or behind-the-wheel instruction, and is contracted with DPS to administer the knowledge and road skills test.

*Instructor License*—a license issued by DPS that authorizes the holder of the license to provide instruction in driver education courses.

*Knowledge Test*—final test for the driver education and pre-licensing classroom courses. This test is provided to the driving school by the Office of Motor Vehicles.

*Letter of Warning*—identification of a violation. The letter will provide that the violation must be corrected and may provide directions and a timeframe of the plans for the suggested corrections.

*Major Offense*—an infraction of major regulations and policies outlined within this Chapter, which may include but not be limited to, driving schools not adhering to all applicable federal and state laws or engaging in any form of unlawful discrimination or other activities. The commissioner maintains discretion to determine any violations which will amount to a major offense and any monetary penalty to be assessed.

*Minor*—a person under the age of 18.

*Minor Offense*—an infraction of minor regulations and policies outlined within this Chapter, which may include but not be limited to, failure to notify students of grievance procedures, accompanying students to OMV with the purpose of assisting the student in completion of the driver's license exam, failure to display the driving school license at the place of business, failure to maintain lesson plans and schedules for the driving school. The commissioner maintains discretion to determine any violations which will amount to a minor offense and any monetary penalty to be assessed.

*Motor Vehicle*—automobiles, trucks, truck-tractors, trailers and semi-trailers and motorcycles, propelled by steam, gasoline, electricity, or any other source of energy other than muscular power, except farm implements temporarily operated or moved on a roadway or vehicles operated only on rails or tracks constructed therefor.

*OMV*—any reference herein to OMV shall be construed as referring to the Office of Motor Vehicles, Training and Certification Unit, P.O. Box 64886, Baton Rouge, LA 70896.

*Operator*—every person who is in actual physical control of a motor vehicle upon a roadway.

*Owner/Administrator*—a licensed person or provider who has the principle responsibility for a driver education program.

*Penalty*—monetary assessment for violation of prohibited activities and procedures outlined in this Chapter. Fine amounts will be based on the nature of the offense, the number of previous offenses, the number of rules violated and the number of times the violations occurred and will be determined by the commissioner. Any penalty assessed shall be between \$100 and \$1,500 per violation.

*Person*—every natural person, firm, co-partnership, association or corporation.

*Pre-Licensing Course*—a program which shall consist of six hours of classroom instruction and an eight hour behind-the-wheel course required of first-time driver's license applicants 18 years of age or above, if a 30-hour classroom course is not completed. The six hours of classroom instruction of the pre-licensing course may be taught by alternative means.

*Revocation*—termination of license to operate a driving school or to instruct at a driving school as provided in these rules and regulations.

*Road Skills Test*—a driving test required for the issuance of a driver's license that demonstrates the applicant's ability to safely operate and maneuver a vehicle in traffic.

*School License*—a license issued by DPS authorizing the holder of the license to provide driver education courses.

*Secretary*—the deputy secretary of the Department of Public Safety and Corrections, Public Safety Services, or his appointed designee.

*Street* or *Roadway*—the entire width between the boundary lines of every publicly maintained thoroughfare when any part thereof is open to the use of the public for purposes of vehicular travel.

*Student*—a person who is enrolled or seeking enrollment in a driver education course or a pre-licensing course.

*Supervision*—the action or process of watching or directing what someone does or how something is done, or both.

*Suspension*—the temporary withdrawal of a school or instructor's license for violations of the laws and rules pertaining to driver's education, or both.

*Teaching Certificate*—a certificate issued by the Louisiana Department of Education indicating the holder is qualified to teach in the secondary schools of this state.

*Temporary Instructional Permit*—a Class "E" temporary instructional permit (TIP) obtained from OMV prior to the administration of the knowledge test to the student, operating a motor vehicle during on-road skills instruction or to be administered a road skills test.

*Third-Party Examiner*—an individual who has contracted with OMV to administer the OMV knowledge test and the road skills test through a third-party tester.

*Third-Party Tester*—for purposes of this Chapter, a driving school with which DPS has perfected a contract with to administer knowledge and road skills tests required by Louisiana law for driver's license issuance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1974 (August 2012), amended LR 38:3234 (December 2012), LR 43:1759 (September 2017), LR 45:1602 (November 2019), LR 50:1003 (July 2024).

#### **§144. Driver Education and Driving Schools**

A. DPS shall establish a driver education and training program to be utilized by secondary school systems and private driving schools of this state.

1. A driver education course for any person under the age of 18 shall consist of a minimum of 30 hours of classroom instruction and no less than 8 hours of actual driving instruction.

2. A pre-licensing course shall consist of a minimum of 6 hours of classroom instruction and no less than 8 hours of actual driving instruction.

B. Any application received and approved for a driving school will be issued a license that provides for the administration of a 38-hour driver's education course, a 6-hour pre-licensing course, and the administration of written and road skills test as a third-party tester.

C. Every person licensed or contracted by DPS to operate a private driving training school or agency, or providing driving courses, shall also be contracted as a third-party tester pursuant to R.S. 40:1461.

D. Every person engaged in the operation of a private driving school shall apply for and procure a license from DPS. No driving school shall advertise without having first obtained a contract with DPS. No person shall for remuneration hold himself as a qualified or licensed

instructor without obtaining a license and contract from DPS.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1975 (August 2012), amended LR 43:1761 (September 2017), LR 50:1005 (July 2024).

#### **§145. Qualifications for Driving School Owners/Administrators and Instructors**

A. Qualifications for a Driving School Owner/Administrator. To become a driving school owner or administrator, the applicant shall:

1. ...

2. be at least 21 years of age and have at least five consecutive years of full licensure driving experience while possessing a valid driver's license issued by Louisiana or any other State of the United States;

3. - 4. ...

5. not have had driving privileges suspended or disqualified for submitting to or refusing a test pursuant to RS 32:661 et seq. or RS 32:414.2(A), or for a conviction of operating a motor vehicle under the influence of alcohol, drugs, or a combination thereof within the last 10 years;

6. - 13. ...

14. attend and successfully complete the training course for school owners provided by DPS. The applicant must pass a test on his knowledge of LAC 55:III.143-160, 185, and 187;

15. - 16. ...

B. Qualifications for Instructor. In addition to meeting the qualifications of a driving school owner, with the exception of Subparagraph A.14 above), an instructor applicant shall:

1. ...

2. hold one of the following at the time of application:  
a. a current valid teaching certificate, from the Department of Education, issued within the past five years with all of the following specialized education courses:

i. general safety education course—three hours;

ii. basic information course in driver education course—three hours;

iii. curriculum innovations and instructional devices course (three hours) in-depth study of driver education and traffic safety curricular materials and familiarization with related instructional devices; and

iv. first aid—one hour; or

b. a certificate of completion of a 30-hour driver education course from a DPS approved provider;

3. attend and successfully complete all required training for an instructor/examiner provided by DPS.

4. maintain a valid email address for testing and training purposes, and promptly notify DPS in any changes of the email address.

5. not be missing an eye, hand, or foot; and

6. have visual acuity not worse than 20/40 in each eye, with or without corrective lenses and not have any restrictions which indicate less than 20/40 vision or has physical impairment restrictions on his driver's license.

C. - C.4. Repealed.

D. All instructors shall be approved by DPS and obtain an instructor's license and an approved third-party examiner contract prior to providing instruction or testing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1975 (August 2012), amended LR 43:1761 (September 2017), LR 45:1602 (November 2019), LR 50:1005 (July 2024).

#### **§146. Application Process and Fees for Driving Schools and Instructors**

A. Application Process for a new Driving School Owner. The application process is a four-phase approval process.

1. An applicant for an initial driving school license shall submit the following during phase 1:

a. complete and submit Driving School Owner Application;

b. ...

c. copy of high school diploma, college degree, school transcripts, or GED;

d. completed criminal history background check forms for each owner, including two fingerprint cards along with separate certified check or money order made payable to Department of Public Safety and Corrections, for each background check to be conducted;

2. Once the background check is completed and the Driving School Owner Application is approved, the applicant shall submit the following for phase 2:

a. lesson plan containing:

i. beginning and ending time of each class day, including lunch and break periods;

ii. number of class days in the course;

iii. material sources;

iv. how information is presented (i.e. handouts, videos, lectures); and

v. title of audio visual sources to be utilized;

b. copy of the detailed behind-the-wheel curriculum and Lesson plan for the eight (8) hours of driving instruction;

c. copy of any daily quizzes and verbal quizzes to be given with the answer key;

d. copy of the course specifications/school policies, which includes the information the school gives to parents and students prior to the beginning of the course;

e. copy of the information furnished for the parental orientation and responsibility segment with the parents of minor students. A copy of any contract signed by parents/students and the school as defined in LAC 55:III.147.B.3;

f. copy of any written document to the prospective student detailing the course to be provided and the fee charged for each service;

3. Upon receiving approval of phase 2, the applicant shall submit the following for phase 3 and 4:

a. a completed driving school initial location application along with the name of the school;

b. proof of filing if the school is registered with the La Secretary of State as a business structure such as a partnership, corporation, limited liability company and limited liability partnership;

c. occupational or occupancy license-with physical address of the driving school;

d. local fire department inspection to review schools building for classroom sizes and number of students/instructors allowed in each classroom or a State Fire Marshal Plan Review document;

e. a surety bond in the amount of \$20,000;

f. copy of the compliant or grievance sign to be posted in the classroom;

g. completed driving school add or remove vehicle form with all requirements prescribed in §151 F; and

h. approved 4-column route sheet for administering Third Party Road Skills Exams.

B. - C.1.f. ...

g. evidence of completion of a training course on the prevention of sexual harassment.

D. - E.3. ...

4. License fees pursuant to this Section may be prorated.

F. Instructor License Fees

1. Every application for an instructor license shall be accompanied by an application fee or renewal fee of \$10 per year, collected biennially, or if a duplicate license is required.

2. License fees pursuant to this Section may be prorated.

G. - G.2. ...

H. Renewal

1. Prior to the beginning of the renewal period, a renewal invitation will be offered to eligible schools by email. Previous compliance reviews, incident reports, classroom observations, and complaints will determine eligibility.

2. Application for renewal shall be made on the form prescribed by OMV at a minimum of 120 days prior to license expiration.

3. All renewal applications for privately-owned schools shall be submitted to OMV before the close of business on October 1 of the expiration year. All renewal applications for secondary schools shall be submitted to OMV before the close of business on June 1 of the expiration year.

4. Applications received after October 1 for privately-owned schools and June 1 for secondary schools will be deemed untimely and may cause delay in renewal of the license.

5. A school that submitted an untimely renewal application and whose renewed license is not issued prior to December 31 for privately-owned schools and August 31 for secondary schools, shall not be authorized to conduct any classes, behind the wheel driving, or road skills exams, until the license is renewed.

6. Incomplete renewal applications will be returned and may result in a delay of the licensing process.

7. Proof of continuing education for each instructor shall be submitted as outlined in §151.

8. The following documents shall be submitted as part of the renewal packet:

a. completed application listing all school locations, instructors, and vehicles being renewed;

b. completed application packet for any new instructors added as outlined in 145 B;

c. - d. ...

e. surety bond with power of attorney.

I. - L.8.b. ...

9. if the same instructors will remain with the school, a notification of instructors transfer of employment during ownership change shall be completed and submitted along with a \$10 application fee, in lieu of the instructor application packet;

10. - 14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1976 (August 2012), amended LR 40:2603 (December 2014), LR 41:2665 (December 2015), LR 43:1762 (September 2017), LR 50:1006 (July 2024).

#### **§147. General Regulations for Driving Schools**

A. All approved driving schools shall operate from an office or location in the following manner.

A.1. - B.5.c. ...

C. A school shall have a commercially established primary location where records shall be kept in a secure manner. Records shall be available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. All schools must secure a business location for record keeping and test administration.

1. - 3. ...

D. The following is a list of recommended hardware, operating systems, and web browsers that will run the software approved by the Department for administering the OMV Knowledge Test. This list was provided by the vendor and should be followed as close as possible. If a school elects to not get the recommended devices the school will run the risk of the software not working correctly and will have to purchase other devices that will work. Additionally, failures in the examining process which adversely affects the student or the Department because the school elected not to follow these recommendations may cause the Department to issue an administrative violation against the school, the instructor, or both.

1. Testing stations:

a. desktop/laptop computers:

i. Windows 10 or higher;

ii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;

iii. 4GB RAM or higher;

iv. 21.5" or higher screen recommended [1920x1080 resolution recommended];

vi. touch screen interface and no physical mouse/keyboard is recommended.

b. Chromebooks:

i. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;

ii. 4GB RAM or higher;

iii. 13" or higher screen recommended [1920x1080 resolution recommended];

iv. touch screen interface and no physical mouse/keyboard is recommended.

c. tablet devices:

i. Windows 10 or higher (if using a Windows table);

ii. Windows tablets have a script that can be uploaded and turn them into Kiosks for easier access for students;

iii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;

iv. 4GB RAM or higher;

v. 64 GB memory or higher;

vi. 10.1" or higher screen recommended [1920x1080 resolution recommended];

vii. touch screen interface and no physical mouse/keyboard is recommended.

2. Control station(s):

a. desktop computers:

i. Windows 10 or higher;

ii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;

iii. 4GB RAM or higher;

iv. 64 GB memory or higher;

v. 21.5" or higher screen recommended [1920x1080 resolution recommended];

vi. physical mouse and keyboard.

b. laptop computers:

i. Windows 10 or higher;

ii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;

iii. 4GB RAM or higher;

iv. 64 GB memory or higher;

v. 13" or higher screen recommended [1920x1080 resolution recommended];

vi. physical mouse and keyboard.

c. Chromebook:

i. industry standard web-browser with HTML5 support such Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;

ii. 4GB RAM or higher;

iii. 64 GB memory or higher;

iv. 13" or higher screen recommended [1920x1080 resolution recommended].

3. Examples of tablet devices:

a. Window's based tablets and Surface Pro's;

b. Android based tablets (i.e., Samsung, Acer, etc.);

c. Amazon Fire tablets (if they meet all the recommended specifications).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2604 (December 2014), LR 41:2665 (December 2015), LR 43:1765 (September 2017), LR 45:1602 (November 2019), LR 50:1007 (July 2024).

#### **§148. Secondary/Alternative School Driver Education Program**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1978 (August 2012), amended LR 43:1766 (September 2017), LR 45:1602 (November 2019), repealed LR 50:1007 (July 2024).

**§149. Application Process and Fees for Secondary/Alternative Schools and Instructors**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1979 (August 2012), amended LR 38:3235 (December 2012), LR 43:1766 (September 2017), repealed LR 50:1008 (July 2024).

**§150. Regulations and Policies for Secondary and Alternative School Driver Education Courses**

A. - A.8. ...

9. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1980 (August 2012), amended LR 43:1767 (September 2017), LR 50:1008 (July 2024).

**§151. Regulations for All Driver Education Providers**

A. - A.6. ...

7. The school shall not, by advertisement or otherwise, state or imply that a driver’s license is guaranteed or assured upon completion of a driver education/pre-licensing training course or the road skills test.

8 - 12. ...

13. Each school shall maintain a minimum of one properly licensed instructor who is trained to administer knowledge and road skills tests.

14. - 19. ...

20. Driver education instructors shall participate in and provide evidence of completion of at least two separate courses from the following list to obtain credit for continuing education on an annual basis. Evidence of completion shall be submitted to OMV no later than December 31st for private/commercial driving schools and August 31st for secondary/alternative schools each calendar year. Credit shall be given only for courses that were completed during the appropriate licensing period. The same course cannot be submitted in consecutive years. The list includes:

A.20.a. - E.2. ...

3. Driving schools shall obtain and provide electronic devices to students to complete the OMV knowledge test at the end of the classroom portion of the 30 hour or 6 hour course as provided in §147.D. OMV shall furnish the school with the knowledge test if an exemption authorized in §157.C.12 is granted. The school shall shred all previous versions of the tests upon receipt of the new updated versions.

4. - 6. ...

7. The instructor/examiner shall monitor all students during the testing process. If an exemption is granted pursuant to §157.C.12, the instructor/examiner shall ensure that students seated next to each other have different versions of the test to complete.

8. Any student who fails the final exam shall be allowed to retest once the same day. If the student does not pass the test on the second attempt, the student may return any day thereafter and retest twice each day until the test is passed.

9. Students who cheat on the test will have the test invalidated and shall wait 30 days before retesting.

10. If an exemption is granted pursuant to §157.C.12, the completed test shall be attached to the certificate of completion for surrender to DPS at the time of license application. The certificate of completion, with the completed test, if applicable, shall be placed in a sealed envelope for surrender to DPS at the time of license application.

E.11. - K.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1980 (August 2012), amended LR 41:151 (January 2015), LR 43:1767 (September 2017), LR 45:1603 (November 2019), LR 50:1008 (July 2024).

**§152. School Policies and Course Specifications**

A. - B.1. ...

2. DPS’ grading policy, indicating that a passing score of 80 percent on the classroom and a score of 70 points on the behind-the-wheel shall be achieved in order to be issued a driver education certificate of completion.

B.3. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1984 (August 2012), amended LR 43:1772 (September 2017), LR 50:1008 (July 2024).

**§154. Driver Education Curriculum**

A. - C.10. ...

**D. Eight-Hour Behind-the-Wheel Curriculum**

1. The behind-the-wheel portion of the curriculum will be limited to no more than 4 hours behind-the-wheel for each student daily with a 15-minute break after 2 hours driving time. This shall be required on any drive that is scheduled over 2 hours for that driving session. There shall be no more than two students in the vehicle with the instructor. Upon completion of the behind-the-wheel portion, a skills assessment shall be performed by the instructor. A behind the wheel assessment test shall be administered and the student shall attain a minimum score of 70 points or more to pass.

2. In lieu of a behind the wheel assessment, a road skills test may be administered and the student shall attain a minimum score of 80 points or more to pass. This provision is offered to students that are 18 years or older and who’s instructor determines their skill level is high enough to go straight to a driver’s license.

3. Practical instruction shall include, at a minimum, the demonstration of and actual instructions in the following maneuvers:

- a. vehicle checks:
  - i. pre-trip vehicle inspection—outside/inside vehicle;
- b. turning skills:
  - i. steering; and
  - ii. turn signals;
- c. intersection awareness:
  - i. traffic signals;
  - ii. driving through;
  - iii. stops; and
  - iv. right of way laws;
- d. lane changes;



- e. signs, lanes, and signals;
  - f. traffic signals;
  - g. space management;
  - h. S.I.P.D.E. process;
  - i. parking skills;
  - j. reversing skills;
  - k. turnabouts;
  - l. city driving;
  - m. expressway;
  - n. areas of high risk:
    - i. shared left turn lane;
    - ii. median crossover;
    - iii. service roads;
    - iv. off-road recovery;
    - v. head-on collisions;
    - vi. poor weather;
    - vii. skid recovery;
    - viii. controlled braking; and
    - ix. night time driving;
  - o. railroad crossings;
  - p. emergency vehicles;
  - q. school buses; and
  - r. breakdown/collision.
4. The instructor shall gauge the driver's proficiency and provide feedback on the following skills:
- a. observation;
  - b. communication;
  - c. speed adjustment;
  - d. vehicle positioning;
  - e. time and space management; and
  - f. hazard perception.
5. Student Assessment. During the last driving session with the student, the instructor shall perform a skills test to determine the student's ability to safely operate a vehicle. A minimum score of 70 points shall be attained to pass the driver education course.
6. Upon completion of the eight-hour behind-the-wheel course, the instructor shall complete an in-depth assessment of the student's performance over each maneuver and skills covered above. The assessment shall be provided to the student and parent (if a minor) as a tool to continue driving instruction:
- a. visual search;
  - b. space management;
  - c. appropriate speed choices;
  - d. attention (distractions);
  - e. emergency evasive actions;
  - f. physical control of the vehicle;
  - g. pre-trip preparation;
  - h. backing up;
  - i. accelerating and braking;
  - j. left turn;
  - k. right turn;
  - l. proper lane usage;
  - m. lane change;
  - n. obeying traffic signs and signals; and
  - o. stopping.
7. The driver education certificate of completion shall be completed when a student has attained a minimum score of 80 percent on the knowledge test and a minimum score of

70 points on the eight-hour behind-the-wheel portion of the course.

E. - E.4. ...

5. The driver education certificate of completion shall be completed when a student has attained a minimum score of 80 percent on the knowledge test and a minimum score of 70 points on the eight-hour behind-the-wheel assessment or 80 points on the road skills test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1985 (August 2012), amended LR 38:3235 (December 2012), amended LR 43:1773 (September 2017), LR 50:1008 (July 2024).

#### **§155. Third-Party Tester/Examiner Requirements**

A. R.S. 32:408 requires all driver education providers to become certified as third-party testers. All testers/examiners shall:

- 1. meet all the qualifications in §146;
- 2. have at least one instructor who is contracted with OMV to administer the knowledge and road skills tests; and
- 3. administer the knowledge and road skills test.
  - a. At the end of the classroom instruction, the tester/examiner shall administer a knowledge test to each student. The test shall be provided to the examiner by OMV.
  - b. The tester/examiner shall administer an approved road skills test to an eligible student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1989 (August 2012), amended LR 38:3235 (December 2012), repromulgated LR 39:98 (January 2013), amended LR 40:2603 (December 2014), LR 43:1777 (September 2017), LR 50:1009 (July 2024).

#### **§156. Application Process and Fees for Third-Party Testers/Examiners**

A. Each person requesting to be certified by and contract with DPS as a third-party tester shall submit the following:

- 1. completed third-party tester application for class D and E driver's license;
- 2. a certificate of general liability insurance as listed in §157.B.1;
- 3. a certificate of auto liability insurance as listed in §157.B.1;
- 4. a completed application for examiner license;
- 5. a third-party tester route for administering the road skills test to be approved by DPS. The route shall be different from the routes used during any eight-hour behind-the-wheel training.

B. - C.2. ...

- 3. attend an examiner training session administered by DPS; and,
- 4. pass a third-party examiner test administered by DPS.

D. - D.2. ...

3. The following documents shall be submitted in conjunction with the driver education renewal application:

- a. a certificate of general liability insurance as listed in §157.B.1;
- b. a certificate of auto liability insurance as listed in §157.B.1; and

c. a third-party tester contract;

4. any tester that fails to renew his license/contract within six months of license or contract expiration shall be required to begin the initial application process again.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1990 (August 2012), amended LR 40:2603 (December 2014), LR 43:1777 (September 2017), LR 50:1009 (July 2024).

### **§157. General Regulations for Third-Party Testers**

A. - C.4. ...

5. If a paper knowledge test that was provided by DPS was used, completed test shall be attached to the certificate of completion for surrender to DPS at the time of license application. The Certificate of Completion and the paper knowledge test if used, shall be placed in a sealed envelope for surrender to OMV at the time of license application.

6. Schools and/or instructors that provide students with the answers to the knowledge test, teach only the information contained on the test, do not properly secure the test, and assist a student to pass the final exam by deceptive practices or accept bribes to give a student a passing score shall be subject to having their license/certification revoked.

7. - 10. ...

11. All uses of current paper knowledge tests issued by OMV shall cease on March 31, 2024, and schools shall only use the electronic testing system on and after April 1, 2024. Any use of a paper knowledge test provided by OMV on or after April 1, 2024 shall only be allowed in accordance with a temporary exemption granted by OMV as provided in this section.

12. The transition period for all schools to stop administering the knowledge test using the paper knowledge test that were provided to the school by OMV and transition to the electronic testing software provide to the schools by OMV is November 20, 2023 through March 31, 2024. As of April 1, 2024, all schools shall be required to administer the knowledge test utilizing the electronic testing software provided to the school by OMV. Any request for a temporary exemption to this requirement shall be in writing and shall state in detail the reasons for requesting the exemption. No temporary exemption granted by OMV shall be effective unless it is in writing and signed by the commissioner, deputy commissioner, or the administrator over the driving school program. The temporary exemption shall state an effective date and ending date, and shall be subject to any conditions, restrictions, or other requirements contained in the approved temporary exemption.

13. Any school which had transitioned to the electronic testing software prior to November 20, 2023 shall continue to use the electronic software as previously approved by OMV.

D. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1985 (August 2012), amended LR 38:3235 (December 2012), LR 43:1778 (September 2017), LR 45:1603 (November 2019), LR 45:1603 (November 2019), LR 50:1010 (July 2024).

## **Subchapter C. Third-Party Knowledge and Skills Testing for Class "D" and "E"**

### **§185. Contract**

A. All contracts shall have a term of two years and shall expire on December 31 for privately-owned schools and August 31 for secondary schools. Contracts shall be renewed as set forth in §146.H.5 and §156.D.2.

B. As with any contract, contracts conferred pursuant to LAC 55, Part III, Chapter 1, Subchapter C, are renewable at the discretion of the department.

C. In the event of a new application for a privately-owned school which is submitted to OMV after the close of business on October 1st, the term of the contract maybe less than two years to allow for the expiration of the contract on December 31st. of the expiration year. In the event of a new application for a secondary school which is submitted to OMV after the close of business on June 1st, the term of the contract maybe less than two years to allow for the expiration of the contract on August 31st.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:408 and R.S. 32:408.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 27:1928 (November 2001), amended LR 40:2603 (December 2014), LR 50:1010 (July 2024).

### **§187. Compliance**

A. The third party tester and the third party examiners shall maintain at its place of business a record of each applicant for whom a third party examiner has conducted an application, written test, visual examination, and the driving or skills test for a minimum of five years. Each such record shall include:

1. the applicant's name;
2. date of birth;
3. the date each test was administered;
4. the score obtained by the applicant;
5. the score sheets for each test conducted;
6. the name and address and certificate number of the third-party examiner administering said tests; and
7. the make/model/license plate number of any vehicle used to conduct the testing.

B. The third party tester shall maintain at each place of business for a minimum of five years, a record of each certified third party examiner in the employ of the third party tester to include:

1. a copy of the examiner's license issued by the State of Louisiana, Department of Public Safety;
2. a copy of the examiner's driving record, updated annually from the date of employment;
3. evidence of payroll employment status of the examiner;
4. copies of all third party examiner records, including the tests administered by the examiner.

C. Each third party tester and third party examiner shall utilize a department-approved knowledge test, through approved computer linking, to ensure all knowledge tests are electronically controlled and all results are electronically recorded through the department database.

D. - N. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:408 and R.S. 32:408.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 27:1928 (November 2001), amended LR 29:604 (April 2003), LR 40:2603 (December 2014), LR 50:1010 (July 2024).

Dan Casey  
Commissioner

2407#034

## RULE

### Department of Treasury Deferred Compensation Commission

Deferred Compensation Plan  
(LAC 32:VII.101, 305, 701, 711, 721, and 10101)

In accordance with R.S. 42:1301 et seq., the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019, and SECURE 2.0 Act of 2022, the Louisiana Deferred Compensation Commission adopts and amends LAC 32:VII.101, LAC 32:VII.305, LAC 32:VII.701, LAC 32:VII.711, LAC 32:VII.721, and LAC 32:VII.10101 within the Deferred Compensation Plan. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The United States Congress passed the SECURE Act and SECURE 2.0 Act. By virtue of these acts, participants in eligible 457(b) plans now have the ability to take distributions from their accounts while in-service at age 59 1/2 or if a distribution is related to a qualified birth or adoption. These acts also require plan participants utilizing the limited catch-up provisions, starting in 2026, to designate all contributions as a Roth contribution if their income exceeded \$145,000 in the previous calendar year. Additionally, SECURE Act and SECURE 2.0 Act amend the timelines for required distributions to beneficiaries of participants upon a participant's death.

This Rule adopted by the Deferred Compensation Commission includes provisions which will allow participants in the Deferred Compensation Plan to take early distributions from their accounts and remain compliant with federal law regarding required minimum distributions. This Rule also provides clarity if a participant chooses to transfer their funds to another eligible deferred compensation fund. Lastly, the amendment increases the word limit allowed for statements included on election ballots for participants seeking to serve as a commissioner on the Deferred Compensation Commission when more than one participant has been nominated for the position. This Rule is hereby adopted on the day of promulgation.

#### Title 32

#### EMPLOYEE BENEFITS

#### Part VII. Public Employee Deferred Compensation

#### Subpart 1. Deferred Compensation Plan

#### Chapter 1. Administration

#### §101. Definitions

\* \* \*

*Eligible Designated Beneficiary*—a participant's surviving spouse or child who has not reached the age of majority, a disabled or chronically ill person, or a person not more than ten years younger than the participant.

\* \* \*

*Required Beginning Date*—for participants who reach age 73 on or after January 1, 2023, but before January 1, 2033, the required beginning date is April 1 of the calendar year following the calendar year in which the participant reaches age 73. For participants who reach age 74 on or after January 1, 2033, the required beginning date is April 1 of the calendar year following the calendar year in which the participant reaches age 75.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1962 (October 1998), amended LR 28:1494 (June 2002), LR 32:118 (January 2006), LR 37:1617 (June 2011), LR 40:2281 (November 2014), LR 50:1011 (July 2024).

#### Chapter 3. Plan Participation, Options and Requirements

#### §305. Roth Catch-up Contributions

A. - C.2. ...

D. Beginning on January 1, 2026, for any participant whose wages exceeded \$145,000 in any calendar year (as adjusted under IRC §414(v)(7)(E), any contribution made under this §305 in the subsequent calendar year must be a designated Roth contribution. Any otherwise eligible participant whose wages do not exceed \$145,000 in any calendar year (as adjusted under IRC §414(v)(7)(E) may designate any contribution made under this §305 as a designated Roth contribution.

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1965 (October 1998), amended LR 28:1496 (June 2002), LR 32:120 (January 2006), LR 37:1620 (June 2011), LR 50:1011 (July 2024).

#### Chapter 7. Distributions

#### §701. Conditions for Distributions

A. Payments from the participants §457 Deferred Compensation Plan account to the participant or beneficiary shall not be made, or made available, earlier than:

1. - 4. ...

5. the calendar year in which an in-service participant attains age 59 1/2; or

6. the participant makes a qualified birth or adoption distribution pursuant to §113 of the Setting Every Community Up for Retirement Act of 2019. Any such qualified birth or adoption distribution shall not exceed \$5,000 per birth or adoption. The commission or plan administrator may rely upon a participant's birth or adoption certificate for purposes of determining eligibility.

B. ...

C. In order to implement the provisions of the Setting Every Community Up for Retirement Enhancement (SECURE) Act, enacted on December 20, 2019, and SECURE 2.0 Act, enacted on December 29, 2022, relating to required minimum distributions, including but not limited to §707 and §711 of the Plan, the commission is hereby authorized to enter into any and all agreements with the plan administrator so that the plan is in compliance with all federal laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1967 (October 1998), amended LR 28:1497 (June 2002), LR 32:121 (January 2006), LR 50:1011 (July 2024).

#### **§711. Death Benefits**

A. - B. ...

C. If the participant's designated beneficiary is an eligible designated beneficiary, the designated beneficiary must take distributions over a period no longer than their life expectancy or 10 years, whichever is greater.

D. If the participant's designated beneficiary is not an eligible designated beneficiary, the designated beneficiary must take the participant's entire account balance by the end of the tenth year following the year of the participant's death.

E. If the participant's beneficiary is the surviving spouse, the surviving spouse may elect to rollover the account or be treated as the participant for required minimum distribution purposes.

F. Under no circumstances shall the commission be liable to the beneficiary for the amount of any payment made in the name of the participant before the commission receives satisfactory proof of the participant's death.

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1968 (October 1998), amended LR 28:1498 (June 2002), LR 32:122 (January 2006), LR 50:1012 (July 2024).

#### **§721. Transfers and Rollovers Catch-Up**

A. ...

B. In-Service Transfers from the Plan. If a participant becomes a participant in another governmental eligible deferred compensation plan, and provided that payments under this plan have not begun, such participant may request a transfer of his or her account to the other eligible deferred compensation plan. Requests for such transfers must be made in writing to the commission and shall be granted in the sole discretion of the commission. If an amount is to be transferred pursuant to this provision, the commission shall transfer such amount directly to the other eligible governmental deferred compensation plan. Amounts transferred to another eligible governmental deferred compensation plan shall be treated as distributed from this plan and this plan shall have no further responsibility to the participant or any beneficiary with respect to the amount transferred.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1969 (October 1998), amended LR 28:1499 (June 2002), LR 37:1621 (June 2011), LR 40:2281 (November 2014), LR 50:1012 (July 2024).

### **Subpart 2. Nominations and Elections**

#### **Chapter 101. Nomination and Election of Participant Members**

##### **§10101. Election Procedures**

A. The Louisiana Deferred Compensation Commission (the "commission") developed the following procedures for the election of participant members to the commission, revised August 16, 2005. These procedures shall remain in effect until amended.

1. - 4. ...

5. In the event two or more participants are nominated for a position on the commission, the commission chairman shall conduct a drawing to determine the order in which candidates' names will appear on the ballot. All nominees for a position shall be invited by the chairman to attend the drawing. Each ballot shall contain, in addition to the name of the nominee(s), a statement containing no more than 200 words, which statement shall be prepared by the nominee and shall contain biographical information and/or a statement concerning the nominee's position on one or more issues pertinent to the deferred compensation program. If and when the commission determines that the use of photographs of the nominees on the ballots will be feasible, the chairman shall provide all nominees with the opportunity to submit suitable photographs of themselves for use in preparation of the ballots.

6. - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 32:124 (January 2006), amended LR 50:1012 (July 2024).

Virginia Burton  
Chairperson

2407#010

### **RULE**

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

##### **Bear Hunting Areas, Seasons, Rules and Bag Limits (LAC 76:XIX.109)**

The Wildlife and Fisheries Commission has adopted a Louisiana Black Bear hunting season for the 2024 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal participants, sets the legal season bag limits along with legal methods of take and hunting season dates for the Louisiana Black Bear during 2024 hunting season. This Rule is hereby adopted on the day of promulgation.

### **Title 76**

#### **WILDLIFE AND FISHERIES**

##### **Part XIX. Hunting and WMA Regulations**

##### **Chapter 1. Resident Game Hunting Season**

##### **§109. Bear Hunting Areas, Seasons, Rules and Bag Limits**

###### **A. Bear Hunting Season 2024**

1. Hunting is only allowed in Bear Area 4.  
2. Bear season opens the first Saturday in December and remains open through Sunday following the third Saturday in December.

###### **B. General Rules**

1. Bears may only be harvested one-half hour before sunrise to one-half hour after sunset.  
2. Harvest limit is one bear per harvest permit per season.  
3. Bear hunting is limited to still hunt only. The use of dogs when hunting bear is prohibited.

4. Harvest of cubs and females with cubs is prohibited. A cub is defined as any bear 75 pounds or less.

5. Bear hunting is restricted to bona fide resident hunters who are properly licensed, hunter safety certified, and possess a valid bear hunting permit issued by the department. The number of bear harvest permits issued will be determined based on Bear Area specific population estimates and vital rate data acquired at regular intervals. The number of bear harvest permits issued at any given time during the season shall not allow the harvest to exceed the number of bears of either sex in any Bear Area that would compromise the long-term sustainability of the Bear Area population.

6. Harvest of bears without a harvest permit is prohibited. Bear harvest permits will consist of three types: Wildlife Management Area (WMA), Private Landowner, and General.

a. WMA Permits will authorize bear harvest for specified WMAs.

b. Private Landowner Permits will be allocated to qualifying private landowners, their designee, or lessee in Bear Areas with an open season for that permit year. To qualify for a Private Landowner Permit, applicants must provide evidence of qualifying acreage (40+ contiguous acres), proof of ownership, and payment of property taxes for property within the Bear Area for which they apply. Landowner designees must provide evidence deemed sufficient by the department that they have full agency and authority to act on behalf of a qualifying private landowner. Lessees of qualifying private lands must provide a duly executed and properly recorded lease agreement evidencing they have the right to hunt bear upon the qualifying acreage.

c. General Permits authorize hunting on private property, with landowner permission, within Bear Areas with an open season for that permit year. Individuals receiving a General Permit are responsible for coordinating with landowners to gain permission and access to hunting on their property.

7. Except as otherwise provided by law, bear harvest permits shall only be issued by lottery. Applicants shall apply to LDWF on department-approved applications prior to each season. All applications require a non-refundable application fee. Applicants for the General and WMA Permits must possess a valid resident basic hunting license and bear hunting license, or a combination license conveying equivalent privileges to apply.

a. Applicants not selected will be given an additional preference point for each subsequent year in which they apply. Each preference point serves as an additional lottery opportunity. Preference points are capped at five. Applicants must apply every year in order to earn and retain preference points. Failure to apply in any given year will result in forfeiture of previously acquired preference points for any subsequent application. Successful lottery applicants are not allowed to apply for another bear permit for two years after being drawn.

8. Transferability of bear permits: Only the private landowner permits are transferrable. Transferees must be a bona fide Louisiana resident who is properly licensed and hunter safety certified. Permits being transferred must be arranged prior to the mandatory training session. A permit may only be transferred one time. The department shall be

notified once a permit has been transferred and provided the transferees name, address, and phone number.

9. Bear hunter training: All successful applicants or transferees will be required to attend a department bear hunter training course prior to hunting. Individuals not attending a department bear hunter training course will be prohibited from hunting. Successful youth applicants must attend bear hunting training with a properly licensed adult. The adult attending the training is responsible for supervising the youth during the bear hunt and must be within arm's reach or within the same stand or blind as the youth. A bear tag will be issued to harvest permit holders upon completion of the training course.

10. Baiting and scent attractants: Baiting is allowed two weeks prior to season opening to the day the season closes. Hunting over raw or processed bait and the use of a scent lure is allowed. No person shall use raw sweet potatoes or chocolate as bait or scent. The use of salt, grain or other feed that could serve as an attractant to deer is prohibited in CWD Control Areas. The department shall provide a list of approved baits to each successful applicant at the bear hunting training course.

11. Harvested bears must be tagged immediately upon harvest and prior to being moved from site of harvest. All successful bear hunters must immediately contact their designated department biologist (see permit) to report their kill and schedule biological data collection.

12. Hunter Orange or Blaze Pink: Any person hunting bears 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 bear from elevated stands on property that is privately owned or to archery bear hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting bear 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.

13. Harvested bears may be field dressed, but all other portions of the bear shall be removed from the hunting grounds. Thereafter, all edible portions of meat shall be removed from the bear for consumption. "Edible portions" include, at a minimum, all four quarters, all backstraps and tenderloins along the backbone.

14. Methods of take:

a. Bear may be taken with the following firearms, any of which may be fitted with a magnified scope:

i. Centerfire firearms .25 caliber or larger, rimfire firearms .30 caliber or larger, and shotguns 10 gauge and smaller using slugs, all of which must load exclusively from the breech.

ii. Rifles and pistols, .44 caliber or larger, or shotguns 10 gauge and smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets.

iii. Pre-charged pneumatic devices that fire a projectile of at least .30 caliber in diameter and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy. Arrows or bolts used with a pre-charged pneumatic device shall only be used with well sharpened broadhead points.

b. Bear may be taken by legal archery gear with a minimum draw weight of no less than 30 pounds, including traditional bow, compound bow, crossbow, or any bow drawn, held or released by mechanical means.

c. All other methods of take are prohibited.

#### C. Description of Bear Areas

##### 1. Area 1

a. All of the following parishes:

i. Acadia, Assumption, Cameron, Iberia, Jefferson, Lafayette, Lafourche, St. Mary, Terrebonne, and Vermillion.

b. Portions of the following parishes:

i. Allen—that portion south of US 190 and east of US 165;

ii. Ascension—that portion west of the Mississippi River;

iii. Calcasieu—that portion south of Interstate 10;

iv. Iberville—that portion south of Interstate 10 and west of the Mississippi River;

v. Jefferson—that portion west of the Mississippi River;

vi. Orleans—that portion west of the Mississippi River;

vii. Plaquemines—that portion west of the Mississippi River;

viii. St. Charles—that portion west of the Mississippi River;

ix. St. James—that portion west of the Mississippi River;

x. St. John the Baptist—that portion west of the Mississippi River;

xi. St. Martin—that portion south of Interstate 10;

xii. West Baton Rouge—that portion south of Interstate 10.

##### 2. Area 2

a. All of the following parishes: Pointe Coupee, West Feliciana.

b. Portions of the following parishes:

i. Iberville—that portion north of Interstate 10;

ii. St. Landry—that portion east of Interstate 49;

iii. St. Martin—that portion north of Interstate 10;

iv. West Baton Rouge—that portion north of Interstate 10.

##### 3. Area 3

a. All of the following parishes: Avoyelles, Concordia, LaSalle.

b. Portions of the following parish:

i. Catahoula—that portion west of US Highway 425.

##### 4. Area 4

a. All of the following parishes: East Carroll, Madison, Tensas, West Carroll.

b. Portions of the following parishes:

i. Catahoula—that portion east of US Highway 425;

ii. Franklin—that portion east of US Highway 425;

iii. Richland—that portion east of US Highway 425.

##### 5. Area 5

a. All of the following parishes: Caldwell, Ouachita, Morehouse, Union.

b. Portions of the following parishes:

i. Franklin—that portion west of US Highway 425;

ii. Richland—that portion west of US Highway 425.

##### 6. Area 6

a. All of the following parishes: Beauregard, Bienville, Bossier, Caddo, Claiborne, Desoto, Evangeline, Grant, Jackson, Lincoln, Natchitoches, Rapides, Red River, Sabine, Webster, Winn.

b. Portions of the following parishes:

i. Allen—that portion north of US 190 and west of US 165;

ii. Calcasieu—that portion north of Interstate 10;

iii. Jefferson Davis—that portion south of US 190 and east of US 165;

iv. St. Landry—that portion west of Interstate 49.

##### 7. Area 7

a. All of the following parishes: East Baton Rouge, East Feliciana, Livingston, St. Bernard, St. Helena, St. Tammany, Tangipahoa, Washington.

b. Portions of the following parishes:

i. Ascension—that portion east of the Mississippi River;

ii. Iberville—that portion east of the Mississippi River;

iii. Jefferson—that portion east of the Mississippi River;

iv. Orleans—that portion east of the Mississippi River;

v. Plaquemines—that portion east of the Mississippi River;

vi. St. Charles—that portion east of the Mississippi River;

vii. St. James—that portion east of the Mississippi River;

viii. St. John the Baptist—that portion east of the Mississippi River.

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 50:1012 (July 2024).

Madison D. Sheahan  
Secretary

2407#022

# Notices of Intent

## NOTICE OF INTENT

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

Professional Conduct (LAC 46:LXXXV.Chapter 10)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board (“Board”) of Veterinary Medicine proposes to amend LAC 46:LXXXV. Sections 1007, 1011, 1025, 1039, 1051, 1057, and 1063 regarding the display of degrees, the conduct of one’s practice, and means of advertising. Of greater substance is the proposed amendment in §1039 related to a veterinarian’s receipt of client consent in non-emergency situations. The proposed amendment of §1057 protects patient/client confidentiality related to social media posts. All other proposed amendments are cleaning up and making rule language more uniform and consistent.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXXV. Veterinarians

#### Chapter 10. Rules of Professional Conduct

#### §1007. Corrupt or Dishonest Conduct

A. Veterinarians shall expose, without fear or favor, before the proper tribunal or the board corrupt or dishonest conduct in the profession.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1011. Service under the Law

A. No veterinarian shall render any service or advice involving disloyalty under the law. A veterinarian must also observe and advise his client to observe statutory law.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1025. Display of Degree

A. A licensed veterinarian shall not use or display any certificate or title pertaining to veterinary medicine granted by any institution not approved by the American Veterinary Medical Association (AVMA) or by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 19:1326 (October 1993), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### §1039. Conduct of One's Practice

A. ...

B. Prior to the commencement of general anesthesia in a non-emergency situation, when practical, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall be placed in the patient's medical record. The anesthesia consent form shall be in writing and include the following:

B.1. - D. ...

E. In a non-emergency situation where circumstances render it impossible to have the owner or duly authorized agent execute the written anesthesia consent form prior to the administration of anesthesia, oral consent may be obtained from the owner or authorized agent, in which case the oral consent shall be witnessed by one person and documented in the patient’s medical record. The licensed veterinarian shall advise the owner or the authorized agent of the risks associated with the use of general anesthesia and that results cannot be guaranteed and shall obtain oral verification the owner or duly authorized agent has the authority to provide consent and understands the information provided.

F. Prior to the commencement of an euthanasia procedure, a licensed veterinarian shall meet personally with the owner or duly authorized agent of the owner and have him execute a euthanasia consent form which shall be placed in the patient's medical record. The euthanasia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;

2. the owner or duly authorized agent gives full and complete authority to euthanize and dispose of the animal in whatever manner the veterinarian deems appropriate;

3. that to the best of the owner or duly authorized agent's knowledge that animal has not bitten any person or animal during the last 15 days prior to presentation and has not been exposed to rabies;

4. that the owner or duly authorized agent understands euthanasia as personally explained by the veterinarian and gives permission to end the animal's life; and

G. The licensed veterinarian may address the issues of civil liability, payment arrangements and/or other issues of concern in the anesthesia consent form and/or euthanasia consent form, however, the inclusion of such issues are at the discretion of the licensed veterinarian and are not required by the board to be addressed in the forms.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 27:1238 (August 2001), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### §1051. Removal of Accreditation

A. A licensed veterinarian whose accreditation has been or is subject to being revoked or removed by state or federal authority may be subject to disciplinary action by the board upon proof of the acts or omissions constituting the grounds for removal or revocation of his accreditation.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### §1057. Advertising

A. *Advertising*—newspaper, magazine, and periodical announcements and listings, radio and television; professional cards; professional announcement cards; office and other signs; letterheads; telephone listings; any electronic communications; and any other form of communication designed to inform the general public about the availability, nature, or prices of products or services or to attract clients.

B. - C.3. ...

4. use any client details or photos in social media posts without client permission.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### §1063. Specialty List

A. ...

B. A veterinarian may not use the term *specialist* for an area of practice for which there is not AVMA recognized certification, nor may a veterinarian state or imply that he is a certified or recognized specialist unless he is board-certified in such specialty.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518(A)(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), amended LR 23:968 (August 1997), LR 24:335 (February 1998), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

### Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery. Comments will be accepted until 3:00 p.m. on Friday, August 9, 2024. All written comments must be dated and must include the first and last name, email address, mailing address, phone number, and the original signature of the person submitting the comments.

#### Public Hearing

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery; however, such request must be received by no later than 3:00 p.m. on Friday, August 9, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1:00p.m. on Monday, August 26, 2024 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit [www.lsbvm.org/rulemaking-projects](http://www.lsbvm.org/rulemaking-projects) after Friday, August 9, 2024. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front



of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Professional Conduct**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There will be no costs or savings to state or local governmental units resulting from the proposed rule change, except for the costs associated with publishing, which is included in the annual operating budget of the Board of Veterinary Medicine (Board). The proposed rule change is to allow a veterinarian to obtain oral consent from the owner or authorized agent in a non-emergency situation where circumstances render it impossible to obtain written consent prior to the administration of anesthesia.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule change will not affect revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule change will help the veterinarians administer care more effectively and expediently to patients.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule change will have no effect on competition or employment.

Jared B. Granier  
Executive Director  
2407#056

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Children and Family Services  
Licensing Section**

Child Welfare Home Certification—Child Placing Agencies  
(LAC 67:V.7316)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Children and Family Services (DCFS) proposes to adopt LAC 67:V, Subpart 8, Chapter 73, Child Placing Agencies, Section 7316, DCFS Certified Relative/Kinship Foster Homes.

The department proposes to adopt Section 7316 as pursuant to federal register 88 FR 66700, Title IV-E agencies may claim federal reimbursement for an eligible child who is placed in a relative or kinship licensed or approved foster

family home when the agency uses different licensing standards for relative or kinship foster family homes.

**Title 67**

**SOCIAL SERVICES**

**Part V. Child Welfare**

**Subpart 8. Residential Licensing**

**Chapter 73. Child Placing Agencies**

**§7316. DCFS Certified Relative/Kinship Foster Homes**

A. Pursuant to federal register 88 FR 66700, Sections 7315.A.1-10, 7315.A.12-14, 7315.B.-C., 7315.E.1.k, 7315.E.4-5, 7315.F.12, 7315.G.1-4, 7315.G.10-15, 7315.N, 7315.P.-R. shall not apply to relative/kinship family homes as defined by child welfare policy and certified by DCFS for foster placement. These homes shall only be required to follow the certification standards detailed in child welfare policy.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 50:

**Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

**Small Business Analysis**

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**

All interested persons may submit written comments to Joy Legaux, Licensing Program Director, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821 or by email to [DCFSPublicHearings@la.gov](mailto:DCFSPublicHearings@la.gov). The deadline for submitting written comments is at 4:30 p.m. on August 27, 2024.

**Public Hearing**

A public hearing on the proposed Rule will be held on August 27, 2024, at DCFS, Iberville Building, 627 North Fourth Street, Room 1-134, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

David Matlock  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Child Welfare Home Certification  
Child Placing Agencies**

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District, and State  
Accountability System  
School, District, and State Accountability  
(LAC 28:XI.305, Chapter 17, Chapter 19,  
Chapter 35, and 4003)

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

The proposed rule will increase cost within the Department of Children and Family Services (DCFS) by \$6,612,508 annually. The department proposes to adopt LAC 67: V, Subpart 8, Chapter 73, Child Placing Agencies, Section 7316 to allow DCFS, that receives Title IV-E funding, to claim federal reimbursement for an eligible child who is placed in a relative or kinship licensed or approved foster family home as the department no longer requires child placing agencies such as relative or kinship family homes to follow certain residential licensing standards, relating to income verification, criminal background checks, health statements, training, and transportation, pursuant to federal registry 88 FR 66700.

The maintenance payments to relative or kinship certified caregivers who are providing care for a child in foster care are estimated at \$6,612,508 (\$4,351,714 State General Funds and \$2,260,794 Federal Funds), annually. The number of children in care and the number of relative or kinship caregivers that are certified annually varies from year to year. This estimate is based on the average number of 954 children placed in non-certified homes over the past 3 years. An estimate of 482 out of 954 children will be eligible for Title IV-E reimbursement. The department did not receive a specific appropriation for these payments, and \$4.3 M SGF is needed for the maintenance of effort to support the federal draw of IV-E funds. The budgeted amount of funding for FY 25 is not sufficient to support the total estimated amount needed to support the cost annually; therefore, the agency will have to request supplemental funding. Additionally, there will be cost of publishing rulemaking which is estimated to be approximately \$852 (\$639 State General Funds and \$213 Federal Funds) in FY 24-25. This is a one-time cost that is routinely included in the department’s annual operating budget.

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

The proposed rule will increase revenue by \$2.2 M annually. Due to the increased number of maintenance payments that DCFS will be providing to relative or kinship certified caregivers who are providing care for a child in foster care, the department will be eligible to receive federal IV-E funding in the estimated amount of \$2,260,794 annually (482 children x \$18.99 average daily board rate x 365 days x 67.67% Federal Match Rate). This funding will be used to provide maintenance payments to the applicable caregivers.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR  
NONGOVERNMENTAL GROUPS (Summary)**

The relative or kinship certified caregivers will receive maintenance payments (daily rate) to assist in their care of the foster child while placed in their home.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There is no anticipated effect on competition and employment.

Toby Comeaux  
Deputy Secretary  
2407#049

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XI in Bulletin 111—*The Louisiana School, District, and State Accountability System*. The proposed revisions amend and adopt a comprehensive update to Louisiana’s current K-12 accountability system. The new accountability system is an effort to simplify accountability reporting, increase rigor and transparency, and is strongly influenced by the college and career readiness definition. The formula and calculations focus on indicators for student growth, academic proficiency, and acceleration for career, college, and service readiness.

**Title 28**

**EDUCATION**

**Part XI. Bulletin 111—The Louisiana School, District,  
and State Accountability System**

**Subpart 1. Accountability/Testing**

**Chapter 3. School Performance Score Component**

**§305. Transition from 2017-2018 to 2024-2025 SPS**

**Release**

A. Beginning in the 2017-2018 school year (2018 SPS), the overall grading scale will be as follows:

Beginning in 2017-2018 (2018 SPS) and through 2024-2025 (2025 SPS)	
School Performance Score	Letter Grade
90.0-150.0	A
75.0-89.9	B
60.0-74.9	C
50.0-59.9	D
0-49.9	F

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:447 (March 2018), LR 48:997 (April 2022), LR 50:

**Chapter 17. The School and District Accountability  
System**

**§1700. Transition to Revised Accountability System and  
Calculation**

A. Beginning with the 2025-2026 school year (2026 SPS), the accountability system in this Chapter shall be used, and Chapters 3, 4, 5, 6, 7, and 8 of this Part shall cease to be effective.

1. The LDOE shall calculate a comparison score showing a school or district performance using the methodology in place in the prior year and shall make this information available on the department website.

B. Effective with the adoption of Chapters 17 and 19 of this Part and continuing until the release of the 2026 SPS, the LDOE shall, using already available data, simulate and make available to school systems annual results calculated for information purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1701. School Grades and Indicators**

A. The annual report shall identify schools as having earned one of the following grades:

1. A—produces excellent student achievement and progress.

2. B—produces above average student achievement and progress.

3. C—produces satisfactory student achievement and progress.

4. D—produces less than satisfactory student achievement and progress.

5. F—fails to produce adequate student achievement and progress.

B. Designation of School Grades. A school grade shall be calculated for each school that has students who are enrolled in the school for the full academic year and are in a tested subject or grade on the state annual accountability assessment.

1. Exception. A school shall not earn a school grade if the number of students meeting the full academic year definition is fewer than 15 to ensure accuracy and to prevent the unlawful release of personally identifiable student data in accordance with the Family Educational Rights and Privacy Act (FERPA).

2. A school shall test all students. Students who should otherwise be included in the assessment shall be entered as a 0 in the numerator and counted in the denominator.

3. Each school shall earn a school performance score under one site code regardless of the grade structure of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1703. Indicators Contributing to School Grades**

A. A school grade shall be based on a combination of indicators in accordance with this Chapter for the percentage of students:

1. scoring at proficient or higher on the state accountability assessment for all students in reading/ELA;

2. scoring at proficient or higher on the state accountability assessment for all students in mathematics;

3. scoring at proficient or higher on the state accountability assessment for all students in social studies;

4. scoring at proficient or higher on the state accountability assessment for all students in science;

5. making growth in reading/ELA in accordance with this Chapter;

6. making growth in mathematics in accordance with this Chapter;

7. making growth, for the lowest performing 25 percent of students, on the state annual accountability assessment in reading/ELA in accordance with this Chapter;

8. making growth, for the lowest performing 25 percent of students, on the state annual accountability assessment in mathematics in accordance with this Chapter;

9. who are English learners making progress or achieving proficiency on an English language acquisition assessment in accordance with this Part.

B. A school grade for high schools shall also be based on the percentage of cohort members:

1. earning a standard high school diploma in four years in accordance with §1709 of this Chapter;

2. scoring ready to meet post-secondary goals in accordance with §1711 of this Chapter;

3. scoring ready and earning a recognized credential of quality in accordance with §1713 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1705. Aggregating Indicators to Determine School Grades**

A. The LDOE shall assign school grades based on the indicators with available data at the school.

1. Each indicator carries equal weight in the overall calculation.

2. Schools will earn 0-100 points for each indicator where one point is awarded for each percentage of students.

3. Points are aggregated to determine the overall percentage of points earned.

B. School Grade Points. The LDOE shall set three scales for elementary, high school, and districts and shall issue cut scores for A, B, C, D, and F. The high school scale shall apply to any schools having a cohort graduation rate as an indicator. All other schools shall utilize the elementary school scale.

C. Initial Grading Scale. Upon release of the 2024 SPS, the LDOE shall set three scales for elementary, high school, and districts and shall issue cut scores for A, B, C, D, and F under the revised accountability formula using 2024 SPS data pursuant to Chapter 3 of this Part. Such cut scores shall be used in transitional results issued in 2024 and 2025 and shall remain in effect for the 2026 SPS calculation. The initial scale shall be set utilizing simulation of available data from the 2024 SPS such that the initial percentages of school grades earned are no more than:

1. 10 percent—A;

2. 20 percent—B;

3. 40 percent—C;

4. 20 percent—D; and

5. 10 percent—F.

D. Automatic Grading Scale Increase. In any year in which 50 percent or more of schools or districts on a scale earn a grade of A or B, the scale required to earn a school grade shall be raised by five percent for the following year. Such increases shall continue until the scale reaches:

1. 90 – 100 = A;

2. 80 – 89 = B;

3. 70 – 79 = C;

4. 60 – 69 = D; and

5. 0 – 59 = F.

E. School Recognition. The LDOE shall develop school awards for schools that improve at least one school grade level or earn a school grade of A.

1. The Value Added Growth Award recognizes schools in the 90<sup>th</sup> percentile for growth in reading/ELA, mathematics, science, or social studies.

2. The LDOE shall also provide for a Top Gains/Growth Award that recognizes schools with exceptional growth.

F. District Grades. The annual report shall include a district grade calculated using the student population of the district, which follows the same method used for calculating a school grade.

G. Incentive Points. A school that establishes, maintains, or expands a foreign language immersion program or proceeds to earn or maintain certification of a foreign language immersion program in accordance with R.S. 17:273.2 shall have one point added to the final calculation, which would be the equivalent of one point in each of the school indices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1707. Student Growth Methodology**

A. The growth score for each subject shall include all students enrolled in the school for the current full academic year with scores on the annual state accountability assessment in the current and prior years for a subject.

B. A school earns credit for growth in a subject for each student who, on the annual state accountability assessment:

1. increases at least one achievement level in the subject;

2. scored below the mastery achievement level in the subject for the prior year and advances from a subcategory within basic, approaching basic, or unsatisfactory achievement levels to a higher level in the current year. The subcategory is determined by dividing the scale of each achievement level into two equal parts;

3. for a given subject area, scored at the mastery achievement level in both the prior year and the current year and earns a scaled score greater in the current year than in the prior year;

4. scores at the advanced achievement level in the current year.

C. For reading/ELA and mathematics, students measured as scoring in the lowest-performing 25 percent based on prior year scores on the annual state accountability assessment and with full year enrollment in the school for the current academic year shall comprise the additional reading/ELA and mathematics growth groups.

D. For students taking a first LEAP 2025 assessment in high school in a subject area, the eighth grade assessment taken in the same subject will be used as the prior-year assessment for determining growth. For each year since the prior assessment, the student shall grow by one achievement subcategory in the current year. If the student scored at mastery in eighth grade, the student must improve one scale point per year since the prior test. The high school assessment need not be taken in the school year directly following the examination counted as the prior-year assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1709. Cohort Graduation Rate Methodology**

A. A cohort of students is all students who entered ninth grade for the first time in the state of Louisiana in a given academic year.

B. Each cohort of students is tracked for four years, from entry as first-time ninth graders through four academic years. Transitional ninth grade students will automatically enter the first-time ninth grade cohort in the academic year following enrollment in transitional ninth grade.

C. Students who exit the Louisiana student information system (SIS) in fewer than four years for legitimate reasons shall not be included in the cohort graduation rate calculation.

1. Students shall only be considered legitimate leavers from a cohort under the following circumstances:

- a. transfer from Louisiana K-12 public education to another diploma-awarding school or program;
- b. emigration to another country; or
- c. death.

2. Specific documentation is required for students to be considered legitimate leavers as follows:

a. Transfer out of state or country shall require a request for records from the receiving out-of-state school, a statement written and signed by the parent/guardian, or proof of enrollment as a foreign exchange student.

b. Transfer to an approved nonpublic school which awards high school diplomas shall require a request for records from the receiving nonpublic school or a statement written and signed by the parent/guardian.

c. Transfer to an early college admissions program in accordance with LAC 28:LCXV.2329 shall require submission of a school withdrawal form, request for records from the college or university, and verification of full-time enrollment in an academic program.

d. The only acceptable documentation for transfers to out-of-state or approved nonpublic diploma-awarding schools is a request from the qualifying school or program, a letter from an official in the receiving school or program verifying student enrollment, or a note written and signed by the parent/guardian including a reason for exit that confirms the exit type used to remove the student from enrollment.

e. Documentation for a student transfer to home school is an official approval document from LDOE dated before October 1 following the student exit from the Louisiana SIS except where the student is not yet in the final school year of the cohort for on-time graduation.

f. In the final year of the cohort for on-time graduation, documentation for a student transfer to home school is an official approval document from LDOE dated before October 1 of the beginning of the school year in which the cohort is scheduled to graduate.

g. Emigration to another country must be documented with a statement signed by a parent/guardian, a request for student records, or an approved application for participation in a foreign exchange program which verifies dates of enrollment.

h. Sufficient documentation for a deceased student is an obituary or letter from the parent/guardian.

3. The LDOE shall maintain and post on the department website a list of schools that are considered non-diploma awarding.

4. A school is classified as non-diploma awarding when the school:

a. awards fewer than five regular diplomas per academic year for two consecutive years; or

b. enrolls fewer than ten twelfth grade students for a full academic year for two consecutive years.

c. The LDOE may grant exceptions to this requirement for new schools and schools with small populations upon district request when the department has determined that no circumvention of accountability consequences will occur. The district is responsible for providing any data requested by the LDOE.

D. A student exited from a school or LEA using a code other than legitimate leaver codes or those codes indicating completion of a high school course of study must subsequently appear in the Louisiana SIS or the student shall be considered a dropout from the state, LEA, and school.

E. Students with no high school records in the Louisiana SIS who transfer from a home school, nonpublic school, or another state into a Louisiana school on or before October 1 of the eleventh grade year will enter the on-time cohort at the assigned grade level of the student. Students with existing Louisiana public high school records will re-enter the original cohort.

F. Students transferring within the Louisiana public school system will remain in the same cohort.

1. Students transferring within an LEA on or before October 1 of the cohort fourth year will be included in the calculation of the graduation indicator at the school into which the student transferred and completed the fourth year of high school.

2. Students who exit a high school for more than 45 calendar days during the fourth year shall not be included in the high school graduation cohort calculation for that school.

G. Students who graduate or complete high school in fewer than four years will be included in the cohort in which the student entered ninth grade.

H. A student who exits K-12 education to enter a school or program that does not award a state-recognized high school diploma shall be considered a dropout in graduation cohort calculations.

I. For students who exit and have no subsequent enrollment in a school, the school of last record will be the school that sent a valid request for student records to the school that applied the exit code.

1. If the last exit from enrollment is for expulsion, exit code 01, the request for records will not be used to determine the last school of record. The last school of enrollment shall be used.

J. All students, excluding those defined as legitimate leavers in Subsection C of this Section, regardless of entry or exit dates, are included in the state-level cohort.

K. A student assessed using the LEAP Connect shall be included in the graduation rate calculation for the year in which the student graduates or the year in which the student exits after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. A student who is not exited will be counted in the year that the student reaches the age of twenty-two.

L. Record Maintenance. Schools shall maintain documentation that supports exit codes for at least four years after the data has been used in school performance scores.

1. Schools without sufficient documentation to support exit codes are subject to action by LDOE in accordance with Chapter 41 of this Part.

2. The authenticity of exit code documentation is determined by the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

#### **§1711. Nationally Recognized Assessment Indicator**

A. The nationally recognized assessment indicator is determined by the percent of cohort members meeting the ready benchmark.

B. Students earn one or more of the following:

1. ACT composite score consistent with the TOPS ACT requirement in R.S. 17:5024, but not lower than a score of 20; or

2. Classical Learning Test score of 67 or higher; or

3. SAT score of 1040 or higher; or

4. WorkKeys score of Gold; or

5. ASVAB AFQT of 59 or higher.

C. For a student on the university diploma pathway to earn credit in accordance with Subsection B of this Section, the student shall have taken the ACT, SAT, or CLT.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

#### **§1713. Acceleration Indicator**

A. Louisiana acknowledges multiple pathways to demonstrate college, career, or service readiness. The acceleration indicator shall be the percentage of cohort members determined to be college and career ready and having earned a credential in accordance with this Chapter.

B. The acceleration indicator is determined by the percent of students meeting the requirements of this Section.

C. The denominator for the acceleration indicator shall be the same as the graduation cohort in accordance with §1709 of this Chapter.

D. Quality of college readiness is demonstrated by earning a college-ready score in accordance with §1711 of this Chapter and minimum score requirements as follows:

1. minimum of six college credits with a grade of C or better in one or more academic dual enrollment courses;

2. score of 3 or higher on an AP exam;

3. score of 4 or more on the IB exam;

4. ACT mathematics sub-score of 25 or higher or SAT mathematics sub-score of 590 or higher;

5. ACT English sub-score of 26 or higher or SAT Writing and Language score of 33 or higher; or

6. Three CLEP exams with course enrollment and a minimum score recognized by the Louisiana Board of Regents flagship university for college credit.

E. Quality of career readiness shall be demonstrated by completion of one or more of the following:

1. two years of fully aligned Fast Forward registered apprenticeship; or

2. industry based credential (IBC) or bundle of credentials determined to be of high value by the Louisiana

Workforce Commission in addition to completion of a work-based learning experience in accordance with LAC 28:CV.3113; or

3. certificate of technical studies in a high wage, high demand industry.

F. For any school in which 25 percent of the students earning acceleration credit through the provisions of Subsection E of this Section complete a work-based learning experience, the school shall earn a base of five percent to be added to the acceleration indicator.

1. In each year after the 2026 SPS, the percentage of such students expected to complete a work-based learning experience shall increase by five percent until the requirement equals 65 percent of career acceleration students.

2. A score of no more than 100 may be earned for the indicator.

3. Students satisfying the career acceleration requirement through a certificate of technical studies or a registered apprenticeship shall be considered to have completed a work-based learning experience.

G. Readiness for military service shall be demonstrated by one or more of the following:

1. a signed letter of commitment to military service; or

2. acceptance to a military service academy.

H. Pursuant to federal ESSA regulations, HiSET may not be included in the adjusted cohort graduation rate. The LDOE shall engage with the Louisiana Workforce Commission and Louisiana Community and Technical College System to identify appropriate basic IBC bundles to recognize within the acceleration indicator for students earning a HiSET.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1715. Report Card**

A. The state report card shall provide information to assist schools, school systems, and the public to focus resources and support to increase student achievement.

B. The LDOE shall annually publish, on the department website, a report of the statewide accountability program and student achievement in the state, districts, and public schools.

C. Report cards shall include, without limitation, the following information:

1. state, school, and district grade;

2. scores and an explanation of performance under each indicator in the formula;

3. value-added score;

4. descriptions of performance of all schools participating in the assessment program and all major student populations as determined by LDOE; and

5. information regarding school improvement.

D. The provisions of FERPA, 20 U.S.C.S 1232g, and Louisiana statutes pertaining to student records shall be applicable.

E. The school/district shall provide the school report card to each parent/guardian no later than one month after its release each school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **Chapter 19. Inclusion in Accountability**

#### **§1901. State Assessments and Accountability**

A. Schools shall have a minimum of fifteen full academic year students in one of the indices in accordance with Chapter 17 of this Part in order to receive a score.

B. Any indicator with fewer than fifteen students shall not contribute to a school or district score.

C. Louisiana students in third through eighth grade shall participate in at least one of the following state assessments on an annual basis:

1. LEAP; or

2. LEAP Connect.

D. Louisiana students in ninth through twelfth grades will participate in at least one of the following state assessments:

1. high school LEAP 2025, when the student is enrolled in the course for which a test is available;

2. LEAP Connect alternate assessment; or

3. ACT in eleventh or twelfth grade.

E. All students who are English learners shall annually take the Louisiana English Language Proficiency Test (ELPT) assessment or the ELPT Connect in addition to the associated state assessment for the grade in which the student is enrolled.

F. High school LEAP 2025 scores for repeaters in any subject shall not be included in high school SPS calculations except for middle school students who earn a score of unsatisfactory, approaching basic, or basic and retake the high school LEAP 2025 test.

G. Scores earned during an academic year by a student who transferred into the LEA after October 1 of the same academic year shall not be included in the SPS or subgroup performance score.

H. An ACT score of a twelfth grade student will count in only one accountability cycle.

I. A student completing the third year in a high school cohort must have taken the Algebra I, English I, biology, and civics assessments or LEAP Connect. A student not meeting this requirement will be assigned a score of zero and be counted as a non-participant in high school testing. All students must be included in the assessment cohort regardless of course enrollment, grade assignment, or program assignment.

J. English learners shall participate in all required academic assessments and the ELPT or, for qualifying students, ELPT Connect.

1. In the first year, academic assessment and ELPT scores will not be included in school performance score calculation as indicated by the application of an assigned accountability code and verification of first-year enrollment.

2. In the second year, ELA/reading and mathematics assessment scores will be included in the growth indicator only, and ELPT improvement will be included in the English learner indicator in accordance with §4003 of this Part.

3. In the third year, academic assessment will be included in both the proficiency and growth indicators, and ELPT improvement will be included in the English learner indicator for school performance score calculations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1903. Inclusion of Students**

A. The test score of every student enrolled in any school in an LEA on October 1 of the academic year and who is eligible to take a test at a given school within the same LEA shall be included in the LEA district performance score (DPS).

B. The score of every student counted in the DPS will also be counted for SPS and subgroup performance at the school where the student was enrolled on February 1.

C. The score of high school LEAP 2025 tests taken in December will count in the SPS at the school where the student is enrolled for the test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1905. Inclusion of Students in Subgroup Performance**

A. Students that meet the full academic year criteria, in accordance with this Section and §1903 of this Part shall be included in all subgroup performance score calculations.

1. A student that is a former English learner student for up to two years after no longer being considered an English language learner under state rules will not count toward the minimum n size for the EL subgroup.

2. A student that was previously identified as having a disability, but has exited IEP status within the past two years, will not count toward the minimum n size for the students with disabilities subgroup.

3. The LDOE shall, as appropriate, identify additional student subgroups for which to publish data regarding student performance beyond subgroups required by federal law, including, but not limited to, Section 504 students.

B. Calculating the school performance score shall be determined as follows:

1. The alternate academic achievement standards for students participating in LEAP Connect will be used, provided that the percentage of students assessed using the LEAP Connect at the district level does not exceed 1.0 percent of all students in the grades assessed.

2. If the district exceeds the 1.0 percent cap, the district shall request a waiver. The students exceeding the cap shall be assigned a 0 on the assessment and be considered non-proficient if the district fails to request the waiver or if the requested waiver is denied due to the LDOE determination that ineligible students were administered LEAP Connect.

3. When calculating the 1.0 percent cap for alternate assessment purposes, all decimals in results shall be rounded to the next highest whole number.

C. Students participating in LEAP Connect shall be included in the students with disabilities subgroup.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§1907. Pairing/Sharing of Schools with Insufficient Test Data**

A. A school with at least one testing grade, considered as third through eleventh grades, will receive an SPS based only on its own student data provided that the school meets the requirements of LAC 28:XI.1901.

B. Any school which includes kindergarten through second grades and does not have sufficient data to receive a reading/ELA, mathematics, science, and social studies indicator shall be paired with the school to which the majority of the second grade students will be enrolled for third grade for the purposes of receiving the school third grade assessment results for contribution to the reading/ELA, mathematics, science, and social studies indicators.

C. A school enrolling only twelfth grade students will be awarded an SPS based on shared data from a school or schools containing ninth through eleventh grades from which the majority of students are enrolled. The sharing calculation shall define the cohort that will provide the starting roster on which the graduation indicator will be based.

D. A district must identify the school where each of the non-standard schools shall be paired in order to facilitate proper sharing of data for reporting purposes in accordance with this Section. The paired school must be the school that receives by promotion the largest percentage of students from the non-standard school. If two schools receive an identical percentage of students from the non-standard school, or when there is no distinct feeder pattern, the district shall select the paired school.

E. If a school has too few test units to be a stand-alone school, the school may request to be considered stand-alone. The request shall be in writing to the LDOE from the LEA superintendent.

1. The school shall receive an SPS that is calculated solely on that school's data, despite the small number of test units.

2. The school forfeits the right to appeal an SPS and status based on minimum test unit counts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:6.1, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability**

#### **§3501. Alternative Education**

**[Formerly LAC 28:LXXXIII.3501]**

A. - C.3. ...

D. Final accountability results shall be issued by the fall semester of each year and all accountability reports will reflect the configuration of the alternative school as it existed the prior spring semester.

E. A combination alternative school is a school with a grade configuration that includes a combination from both categories of schools, K-8 and 9-12, and as such will receive a score from a weighted average of the SPS from the K-8 grades and the SPS from the 9-12 grades.

1. The K-8 SPS will be weighted by the number of students eligible to test during the spring test administration.

2. The 9-12 SPS will be weighted by the sum of assessment units from students who are initial testers for high school LEAP 2025 plus the students eligible to take the ACT. Students with high school LEAP 2025 and ACT will count only one time.

F. For alternative schools with configurations that include ninth through eleventh grades, but do not have a twelfth grade, the school performance score will consist of the indices available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:10.1, 17:416, and 17:416.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:472 (March 2013), amended LR 45:396 (March 2019), LR 50:

### **§3502. Transition from 2017-2018 to 2024-2025 SPS**

A. Beginning in the 2017-2018 school year (2018 SPS), the overall grading scale will be adjusted to allow schools time to respond to higher expectations in each index. In 2018, the minimum score required for an A, B, and C school letter grade will be lowered by 10 points as compared to the 2012-13 baseline grading scale. In 2024, the scales will partially increase by five points each.

B. By 2025 the scale will return to the 2013 baseline ranges as detailed below:

1. For the 2023-2024 school year (2024 SPS), the SPS and letter grade will be:

- a. 95.0-150 = A;
- b. 80.0-94.9 = B;
- c. 65.0-79.9 = C;
- d. 50.0-64.9 = D; and
- e. 0-49.9 = F

2. For the 2024-2025 school year (2025 SPS) and beyond, the SPS and letter grade will be:

- a. 100-150 = A;
- b. 85.0-99.9 = B;
- c. 70.0-84.9 = C;
- d. 50.0-69.9 = D; and
- e. 0-49.9 = F

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§3503. Alternative Schools Including Alternative Charter Schools [Formerly LAC 28:LXXXIII.3503]**

A. - D.2....

\* \* \*

3. - 8.e....

9. Repealed.

E. Beginning in the 2017-2018 school year (2016-2017 cohort), points shall be assigned for each member of a cohort according to the student results. To earn points for an AP/IB course, students must take the AP/IB exam and pass the course.

1. 160 points will be earned for a student earning a high school diploma plus either an associate's degree or both a. and b. in Paragraph 2 of this Subsection.

2. 150 points will be earned for a student earning a high school diploma plus one of the following:

a. AP score of 3 or higher, IB score of 4 or higher, or CLEP score of 50 or higher; or

b. Advanced statewide Jump Start credential.

3. 115 points will be earned for a student earning a high school diploma and both a. and b. in Paragraph 4 of this Subsection.

4. 110 points will be earned for a student earning a high school diploma plus one of the following:

a. At least one passing course grade for TOPS core curriculum credit earned as AP, college credit, dual enrollment, or IB; or

b. Basic statewide Jump Start credential.

5. 100 points will be earned for a student earning a high school diploma, including a student earning a career diploma with a regional Jump Start credential.

6. 40 points will be earned for a student earning a HiSET plus a Jump Start credential.

7. 25 points will be earned for a student earning a HiSET.

8. 0 points will be earned for a non-graduate without a HiSET.

F. Carnegie units earned in summer school after transitional ninth or traditional ninth grade will not be included.

G. Students who are considered dropouts in transitional ninth or traditional ninth grade based on SIS records shall be included in the calculation and earn zero points.

H. Students who are completing their third year in eighth grade shall be included in the calculation and earn zero points.

I. For students pursuing a Jump Start diploma pathway and participating in LEAP Connect, applied courses and course experiences shall count as a unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:449 (April 2021), LR 49:242 (February 2023), LR 50:

### **§3509. Calculating an Elementary/Middle School Progress Index**

A. Beginning in the 2017-2018 school year (2018 SPS), the progress index will be calculated for ELA and math LEAP 2025 assessments as follows.

B. For students scoring unsatisfactory, approaching basic, or basic in the prior school year, the progress index will award 150 points for each ELA and math score meeting or exceeding the growth to mastery target set by the LDOE.

1. The growth to mastery target will be calculated by adding to the prior year scaled score the difference between the eighth grade scaled score required for mastery (750) and the prior year assessment scaled score divided by the number of years for the student to reach eighth grade, prior-year grade 8. For students with prior-year grade 7, the growth to mastery target is a score of mastery.

2. Growth to mastery targets will be rounded to the nearest whole number but must be at least one point above the prior year scaled score.

C. For students scoring mastery on the prior year assessment, the progress index will award 150 points for meeting or exceeding the continued growth target.



1. The continued growth target will be calculated by adding to the prior-year scaled score the difference between the eighth grade scaled score required for advanced, 794 in ELA and 801 in math, and the prior-year assessment scaled score divided by the number of years for the student to reach eighth grade, prior-year grade 8. For students with prior-year grade 7, the continued growth target is a score of advanced.

2. Continued growth targets will be rounded to the nearest whole number but must be at least one point above the prior year scaled score.

3. If the continued growth target as calculated above exceeds the minimum score for advanced in the current year, the target is advanced.

D. A score of advanced in the current year will be awarded 150 points in the progress index.

E. If a student does not earn 150 points in Subsections A.-D. of this Section, the value-added model will be used to measure individual student performance relative to similar peers.

1. For the purpose of school performance score calculations, the value-added model uses student characteristics including but not limited to prior academic achievement up to three years, special education exceptionality, economically disadvantaged status, English learner status, gifted status, Section 504 status, suspensions, mobility, and absences to calculate typical outcomes for comparable students in ELA and math based on a longitudinal dataset from all students who took Louisiana state assessments in third through twelfth grades. Based on typical outcomes for comparable students, each student is assigned an expected score.

2. The difference between each student's actual achievement score and that student's expected score is the growth result. If actual achievement for a student was higher than expected achievement for that student with that history, then the result would be positive. In contrast, if the actual score was less than the expected score, the growth result would be negative.

3. Each student growth result will be compared to all other student growth results in the same subject area in ELA or math and percentile ranked from the 1st to 99th percentile.

4. Value-added model points will be awarded for student growth percentiles as follows.

- a. 80-99<sup>th</sup> percentile—150 points;
- b. 60-79<sup>th</sup> percentile—115 points;
- c. 40-59<sup>th</sup> percentile—85 points;
- d. 20-39<sup>th</sup> percentile—25 points; and
- e. 1-19<sup>th</sup> percentile—0 points.

5. Students scoring mastery in the current year shall be awarded up to 150 points, but no fewer than 85 points in the progress index, including students who score in the 1st to 39th percentiles of VAM.

F. The progress index calculation will include all students who meet the inclusion requirements outlined in Chapter 19 and who have eligible LEAP 2025 assessment results in both the current and prior school year for the same content area. Student scores will be excluded from the progress index if any of the following are true:

1. student did not take the ELA or math assessment, or assessment result was voided in current or prior year;

2. student has more than one missing prior year score in the available subject tests;

3. assessment results for current or prior school year are in multiple grade levels in the same year;

4. current or prior year assessment results could not be matched to a valid student enrollment record needed for student characteristics used in the model;

5. assessment results for current and prior year are not sequential. Assessment results that are for 3rd grade tests in both the current and prior year are excluded;

6. insufficient numbers of comparable students for valid calculations within the value-added model.

G. The progress index will combine the results of two school years.

1. If only one year of data is available for a school, the progress index will be calculated based on one year only.

2. All students who meet the inclusion rules at a school for each individual school year will be included in the combined calculation.

H. If the high school LEAP 2025 result earned by students at a middle school is transferred, or banked, to the high school, the progress index result for the relevant assessment will also be transferred.

I. When considering prior academic achievement up to three years in the value-added model, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### §3511. Calculating a High School Progress Index

A. Beginning in the 2017-2018 school year (2018 SPS), the progress index will be calculated for Algebra I, geometry, English I, and English II assessments as follows.

B. Progress is measured between a student's eighth grade ELA and math assessments and the LEAP 2025 ELA and math assessments for Algebra I, geometry, English I, and English II.

1. If a student took only the high school LEAP 2025 assessment in middle school, the middle school progress index results will carry forward to the high school.

2. Retests will not be counted in the progress index.

C. For students scoring unsatisfactory, approaching basic, or basic on the baseline assessment, the progress index will award 150 points for each English and math score meeting or exceeding the growth to mastery target.

1. The growth to mastery target for students taking their first high school LEAP 2025 assessment in a content area will be calculated by adding to the baseline scaled score the difference between the scaled score required for mastery (750) and the baseline scaled score divided by two. The growth to mastery target for students taking their second high school LEAP 2025 in a content area will be mastery (750).

2. Growth to mastery targets will be rounded to the nearest whole number but must be at least one point above the baseline scaled score.

D. For students scoring mastery on the baseline assessment, the progress index will award 150 points for meeting or exceeding the "continued growth" target.

1. The continued growth target will be calculated by adding to the baseline scaled score the difference between the English II and geometry scores required for advanced and the prior year assessment scaled score divided by two. For students taking their second high school LEAP 2025 in a content area, the continued growth target is a score of advanced.

2. Continued growth targets will be rounded to the nearest whole number but must be at least one point about the baseline scaled score.

3. If the continued growth target as calculated above exceeds the minimum score for advanced in the current assessment, the target is advanced.

E. A score of advanced in the current year will be awarded 150 points in the progress index.

F. If a student does not earn 150 points in Subsections A.-E. of this Section, the value-added model will be used to measure individual student performance relative to similar peers.

1. For the purpose of alternative school performance score calculations, the value-added model uses student characteristics including but not limited to prior academic achievement up to three years, special education exceptionality, economically disadvantaged status, English learner status, gifted status, Section 504 status, suspensions, mobility, and absences to estimate typical outcomes for comparable students in ELA and math based on a longitudinal dataset from all students who took Louisiana state assessments in third through twelfth grades. Based on typical outcomes for comparable students, each student is assigned an expected score.

2. The difference between each student's actual achievement and that student's expected score is the growth result. If actual achievement for a student was higher than expected achievement for that student with that history, then the result would be positive. In contrast, if the actual score was less than the expected score, the growth result would be negative.

3. Each student growth result will be compared to all other student residuals in the same subject area of ELA or math and percentile ranked from the 1st to 99th percentile.

4. Value-added model points will be awarded for student growth percentiles as follows.

- a. 80-99<sup>th</sup> percentile—150 points;
- b. 60-79<sup>th</sup> percentile—115 points;
- c. 40-59<sup>th</sup> percentile—85 points;
- d. 20-39<sup>th</sup> percentile—25 points; and
- e. 1-19<sup>th</sup> percentile—0 points.

5. Students scoring mastery in the current year shall be awarded up to 150 points, but no fewer than 85 points in the progress index, including students who score in the 1st to 39th percentiles of VAM.

G. The progress index calculation will include all students who meet the inclusion requirements outlined in Chapter 19 and have eligible LEAP 2025 assessment results in both the current and prior school year for the same content area. Student scores will be excluded from the progress index if any of the following are true:

1. student did not take the ELA or math assessment or assessment result was voided in current or prior year;

2. student has more than one missing prior year score in the available subject tests. The value-added model uses tests in all contents available to analyze any given content;

3. assessment results for current or prior school year are in multiple grade levels in the same year;

4. current or prior year assessment results could not be matched to a valid student enrollment record needed for student characteristics used in the model;

5. insufficient numbers of comparable students for valid calculations within the value-added model; and

6. student is dually enrolled in Algebra I and geometry courses (applies to geometry only).

H. The progress index will combine the results of two school years.

1. If only one year of data is available for a school, the progress index will be calculated based on one year only.

2. All students who meet the inclusion rules at an alternative school for each individual school year will be included in the combined calculation.

I. When considering prior academic achievement up to three years in the value-added models, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§3513. Interests and Opportunities Index Components**

A. Beginning with the 2022-2023 school year (2023 SPS), alternative K-8 schools and high schools will select from a list of approved domains and associated interests and opportunities indicators that will serve as the basis for the interests and opportunities index calculation.

B. *Domains* are defined as a broad group of offerings related to student interests. Beginning with the 2022-2023 school year (2023 SPS), the following domains shall be applicable to the interests and opportunities index calculation:

1. the arts;
2. extracurricular activities;
3. STEM (science, technology, engineering, and math); and
4. world languages.

C. *Interests and Opportunities Indicators* are defined as specific measures that capture the extent to which a school is advancing student interests and opportunities. For purposes of the interests and opportunities index, alternative K-8 schools and high schools shall select four total indicators. These indicators shall be associated with at least two different domains.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### **§3515. Calculating a Course Enrollment Score**

A. The course enrollment component will be calculated for an alternative school enrolling students in grades K-8 based on course enrollment as reported to the LDOE.

B. The course enrollment score is defined as the percent of kindergarten through eighth grade students enrolled in

physical education courses, visual arts courses, performing arts courses, and of fourth through eighth grade students enrolled in world language courses.

C. The LDOE will publish a list of course codes for each category.

D. To calculate the numerator, sum the following based on student enrollment as of October 1:

1. total K-8 students enrolled in physical education and/or health courses;
2. total K-8 students enrolled in visual arts courses;
3. total K-8 students enrolled in performing arts courses; and
4. total K-8 students enrolled in world language courses.

E. To calculate the denominator, sum the following:

1. total K-8 students enrolled as of October 1, multiplied by 3; and
2. total 4-8 students enrolled as of October 1.

F. Divide the numerator by the denominator and multiply the result by 75. The final score cannot exceed 150.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

**Chapter 40. English Proficiency for English Learners §4003. English Language Proficiency Progress**

A. For measuring progress on the ELPT assessment, the overall proficiency scores will be organized into the following levels:

1. emerging—all domain scores are one or two;
2. progressing 1—at least one domain score of three and the lowest domain score is one;
3. progressing 2—at least one domain score of three and the lowest domain score is two;
4. progressing 3—at least one domain score of three and the lowest domain score is three; and
5. transitioning—all domain scores are four or five.

B. Each English learner expected trajectory to proficiency will be determined as follows.

1. The initial proficiency level for each English learner will be determined based on the ELPT or ELPT Connect assessment results from the school year in which the student was first enrolled in a Louisiana public school and participated in the ELPT assessment.

2. If a student exits the United States for one or more school years following the initial ELPT or ELPT Connect assessment and later reenrolls in Louisiana, the student will be considered a new student for the purpose of determining the initial proficiency level.

3. For students first identified in prekindergarten through fifth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the table below.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
Emerging (E)	P1	P2	P3	T
Progressing 1 (P1)	P2	P3	T	T
Progressing 2 (P2)	P3	T	T	T
Progressing 3 (P3)	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A

4. For students first identified in sixth through twelfth grade, use the initial ELPT proficiency level and number of years identified as defined in the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
Emerging (E)	P1	P2	P2	P3	P3	T
Progressing 1 (P1)	P2	P2	P3	P3	T	T
Progressing 2 (P2)	P2	P3	P3	T	T	T
Progressing 3 (P3)	P3	T	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A	N/A	N/A

5. An ELPT or ELPT Connect overall proficiency score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

C. For measuring progress on the ELPT Connect assessment, the overall proficiency scores will be organized into the following levels:

1. emerging—all domain scores are one or two;
2. progressing 1—at least one domain score of three and the lowest domain score is one;
3. progressing 2—at least one domain score of three and the lowest domain score is two;
4. progressing 3—at least three domain scores of three and the lowest domain score is two; and
5. transitioning—all domain scores are three or four.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:767 (April 2004), amended LR 36:2244 (October 2010), LR 44:461 (March 2018), LR 50:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and

kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 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 via the U.S. Mail until noon, August 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System School, District, and State Accountability**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change updates LAC 28:XI in Bulletin 111—*The Louisiana School, District, and State Accountability System*. The revisions amend and adopt a comprehensive update to Louisiana’s current K-12 school and district accountability system. The new accountability system is an effort to simplify accountability reporting, increase rigor and transparency, and is strongly influenced by the college and career readiness definition. The formula and calculations focus on indicators for student growth, academic proficiency, and acceleration for career, college, and service readiness. The proposed rule change will not require any change to the data currently collected by the department, but rather adjusts the calculation methodology. As a result, there are no anticipated costs to the department or local education agencies to implement the proposed rule change.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2407#043

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Board of Elementary and Secondary Education**

Criminal Background Checks and Reporting Requirements  
(LAC 28:LXXIX.123; CXV.501; CXXXI.303, 1901,  
1903, 1904, 1907, 1909, 1911, 1913, 1917, and 1919)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:LXXIX in *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic*

*School Administrators* and LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28: CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. Revisions to Louisiana Revised Statute 17:8.9 and 17:15 require criminal background checks (CBC) for the purposes of certification. The proposed amendments align policy with statute to establish a timeline for implementation of the requirement and reporting requirements for educators and school systems. Further, sanctions and actions applied to educator credentials are updated. Finally, new Praxis exams are being adopted to replace existing exams.

**Title 28**  
**EDUCATION**

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators**

**Chapter 1. Operation and Administration**

**§123. Personnel**

A. - A.3. ...

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C) shall be hired by any elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent school employee of any kind.

1. - 2. Repealed.

C. - D.1. ...

E. - E.2. Repealed.

F. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:15, 17:22(6), 17:391.1-391.10, 17:411, and 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3074 (December 2005), LR 39:1439 (June 2013), LR 44:2132 (December 2018), LR 50:

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 5. Personnel**

**§501. Criminal Background Checks**

A. - A.3. ...

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C) shall be hired by a public elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services.

1. - 2. Repealed.

C. ...

D. - D.2. Repealed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:15, and 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007), LR 34:607 (April 2008), repromulgated LR 35:443 (March 2009), amended LR 35:1473 (August 2009), LR 39:2200 (August 2013), LR 44:2132 (December 2018), LR 50:

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

**Chapter 3. Initial Teacher Certification**

**Subchapter B. Testing Required for Certification**

**§303. Certification Exams and Scores**

A. - I.1.d.i. ...

ii. Family and Consumer Sciences (5122), effective 6/8/14 - 8/31/25, score 153; or

iii. Family and Consumer Sciences (5123), effective 9/1/24, score 151.

e. - f. ...

g. Technology Education.

i. Technology Education (0051 or 5051), effective 1/1/12 - 8/31/25, score 159; or

ii. Technology and Engineering Education (5053), effective 9/1/24, score 157.

I.2. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:3902, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:21 (January 2024), repromulgated LR 50:173 (February 2024), LR 50:

**Chapter 19. Actions and Sanctions to Louisiana Educator Credentials**

**§1901. Overview**

A. Educator credentials can be sanctioned for a conviction of certain criminal offenses, for the submission of fraudulent documentation, for professional license censure, for failure to meet the standards for effectiveness, or for participation in cheating. This chapter presents the circumstances that result in sanction, the criteria under which reinstatement or issuance may be obtained, and the circumstances under which a credential may be rescinded. Conditions and mandates for issuance and sanction outlined in this Chapter will be the same for all educator credentials issued by the Louisiana Department of Education.

B. The LDOE shall maintain and make available on the department website the identity of any person whose educator credential has been denied, suspended, or revoked for any of the following:

1. The person has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C), or any felony, even if adjudication was withheld or a pardon or expungement was granted.

2. The person has been found to have submitted fraudulent documentation to the board or the department as part of an application for a Louisiana credential.

3. The person has been found to have facilitated cheating on any state assessment as determined by the board.

C. The LDOE shall make available on the department website records regarding an individual's credential status, including period(s) of validity, sanctions, and actions. Status shall be determined by documents on file with LDOE that indicate criteria for certification have been met and verify no disqualifying factors as outlined in this Chapter.

D. An educator credential may be rescinded when the LDOE is notified that the credential was issued in violation of law or policy. The department shall notify the educator and may rescind the credential.

E. Annually, BESE shall make available on the board website a report detailing the number of appeals filed with the board for the prior calendar year, the offense upon which the appeal is based, the disposition of each appeal, and the number of teacher certifications or other authorizations to teach issued as the result of all successful appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), LR 50:

### §1903. Definitions

\* \* \*

*Department* or *LDOE*—the Louisiana Department of Education, may also be referenced as *LDE*.

\* \* \*

*Records Review*—official board procedure for consideration of an educator appeal regarding credential issuance, reinstatement, or sanction.

*Rescission*—removal of a credential, endorsement, or authorization issued in violation of law or policy. This is not considered a sanction.

*Sanction*—action or censure imposed upon educator credentials by the LDOE and/or BESE including but not limited to denial, suspension, revocation, reprimand, investigation, or monitor.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), LR 50:

### §1904. Criminal History Review for Certification

A. Effective beginning January 1, 2025, an applicant for an initial educator credential shall undergo a criminal history record check in accordance with this Section. For an applicant or recipient of an educator credential, the LDOE shall:

1. Request information from the Louisiana Bureau of Criminal Identification and Information, referred to in this Section as the “state bureau,” and the Federal Bureau of Investigation, referred to in this Section as the “federal bureau,” concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

2. Require and provide the procedure for the submission of a person’s fingerprints to the state bureau, and from the state bureau to the federal bureau, in a form acceptable to the state bureau.

3. Review rap backs in accordance with R.S. 15:587.1 and this Section for any person with an educator credential when the person applies to have a credential renewed, advanced, or otherwise modified.

B. An applicant for an educator credential shall submit required forms to obtain a state and federal criminal history check.

C. Beginning January 1, 2025, an application for certification renewal, advancement, or modification shall require state and federal criminal history checks for individuals for whom LDOE records do not include a state and federal criminal history check for certification purposes within the past five years.

D. The LDOE may require state and federal criminal history checks as otherwise requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:8.7, R.S. 17:8.9, R.S. 17:15, R.S. 15:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### §1907. Reporting Requirements

A. An LEA must notify the LDOE upon the termination, resignation, or resignation in lieu of termination of an employee who holds a Louisiana educator credential within 10 days of separation of service when the action results from:

1. conviction or plea of nolo contendere for an offense outlined in R.S. 15:587.1 or for any felony whatsoever;

2. - 4. Repealed.

A.5. - E. ...

F. Upon final conviction or plea of nolo contendere to any felony offense or any offense listed in R.S. 15:587.1(C), an individual who has an educator credential issued by the board or department shall report the fact of the conviction or plea to the LDOE within two business days, exclusive of weekends and holidays.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1751 (July 2022), LR 50:

### §1909. Criminal History Reporting

A. ...

B. Court dispositions that are set aside pursuant to Articles 893 or 894 of the *Louisiana Code of Criminal Procedure*, expunged, or first offenders pardon, will be treated as convictions for the purpose of sanction.

C. ...

D. Sanction regarding a credential issued by the LDOE shall apply for the following:

1. - 2. ...

E. Misdemeanor and felony criminal convictions, or plea of nolo contendere, for an offense listed in R.S. 15:587.1 shall be referenced as prohibited convictions for which denial, suspension, and/or revocation is mandated and issuance or reinstatement shall never be considered.

F. With the exception of convictions listed in R.S. 15:587.1, records review eligibility may be considered under the following conditions:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:15, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1752 (July 2022), LR 50:31 (January 2024), LR 50:

### §1911. Submission of Fraudulent Documents

A. A Louisiana teaching credential will be denied or if currently issued will be suspended if an educator presents fraudulent documentation as part of an application for a credential to BESE or the LDOE.

B. The department will verify prior to determining that an educator has submitted fraudulent documentation as part of an application for a credential. Upon confirmation of the information, the LDOE will deny or suspend the credential pending official board action per sanction proceedings.

C. - D. ...

1. five years have passed since the date of the relevant sanction;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), R.S. 17:6, R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:

### **§1913. Professional License Censure**

A. ...

B. An application for a Louisiana educator credential may be denied if the educator is found to have had a professional credential related to the area of issuance censured by the issuing agency.

C. - E. ...

1. completion of the terms and conditions of censure;

2. attainment of the eligibility for or reinstatement of censured licensure; and

3. compliance with criminal background check provisions where censure was due to potential criminal actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:

### **§1917. Test Irregularities and Test Security Violations**

A. - B. ...

1. After an investigation has been completed by the school system, department staff will attempt to contact and inform the educator that the LDOE has information regarding participation in cheating and is proceeding under this Section to sanction the credential.

2. - 5. ...

6. Individuals who have been found to have participated in cheating in the administration of standardized tests, will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDOE. Such individuals will be notified in accordance with this Section.

B.7. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:

### **§1919. Records Review for Appeal of Sanction**

A. - I. ...

1. In criminal cases, the felony conviction occurred more than 10 years prior with no additional convictions or repeat offenses, and the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

2. ...

J. An educator meeting criteria for provisional approval will be issued a Louisiana educator credential, appropriate to the qualifications of the educator, and valid for a period of 90 days. The provisional approval is subject to ratification by the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, sanctions may be enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1754 (July 2022), LR 50:

### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 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 via the U.S. Mail until noon, August 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Criminal Background Checks and Reporting Requirements

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

There may be implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates LAC 28:LXXIX in *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* and LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*, and LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The changes will require applicants for certification to pay a fee of approximately \$85, to cover the costs of criminal background checks (CBC) with the Louisiana State Police and Federal Bureau of Investigations, as well as the Louisiana Department of Education (LDOE) credentialing fee in order to determine eligibility for the issuance of educator credentials. Some local education agencies (LEA) cover these costs for prospective employees, but this practice varies by LEA. Further, employers are no longer required to obtain CBCs for teachers, but are still authorized to obtain CBCs, which may reduce costs for the applicant or school system.

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

There is an anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change. The Louisiana State Police will receive processing and vendor fees for all CBCs requested by the department. Additionally, as a part of the total fee, LDOE will receive a processing fee of \$25 for reviewing and determining eligibility for certification. The fees collected will be used to cover operating expenses of the Credentialing Section of the LDOE Division of Educator Talent and Workforce Development.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are anticipated costs to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change. Both first-time applicants for educator credentials and any applicant for credential renewal or update may be subject to fees for CBCs.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be an impact on competition and employment as a result of the proposed rule change. If an educator cannot become certified due to a criminal history issue, it could impact their ability to be hired in the field of education. Additionally, if criminal history issues cause a change in the personnel availability to school systems, it could impact the competition between employing school systems for the educators available.

Beth Scioneaux  
Deputy Superintendent  
2407#044

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Environmental Quality Office of the Secretary Legal Affairs Division

Imports and Exports of Hazardous Waste Multi-Rule  
and e-Manifest Update  
(LAC 33:V.Chapter 1, 1021, Chapter 11, Chapter 13, 1516,  
1531, Chapter 38, Chapter 41, and 4911)

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 Hazardous Waste regulations, LAC 33:V.105, 109, 110, 1021, 1101, 1107, 1108, 1113, 1123, 1127, 1301, 1307, 1309, 1516, 1531, 3835, 3855, 3857, 3871, 3877, 3879, 4105,4143, 4145, and 4911 (Log # HW127ft).

This proposed Rule is identical to federal regulations found in 40 CFR 260.2(b) and (d); 260.4(a); 260.5; 260.11(g) and (g)(1); 261.4(d)(1) and (4), (e)(1) and (4); 261.6(a)(3)(i), and (5); 261.39(a)(5)(i), (iv)-(vi), (ix), and (xi); 261.10(d); 261.12(d); 261.41(c); 262.20(a)(1); 262.21(f)(5)-(8); 262.24(c), (e), and (g)-(h); 262 Subpart H; 263.10 and (d); 263.20(a)(2), (8) and (9), (c), (e)(2), (f)(2), and (g); 263.21(a)-(c), 264.12(a); 264.71(a)(2) and (3), (d), (j), and (l); 264.1086(c)(4)(i) and (d)(4)(i); 265.12(a); 265.71(a)(2) and (3), (d), (j), and (l); 266.70(b); 266.80(a); 273.20; 273.39; 273.40; 273.56; 273.62(a); and 273.70, which are applicable in Louisiana. For more information



regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963.A(2) and (3).

The proposed Rule adopts four federal rules under Subtitle C of the Resource Conservation and Recovery Act (RCRA): three rules related to the import and export of hazardous waste, and one rule related to fees associated with the hazardous waste e-Manifest system submitted solely to the U.S. Environmental Protection Agency (EPA). This proposed Rule incorporates the Imports and Exports of Hazardous Waste Rule, the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule, the Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes Rule, and the Hazardous Waste Electronic Manifest User Fee Rule. This proposed Rule:

- amends the existing regulations regarding the import and export of hazardous wastes into and from the United States of America, enables electronic submittal to the EPA of all import and export related documents, and enables electronic validation of consent for export shipments subject to consent requirements;

- applies a confidentiality determination such that no person can assert confidential business information claims for documents related to the import, export, transit of hazardous waste, and export of excluded cathode ray tubes;

- makes conforming changes to regulations related to 12 hazardous waste import and export recovery and disposal operations used in notices submitted to the EPA by U.S. importers and exporters, and in movement documents that accompany import and export shipments to solely reflect revisions made in Canadian regulations; and

- establishes the methodology the EPA will use to determine the user fees applicable to the national electronic manifest system.

The basis and rationale for this Rule are to mirror federal regulations. This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### **Title 33**

## **ENVIRONMENTAL QUALITY**

### **Part V. Hazardous Waste and Hazardous Materials**

#### **Subpart 1. Department of Environmental Quality— Hazardous Waste**

#### **Chapter 1. General Provisions and Definitions**

#### **§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including solid waste and hazardous waste, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.4. ...

a. Except as provided in Subparagraphs D.4.b and d of this Section, a sample of solid waste or a sample of water,

soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of LAC 33:V.Subpart 1 or to the notification requirements of Subsection A of this Section, when:

a.i. - c. ...

d. In order to qualify for the exemption in Subparagraphs D.4.a.i and ii of this Section, the mass of a sample that will be exported to a foreign laboratory, or that will be imported to a U.S. laboratory from a foreign source, shall not exceed 25 kg.

#### **5. Treatability Study Samples**

a. Except as provided in Subparagraphs D.5.b and d of this Section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in LAC 33:V.109 are not subject to any requirement of LAC 33:V.Chapters 10, 11, 13, 15, or 49, or to the notification requirements of Subsection A of this Section, nor are such samples included in the quantity determinations of LAC 33:V.1009 and 1013.C when:

a.i. - c.iii.(e). ...

d. In order to qualify for the exemption in Subparagraph D.5.a of this Section, the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source shall not exceed 25 kg.

D.6. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division. LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), LR 43:1151 (June 2017), repromulgated by the Office of the

Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:

#### §109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

*Competent Authorities*—Repealed.

\* \* \*

*Concerned Countries*—the countries of export or import, and any countries of transit.

\* \* \*

*Country of Export*—any country from which a *transboundary movement of hazardous waste* is planned to be initiated, or is initiated.

*Country of Import*—any country to which a *transboundary movement of hazardous waste* is planned, or takes place, for the purpose of submitting the waste to *recovery operations* therein.

*Country of Transit*—any country other than the *exporting* or *importing* country across which a *transboundary movement of hazardous waste* is planned or takes place.

\* \* \*

*EPA*—United States Environmental Protection Agency.

*EPA Acknowledgement of Consent*—Repealed.

\* \* \*

*Exporting Country*—any designated OECD member country from which a *transboundary movement of waste* is planned or has commenced.

\* \* \*

*Importing Country*—any designated OECD member country to which a *transboundary movement of waste* is planned or takes place for the purpose of submitting the waste to *recovery operations* therein.

\* \* \*

*Organization for Economic Cooperation and Development (OECD) Area*—Repealed.

\* \* \*

*Recovery Operations*—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses.

\* \* \*

*Transboundary Movement*—any movement of hazardous waste from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December

1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), LR 46:898 (July 2020), LR 47:1852 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:

#### §110. Incorporation by Reference

A. - F.2. ...

G. The following materials are available for purchase from the Organization for Economic Cooperation and Development, Environment Directorate:

1. *Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes*, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedures and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure, IBR, approved for LAC 33:V.Chapter 11.Subchapter B.

2. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:814 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:656 (April 1998), LR 24:1690 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:270 (February 2000), LR 27:291 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1010 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:899 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

#### Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

#### Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators

##### §1021. Annual Report for Large Quantity Generators

A. - B. ...

C. Exports of hazardous waste to foreign countries are not required to be reported on the annual report. A separate annual report requirement is set forth in 262.83(g), as

incorporated by reference at 40 CFR Part 262, Subpart H, which is incorporated by reference in LAC 33:V.Chapter 11.Subchapter B for hazardous waste exporters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:920 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

## **Chapter 11. Manifest, Import and Export Requirements**

[Editor's Note: The generator requirements in Chapter 10 et al. were consolidated and reorganized in LAC 33:V.Chapter 10.]

### **Subchapter A. General**

#### **§1101. Applicability**

[Editor's Note: Parts of 1101 were either revised or moved to LAC 33:V.1003 as part of the consolidation and reorganization of the generator requirements in LAC 33:V.Chapter 10.]

A. ...  
B. Any person who exports or imports hazardous waste shall comply with LAC 33:V.1017 and LAC 33:V.Chapter 11.Subchapter B.

C. ...  
D. Manifest Copy Submission Requirements for Certain Interstate Waste

1. Shipments In any case in which the state where waste is generated or transported to a designated facility requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the state where the facility is located:

a. complete the facility portion of the applicable manifest;  
b. sign and date the facility certification;  
c. submit a final copy of the manifest to the e-Manifest system for data processing purposes; and

d. pay the appropriate fee per manifest to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in the *Code of Federal Regulations* at 40 CFR 265, Subpart FF (Fees for the Electronic Hazardous Waste Manifest Program), up to date as of July 1, 2021.

E. Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments

1. For purposes of this Section, state-only regulated waste means:

a. a nonRCRA waste that a state regulates more broadly under its state regulatory program; or  
b. a RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

2. Any case where a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall:

a. comply with the provisions of LAC 33:V.1516.B and C; and

b. pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods,

dispute procedures, sanctions, and other fee requirements specified in the *Code of Federal Regulations* at 40 CFR 265, Subpart FF (fees for the electronic hazardous waste manifest program), up to date as of July 1, 2021.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:822 (May 2006), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), LR 46:928 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

#### **§1107. Manifest Requirements**

A. General Requirements. The revised manifest form and procedures in 40 CFR Parts 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, 262.34, 262.54, and 262.60, shall be effective as of September 5, 2006. As of September 5, 2006, Uniform Hazardous Waste Manifest forms shall be obtained only from EPA-registered and approved sources as identified by the Manifest Registry. Contact the Office of Environmental Services, or access the U.S. Environmental Protection Agency's website to obtain information on EPA-registered and approved sources.

1. A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, and disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22 and, if necessary, EPA Form 8700-22A.

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

3. Restriction on Use of Electronic Manifests. A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest system, except that a generator may sign by hand and retain a paper copy of the manifest signed by hand of the initial transporter, instead of executing the generator copy electronically, enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

4. ...

5. Special Procedures When Electronic Manifest is Unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator shall obtain and complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements of LAC 33:V.1107.D.

6. ...

7. Reserved.

8. Post-receipt Manifest Data Corrections. Any post-receipt data corrections may be submitted at any time by any interested person after facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest (e.g., waste handler) named on the manifest. Generators may participate in the post-receipt data corrections process electronically by following the process described in LAC 33:V.1516.L, which applies to corrections made to either paper or electronic manifest records.

G - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:566 (April 2016), LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:928 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

#### **§1108. Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests**

A. 40 CFR 262.21, up to date as of July 1, 2021, is hereby incorporated by reference. 40 CFR 262.21 establishes standards and procedures for registrants who apply early to, and obtain approval from, the Director, Office of Solid Waste, US EPA, to print and distribute hazardous waste manifest forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 36:2274 (October 2010), LR 50:

#### **§1113. Exports of Hazardous Waste**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008), LR 34:622 (April 2008),

LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 46:929 (July 2020), repealed by the Office of the Secretary, Legal Affairs Division LR 50:

#### **§1123. Imports of Foreign Hazardous Waste**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:20 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2103 (October 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 50:

#### **§1125. Unmanifested Foreign Hazardous Waste**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:21 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 50:

### **Subchapter B. Transboundary Shipments of Hazardous Waste**

#### **§1127. Transboundary Shipments of Hazardous Waste for Recovery and Disposal**

##### **A. Applicability**

1. The requirements of this Subchapter shall apply to the transboundary movements of hazardous waste.

2. Any person (including exporter, importer, disposal facility operator, or recovery facility operator) who mixes two or more wastes (including hazardous and nonhazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any exporter duties, if applicable, under this Subchapter.

B. Definitions, General Conditions, and Exports and Imports of Hazardous Wastes. Any transboundary movement of hazardous waste shall meet the requirements of the *Code of Federal Regulations* at 40 CFR Part 262, Subpart H (Transboundary Movements of Hazardous Waste for Recovery or Disposal), up to date as of October 1, 2021, which are hereby incorporated by reference.

C. Confidentiality Determinations for Hazardous Waste Export and Import Documents. No claim of business confidentiality may be asserted by any person with respect to information contained in cathode ray tube export documents. The provisions of the *Code of Federal Regulations* at 40 CFR 260.2(d), July 1, 2021, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:72 (January 2008), LR 34:1012 (June 2008), LR 38:783 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

### **Chapter 13. Transporters**

#### **§1301. Applicability**

A. - E. ...

F. A transporter of hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal is subject to this Chapter and to all other relevant requirements of 40 CFR Part 262, Subpart H, which is incorporated by reference in LAC 33:V.Chapter 11.Subchapter B.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 38:789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

#### **§1307. The Manifest System**

A. A transporter may not accept hazardous waste from a generator or another transporter unless it is accompanied by a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A), signed by the generator in accordance with the provisions of LAC 33:V.1107, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and signed with a valid and enforceable electronic signature as described in LAC 33:V.1107.G. The transportation of any hazardous wastes without a manifest shall be deemed a violation of these regulations and the Act. For exports of hazardous waste subject to 40 CFR Part 262 Subpart H, which is incorporated by reference in LAC 33:V.Chapter 11.Subchapter B, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this Chapter, as appropriate, and for exports occurring under the terms of a consent decree issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d).

B. ...

C. The transporter shall ensure that the manifest accompanies the hazardous waste. The transporter shall ensure that a movement document that includes all information required by 40 CFR 262.83(d) also accompanies the hazardous waste in the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016. The transporter shall ensure that a movement document that includes all information required by 40 CFR 262.84(d) also accompanies the hazardous waste in the case of imports occurring under the terms of a consent issued by EPA to the country of export or the importer on or after December 31, 2016.

D. - E.1. ...

2. a shipping paper containing all the information required on the manifest (excluding the EPA identification number, generator certification and signature) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d) or 262.84(d) accompanies the hazardous waste;

E.3. - F.1.d. ...

2. rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d) or 262.84(d) accompanies the hazardous waste at all times;

a. Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.

F.3. - G.3. ...

4. for paper manifests only:

a. send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in LAC 33:V.1516.B.7; and

b. for shipments initiated prior to the automated export system filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a United States Customs official at the point of departure from the United States of America.

H. - L. ...

M. Reserved.

N. ...

O. Post-Receipt Manifest Data Corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Transporters may participate electronically in the post-receipt data corrections process by following the process described in LAC 33:V.1516.L.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

#### **§1309. Compliance with the Manifest**

A. The transporter shall deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter, except as provided in Subsection B of this Section, to:

1. ...

2. the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery;

A.3. - B. ...

1. for a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and the signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the Discrepancy block of the original manifest. The transporter shall retain a copy of this manifest in accordance with LAC 33:V.1311, and give remaining copies of the original to the rejecting facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter shall obtain a new manifest to accompany the shipment, and the new manifest shall include all of the required information in LAC 33:V.1516.C.5.a.(i)-(vi);

2. for a full load rejection that will be taken back by the transporter, a copy of the original manifest which includes the rejecting facility's date and signature and that attests to the rejection, the description of the rejection in the discrepancy block, and the name, address, phone number, and ID number for the alternate facility, or generator, to which the shipment shall be delivered. The transporter shall retain a copy of the manifest and give a copy to the rejecting designated facility. If the original manifest is not used, the transporter shall obtain a new manifest for shipment.

C. - E. ...

F. Emergency Condition. If the hazardous waste cannot be delivered in accordance with Paragraph A.1, 2 or 4 of this Section because of an emergency condition other than rejection of the waste by the designated facility, or alternate designated facility, then the transporter shall contact the generator for further instructions and shall revise the manifest according to the generator's instructions.

G. Transporters without Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with Paragraph A.3 of this Section, and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter shall contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. Afterwards, the current transporter may make such revisions if:

1. the hazardous waste is not delivered in accordance with Paragraph A.3 of this Section because of an emergency condition; or

2. the current transporter proposes to change the transporter(s) designated on the manifest by the generator, to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and

3. the generator authorizes the revision.

H. Transporters With Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with Paragraph A.3 of this Section, and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter during transportation without the generator's prior explicit approval, provided that:

1. the current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;

2. the transporter enters in Item 14 of each manifest in which a change is made, the following statement of its agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf;" and

3. the change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

I. Generator Liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to transporter designations under Paragraph B.3 of this Section does not affect the generator's liability or responsibility for complying with any applicable requirement under this Chapter, or grant any additional authority to the transporter to act on behalf of the generator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), LR 27:44 (January 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

## **Chapter 15. Treatment, Storage, and Disposal Facilities**

### **§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities**

A. - B. ...

1. If a facility receives a hazardous waste shipment accompanied by a manifest, the owner or operator, or his or her agent, shall:

a. sign and date each copy of the manifest;

b. note any discrepancies in the manifest (as defined in Paragraph C.1 of this Section) on each copy of the manifest;

c. immediately give the transporter at least one copy of the manifest;

d. within 30 days after the delivery, send a copy of the manifest to the generator; and

e. retain at the facility a copy of each manifest for at least three years from the date of delivery.

2. - 3. ...

4. Within three working days of the receipt of a shipment subject to LAC 33:V.Chapter 11.Subchapter B, the owner or operator of the facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter, to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The original copy of the movement document must be maintained at the facility for at least three years from the

date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on EPA's WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this Section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

5. The owner or operator of a facility receiving hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B from a foreign source shall:

a. list the relevant consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest matched to the relevant list number for the waste from Block 9b. (If additional space is needed, the owner or operator should use a continuation sheet(s) (EPA Form 8700-22A)); and

b. send a copy of the manifest within 30 days of delivery to EPA using the addresses listed in 40 CFR 262.82(e), until the facility can submit such a copy to the e-Manifest system according to Paragraph B.7 of this Section.

6. ...

7. Paper Manifest Submission Requirements. Beginning on June 30, 2021, the requirement to submit the top copy (page 1) of the paper manifest and any paper continuation sheet to the e-Manifest system for purposes of data entry and processing may be met by the owner or operator only by transmitting an image file of page 1 of the manifest and any continuation sheet to the EPA system, or by transmitting both a data file and the image file corresponding to page 1 of the manifest and any continuation sheet to the EPA system, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services.

C. - I. ...

J. Imposition of User Fee for Manifest Submissions. An owner or operator who is a user of the electronic manifest system may be assessed a user fee by EPA for the submission and processing of each electronic manifest and paper manifest. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313. An owner or operator subject to user fees under this Section shall make user fee payments in accordance with the requirements of 40 CFR 264.1314, subject to the informal fee dispute resolution process of 40 CFR 264.1316, and subject to the sanctions for delinquent payments under 40 CFR 264.1315.

K. ...

L. Post-Receipt Manifest Data Corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) shown on the manifest. Interested persons shall meet the requirements of the *Code of*

*Federal Regulations* at 40 CFR 264.71(l), up to date as of July 1, 2021, which are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:568 (April 2016), LR 43:1141 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:932 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

#### **§1531. Required Notices**

A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall submit the notices required by the *Code of Federal Regulations* at 40 CFR 264.12, October 1, 2021, which are hereby incorporated by reference.

B. Reserved.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2105 (October 2007), LR 38:789 (March 2012), LR 50:

### **Chapter 38. Universal Wastes**

#### **Subchapter B. Standards for Small Quantity Handlers of Universal Waste**

##### **§3835. Exports**

A. A small quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:573 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:684 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

#### **Subchapter C. Standards for Large Quantity Handlers of Universal Waste**

##### **§3855. Tracking Universal Waste Shipments**

A. Receipt of Shipments. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received shall include the following information:

1. - 3. ...

B. Shipments Off-Site. A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of

lading, movement document, or other shipping document. The record for each shipment of universal waste sent shall include the following information:

B.1. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:576 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1762 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), LR 50:

### **§3857. Exports**

A. A large quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:577 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

## **Subchapter D. Standards for Universal Waste**

### **Transporters**

#### **§3871. Exports**

A. A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998) amended by the Office of the Secretary, Legal Affairs Division, LR 50:

## **Subchapter E. Standards for Destination Facilities**

#### **§3877. Tracking Universal Waste Shipments**

A. The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received shall include the following information:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1762 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

## **Subchapter F. Import Requirements**

#### **§3879. Imports**

A. Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of LAC 33:V.Chapter 11.Subchapter B and this Chapter, immediately after the waste enters the United States, as indicated in Paragraphs A.1-3 of this Section.

1. - 3. ...

B. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

## **Chapter 41. Recyclable Materials**

### **§4105. Requirements for Recyclable Material**

A. - A.1. ...

a. industrial ethyl alcohol that is reclaimed, except that exports and imports of such recyclable materials shall comply with LAC 33:V.Chapter 11.Subchapter B:

i. a person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in LAC 33:V.Chapter 11.Subchapter B, export such materials only upon consent of the receiving country and in conformance with the Louisiana State Acknowledgment of Consent as defined in LAC 33:V.Chapter 11.Subchapter B, and provide a copy of the Louisiana State Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

1.a.ii. - 3. ...

4. Hazardous waste that is exported to or imported for purpose of recovery is subject to LAC 33:V.Chapter 11.Subchapter B.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:608 (April 2006), LR 38:779 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:945 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

### **§4143. Recyclable Materials Utilized for Precious Metal Recovery**

A. - B.4. ...

5. persons who export precious metals to or import precious metals from other countries for recovery are subject to the requirements of LAC 33:V.Chapter 11.Subchapter B and LAC 33:V.4311.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq and specifically 2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,



Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 36:2554 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal

Investigations Division, LR 46:945 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§4145. Spent Lead-Acid Batteries Being Reclaimed**

A. ...

<b>If Your Batteries:</b>	<b>And If You:</b>	<b>Then You:</b>	<b>And You:</b>
1. will be reclaimed through regeneration (such as by electrolyte replacement);		are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1.
2. will be reclaimed other than through regeneration;	generate, collect, and/or transport these batteries;	are exempt from LAC 33:V. Subpart 1 except for LAC 33:V.Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.
3. will be reclaimed other than through regeneration;	store these batteries, but you aren't the claimer;	are exempt from LAC 33:V. Subpart 1 except for LAC 33:V.Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.
4. will be reclaimed other than through regeneration;	store these batteries before you reclaim them;	must comply with LAC 33:V.4145.B and, as appropriate, other regulatory provisions described in LAC 33:V.4145.B;	are subject to LAC 33:V. Chapter 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.
5. will be reclaimed other than through regeneration;	don't store these batteries before you reclaim them;	are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapter 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.
6. will be reclaimed through regeneration or any other means.	export these batteries for reclamation in a foreign country.	are exempt from LAC 33:V.Chapters 3, 5, 7, 13, 15, 17,19, 21, 22, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, and 43, and the notification requirements at section 3010 of RCRA. You are also exempt from LAC 33:V.Chapters 10 (except for 1005 and 1017) and 11 (except for Subchapter B).	are subject to LAC 33:V.Chapters 1 and 49 as applicable and LAC 33:V.1005, 1017, and 3105, Table 1, and LAC 33:V.Chapter 11.Subchapter B.
7. will be reclaimed through regeneration or any other means	transport these batteries in the U. S. to export them for reclamation in a foreign country.	are exempt from LAC 33:V.Chapters 3, 5, 7, 13, 15, 17,19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, 41, and 43, and the notification requirements at section 3010 of RCRA.	shall comply with applicable requirements in LAC 33:V.Chapter 11.Subchapter B.
8. will be reclaimed other than through regeneration.	import these batteries from foreign country and store these batteries but you aren't the claimer.	are exempt from LAC 33:V.Chapters 3, 5, 7, 10 (except for 1005 and 1017), 11 (except for Subchapter B), 13, 15, 17,19, 21, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, and 43, and the notification requirements at Section 3010 of RCRA.	are subject to LAC 33:V. Chapters 1 and 49, LAC 33:V.1005, 1017, and 3105, Table 1, LAC 33:V.Chapter 11.Subchapter B, and applicable provisions under LAC 33:V.Chapter 22.
9. will be reclaimed other than through regeneration.	import these batteries from foreign country and store these batteries before you reclaim them.	shall comply with LAC 33:V.4145.B, and as appropriate other regulatory provisions described in 4145.B.	are subject to LAC 33:V. Chapters 1 and 49, LAC 33:V.1005, 1017, 1103, and 3105, Table 1, LAC 33:V.Chapter 11.Subchapter B, and applicable provisions under LAC 33:V.Chapter 22.

<b>If Your Batteries:</b>	<b>And If You:</b>	<b>Then You:</b>	<b>And You:</b>
10. will be reclaimed other than through regeneration.	import these batteries from foreign country and don't store these batteries before you reclaim them.	are exempt from LAC 33:V.Chapters 3, 5, 7, 10 (except for 1005), 11 (except for Subchapter B), 13, 15, 17,19, 21, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, 43, and the notification requirements at Section 3010 of RCRA.	are subject to LAC 33:V. Chapters 1 and 49, LAC 33:V.1005, 1017, and 3105, Table 1, LAC 33:V.Chapter 11.Subchapter B, and applicable provisions under LAC 33:V.Chapter 22.

B. - B.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:579 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 32:830 (May 2006), LR 38:790 (March 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 46:945 (July 2020), LR 50:

**Chapter 49. Lists of Hazardous Wastes**

[Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

**§4911. Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) Undergoing Recycling**

A. - A.5. ...

a. In addition to the applicable conditions specified in Paragraphs A.1-4 of this Section, exports of used, broken CRTs shall comply with the requirements of the *Code of Federal Regulations* at 40 CFR 261.39 (conditional exclusions for used, broken cathode ray tubes (CRTs), and processed CRT glass undergoing recycling), up to date as of July 1, 2021, which is hereby incorporated by reference.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005), amended LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Affairs Division, LR 41:2601 (December 2015), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Hearing**

A public hearing will be held on August 27, 2024, at 1:30 p.m. in the Galvez Building, Oliver Pollock Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are

invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94218724960> or by telephone at (646) 255-1997 using the Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below, or at (225) 219-1325.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW127ft. Such comments must be received no later than August 27, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, fax (225) 219-4068, or E-mail to [DEQ.Reg.Dev.Comments@la.gov](mailto:DEQ.Reg.Dev.Comments@la.gov). The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW127ft. This regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2024%20>.

This proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

Aurelia S. Giacometto  
Secretary

2407#024

**NOTICE OF INTENT**

**Office of the Governor**

**Board of Examiners of Certified Shorthand Reporters**

On-Line Continuing Education Courses and Seminars  
(LAC 46:XXI.611 and 613)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:953(A), the Board of Examiners of Certified Shorthand Reporters (CSR Board) proposes to amend LAC 46:XXI.611 and LAC 46:XXI.613. The proposed amendments will permit the CSR Board to approve on-line courses and seminars for continuing education credit. In particular, the proposed amendments will delete the phrase "or on-line courses or seminars" from Subsection B of Section 611 and will add the phrase "and/or if the training

event will be offered on-line” to Subsection A.1 of Section 613. The CSR Board has the authority to amend these Sections pursuant to R.S. 37:2554.

#### **Title 46**

### **Professional and Occupational Standards**

## **Part XXI. Certified Shorthand Reporters**

### **Chapter 6. Continuing Education**

#### **§611. Activities Not Acceptable for Continuing Education Credits**

A. ...

B. Attendance at or participation in tours, exhibits, entertainment, recreation, committee service, association business, or home study will not be accepted for continuing education credits, except that live webinars will be accepted for continuing education credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21:931 (September 1995), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 33:2420 (November 2007), LR 46:1565 (November 2020), LR 50:

#### **§613. Provider Application Process**

A. A provider must submit the following information to the continuing education committee at least 90 days before the date of a proposed training event:

1. the date, time, and place where the training will be conducted and/or if the training event will be offered on-line;

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 33:2420 (November 2007), amended LR 50:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed amended Rule on the family has been considered. The proposed amended rules are not anticipated to have an impact on family functioning, stability, or autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed amended rules are not anticipated to have an impact on poverty as defined by R.S. 49:473.

#### **Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating the proposed amended rules.

The proposed amended rules are not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared. Instead, the proposed amended rules are anticipated to have a positive impact on small businesses by making it easier and more cost effective for court reporters to obtain continuing education.

#### **Provider Impact Statement**

The proposed amended rules are not anticipated to have an impact on providers of services as described in HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

All interested persons may submit written comments, through August 10, 2024, to Judge Kimya M. Holmes, Chair of the Louisiana Board of Examiners of Certified Shorthand Reporters, 1450 Poydras St., Ste. 630, New Orleans, LA 70112. The Chair is responsible for responding to inquiries regarding this proposed amended Rule.

Judge Kimya M. Holmes  
Chair

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: On-Line Continuing Education Courses and Seminars**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is not anticipated to result in any cost or savings to the state or local governmental units, other than the cost of promulgation.

The proposed rule change allows the Board of Examiners of Certified Shorthand Reporters (CSR Board) to approve online courses, seminars, and other training events for continuing education credits and permits court reporters to obtain continuing education credits through online seminars, courses, and training events.

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

The proposed rule change is not anticipated to have any effect on the revenue collections of the state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will likely affect court reporters and continuing education providers, such as court reporting associations. The proposed rule changes may reduce the costs for court reporters to obtain required continuing education credits because court reporters will be able to receive credits from online attendance at seminars, courses, and other training events and will not have to attend those events in person. The proposed rule changes will likely have no or a negligible effect on the costs of continuing education providers incur to host continuing education events.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change may have an impact on competition and employment of continuing education

providers. If a provider decides not to adopt the new methods of delivery of online education, it may see a decrease in participation by court reporters. Alternatively, if a provider decides to provide an online option, it may see an increase in participation by court reporters. The magnitude of the impact is indeterminable at this time.

Judge Kimya Holmes  
Board Chair  
2407#053

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Office of Group Benefits**

Primary Plan of Benefits and  
Additional Plans and Operations  
(LAC 32:III.105, and V.203, 303, and 503)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 42:801 and 42:802, the Office of the Governor, Division of Administration, Office of Group Benefits, proposes to amend Chapter 1 of LAC 32:III., Primary Plan of Benefits, and Chapters 2, 3, and 5 of LAC 32:V., Additional Plans and Operations. The revisions amend the Out-of-Pocket Maximums to comply with the federal Inflation Reduction Act (IRA) which limits plan participants with Medicare Part D coverage to a maximum out-of-pocket amount of \$2,000 for prescription drugs. The revisions also amend these rules to create a division between medical and prescription maximum out-of-pocket amounts to comply with the IRA.

**Title 32  
EMPLOYEE BENEFITS  
Part III. Primary Plan of Benefits  
Chapter 1. Operation of Primary Plan**

**§105. Out of Pocket Maximums**

A. Plan Participants When OGB Is the Primary Payer for All Plan Participants

<b>Out-of-Pocket Maximum Per Benefit Period (Includes All Eligible Copayments, Coinsurance Amounts and Deductibles)</b>		
	<b>Network</b>	<b>Non-Network</b>
<b>Individual:</b>		
Active Employee/Retirees on or after March 1, 2015	\$3,500	No Coverage
Retirees prior to March 1, 2015	\$2,000	No Coverage
<b>Individual, Plus One Dependent:</b>		
Active Employee/Retirees on or after March 1, 2015	\$6,000	No Coverage
Retirees prior to March 1, 2015	\$3,000	No Coverage
<b>Individual, Plus Two or More Dependents:</b>		
Active Employee/Retirees on or after March 1, 2015	\$8,500	No Coverage
Retirees prior to March 1, 2015	\$4,000	No Coverage

B. Plan Participants When Medicare Is the Primary Payer for at Least One Plan Participant

<b>Out-of-Pocket Maximum<sup>1</sup> Per Benefit Period (Includes All Eligible Copayments, Coinsurance Amounts and Deductibles)</b>		
	<b>Network</b>	<b>Non-Network</b>
<b>Individual:</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$1,500 Prescription: \$2,000	No Coverage
Retirees prior to March 1, 2015	Medical: \$500 Prescription: \$1,500	No Coverage
<b>Individual, Plus One Dependent (Medicare Paying Primary for One):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$4,000 Prescription: \$2,000	No Coverage
Retirees prior to March 1, 2015	Medical: \$1,500 Prescription: \$1,500	No Coverage
<b>Individual, Plus One Dependent (Medicare Paying Primary for Two):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$2,000 Prescription: \$2,000 per participant	No Coverage
Retirees prior to March 1, 2015	Medical: \$0 Prescription: \$1,500 per participant	No Coverage
<b>Individual, Plus Two or More Dependents (Medicare Paying Primary for One):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$6,500 Prescription: \$2,000 per participant	No Coverage
Retirees prior to March 1, 2015	Medical: \$2,500 Prescription: \$1,500 per participant	No Coverage
<b>Individual, Plus Two or More Dependents (Medicare Paying Primary for Two):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$4,000 Prescription: \$2,000 per participant	No Coverage
Retirees prior to March 1, 2015	Medical: \$1,000 Prescription: \$1,500 per participant	No Coverage
<b>Individual, Plus Two or More Dependents (Medicare Paying Primary for Three):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$2,500 Prescription: \$2,000 per participant	No Coverage

Out-of-Pocket Maximum <sup>1</sup> Per Benefit Period (Includes All Eligible Copayments, Coinsurance Amounts and Deductibles)		
Retirees prior to March 1, 2015	Medical: \$0 Prescription: \$1,500	No Coverage

<sup>1</sup> Medical Out-of-Pocket Maximum applies to medical expenditures for all Plan Participants and to Prescription expenditures for Plan Participants when OGB is the primary payer. Prescription Out-of-Pocket Maximum applies to each Plan Participant when Medicare is the primary payer.

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 43:2153 (November 2017), effective January 1, 2018, LR 49:1377 (August 2023), LR 50:

**Part V. Additional Plans and Operations**  
**Chapter 2. PPO Plan Structure—Magnolia Open Access Plan**

**§203. Out of Pocket Maximums**

A. Plan Participants When OGB Is the Primary Payer for All Plan Participants

	Active Employee/Retirees on or after March 1, 2015		Retirees prior to March 1, 2015 Without Medicare	
	Network	Non-Network	Network	Non-Network
Individual Only	\$3,500	\$4,700	\$2,300	\$4,300
Individual Plus One Dependent	\$6,000	\$8,500	\$3,600	\$7,600
Individual Plus Two or More Dependents	\$8,500	\$12,250	\$4,900	\$10,900

B. Plan Participants When Medicare Is the Primary Payer for at Least One Plan Participant

Out-of-Pocket Maximums <sup>1</sup> (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	Medical: \$1,500 Prescription: \$2,000	\$4,700	See Subsection A	See Subsection A	Medical: \$1,300 Prescription: \$2,000
Individual Plus One Dependent (Medicare Paying Primary for One)	Medical: \$4,000 Prescription: \$2,000	\$8,500	Medical: \$1,600 Prescription: \$2,000	\$7,600	Medical: \$3,600 Prescription: \$2,000
Individual Plus One Dependent (Medicare Paying Primary for Two)	Medical: \$2,000 Prescription: \$2,000 per participant	\$8,500	See Subsection A	See Subsection A	Medical: \$1,600 Prescription: \$2,000 per participant
Individual Plus Two or More Dependents (Medicare Paying Primary for One)	Medical: \$6,500 Prescription: \$2,000	\$12,250	Medical: \$2,900 Prescription: \$2,000	\$10,900	Medical: \$5,900 Prescription: \$2,000
Individual Plus Two or More Dependents (Medicare Paying Primary for Two)	Medical: \$4,500 Prescription: \$2,000 per participant	\$12,250	Medical: \$900 Prescription: \$2,000 per participant	\$10,900	Medical: \$3,900 Prescription: \$2,000 per participant
Individual Plus Two or More Dependents (Medicare Paying Primary for Three)	Medical: \$2,500 Prescription: \$2,000 per participant	\$12,250	Medical: \$0 Prescription: \$2,000 per participant	\$10,900	Medical: \$1,900 Prescription: \$2,000 per participant

<sup>1</sup> Medical Out-of-Pocket Maximum applies to medical expenditures for all Plan Participants and to Prescription expenditures for Plan Participants when OGB is the primary payer. Prescription Out-of-Pocket Maximum applies to each Plan Participant when Medicare is the primary payer.

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 43:2155 (November 2017), effective January 1, 2018, amended LR 50:

**Chapter 3. Narrow Network HMO Plan Structure—Magnolia Local Plan (in certain geographical areas)**

**§303. Out of Pocket Maximums**

A. Plan Participants When OGB Is the Primary Payer for All Plan Participants

Out-of-Pocket Maximum Per Benefit Period (Includes All Eligible Copayments, Coinsurance Amounts and Deductibles)		
	Network	Non-Network
<b>Individual:</b>		
Active Employee/Retirees on or after March 1, 2015	\$2,500	No Coverage
Retirees prior to March 1, 2015	\$1,000	No Coverage
<b>Individual, Plus One Dependent:</b>		
Active Employee/Retirees on or after March 1, 2015	\$5,000	No Coverage
Retirees prior to March 1, 2015	\$2,000	No Coverage
<b>Individual, Plus Two or More Dependents:</b>		
Active Employee/Retirees on or after March 1, 2015	\$7,500	No Coverage
Retirees prior to March 1, 2015	\$3,000	No Coverage

B. Plan Participants When Medicare Is the Primary Payer for at Least One Plan Participant

Out-of-Pocket Maximum <sup>1</sup> Per Benefit Period (Includes All Eligible Copayments, Coinsurance Amounts and Deductibles)		
	Network	Non-Network
<b>Individual:</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$500 Prescription: \$2,000	No Coverage
Retirees prior to March 1, 2015	Medical: \$0 Prescription: \$1000	No Coverage
<b>Individual, Plus One Dependent (Medicare Paying Primary for One):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$3,000 Prescription: \$2,000	No Coverage
Retirees prior to March 1, 2015	Medical: \$1,000 Prescription: \$1,000	No Coverage
<b>Individual, Plus One Dependent (Medicare Paying Primary for Two):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$1,000 Prescription: \$2,000 per participant	No Coverage
Retirees prior to March 1, 2015	Medical: \$0 Prescription: \$1,000 per participant	No Coverage

Out-of-Pocket Maximum <sup>1</sup> Per Benefit Period (Includes All Eligible Copayments, Coinsurance Amounts and Deductibles)		
	Network	Non-Network
<b>Individual, Plus Two or More Dependents (Medicare Paying Primary for One):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$5,500 Prescription: \$2,000	No Coverage
Retirees prior to March 1, 2015	Medical: \$2,000 Prescription: \$1,000	No Coverage
<b>Individual, Plus Two or More Dependents (Medicare Paying Primary for Two):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$3,500 Prescription: \$2,000 per participant	No Coverage
Retirees prior to March 1, 2015	Medical: \$1,000 Prescription: \$1,000 per participant	No Coverage
<b>Individual, Plus Two or More Dependents (Three with Medicare Paying Primary):</b>		
Active Employee/Retirees on or after March 1, 2015	Medical: \$1,500 Prescription: \$2,000 per participant	No Coverage
Retirees prior to March 1, 2015	Medical: \$0 Prescription: \$1,000 per participant	No Coverage

<sup>1</sup> Medical Out-of-Pocket Maximum applies to medical expenditures for all Plan Participants and to Prescription expenditures for Plan Participants when OGB is the primary payer. Prescription Out-of-Pocket Maximum applies to each Plan Participant when Medicare is the primary payer.

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 50:

**Chapter 5. PPO/Consumer-Driven Health Plan Structure—Pelican HRA 1000 Plan**

**§503. Out of Pocket Maximums**

A. Plan Participants When OGB Is the Primary Payer for All Plan Participants

Out-of-Pocket Maximum Per Benefit Period (Includes All Eligible Deductibles, Coinsurance Amounts and Copayments)		
	Network	Non-Network
Individual	\$5,000	\$10,000
Family	\$10,000	\$20,000

B. Plan Participants When Medicare Is the Primary Payer for at Least One Plan Participant

Out-of-Pocket Maximum <sup>1</sup> Per Benefit Period (Includes All Eligible Deductibles, Coinsurance Amounts and Copayments)		
	Network	Non-Network
Individual	Medical: \$3,000 Prescription: \$2,000	\$10,000

<b>Out-of-Pocket Maximum<sup>1</sup> Per Benefit Period (Includes All Eligible Deductibles, Coinsurance Amounts and Copayments)</b>		
	<b>Network</b>	<b>Non-Network</b>
Family (Medicare Paying Primary for One)	Medical: \$8,000 Prescription: \$2,000	\$20,000
Family (Medicare Paying Primary for Two)	Medical: \$6,000 Prescription: \$2,000 per participant	\$20,000
Family (Medicare Paying Primary for Three)	Medical: \$4,000 Prescription: \$2,000 per participant	\$20,000

<sup>1</sup> Medical Out-of-Pocket Maximum applies to medical expenditures for all Plan Participants and to Prescription expenditures for Plan Participants when OGB is the primary payer. Prescription Out-of-Pocket Maximum applies to each Plan Participant when Medicare is the primary payer.

**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 50:

**Family Impact Statement**

The proposed amendments are not anticipated to have an impact on family formation, functioning, stability, or autonomy, as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed amendments are not anticipated to have an impact on poverty, as described in R.S. 49:973.

**Small Business Analysis**

The proposed amendments are not anticipated to have an adverse effect or economic impact on small businesses in accordance with the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed amendments are 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 about the proposed Rules to the Office of Group Benefits, Attn.: Margaret A. Collier, P.O. Box 44036, Baton Rouge, LA 70804. The deadline for receipt of written comments is Monday, August 12, 2024 by 4:30 PM.

**Public Hearing**

A public hearing on the proposed amendments may be held on Wednesday, August 28, 2022, beginning at 9 a.m., in the Louisiana Purchase Room (Room 1-100) on the first floor of the Claiborne Building, located at 1201 North Third Street, Baton Rouge, LA 70802, if such a hearing is requested by Monday, August 12, 2022 by 4:30 p.m.. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing. For assistance in determining if a hearing will be held, please call OGB Customer Service at 225-925-6625, or at 1-800-272-8451.

Heath Williams  
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Primary Plan of Benefits and Additional  
Plans and Operations**

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

The proposed changes modify the out-of-pocket maximums set forth in LAC 32:III.105, LAC 32:V.203, LAC 32:V.303, and LAC 32:V.503. Changes are mandated by the federal Inflation Reduction Act (IRA) which limit the maximum out-of-pocket amount (MOOP) for prescription drugs to \$2,000 for plan participants with Medicare Part D.

The IRA’s mandates are expected to decrease the Office of Group Benefits’ (OGB) expenditures for its self-funded plans by approximately \$6.2M in Fiscal Year Ending (FYE) 2025 and \$6.1M in FYE 2026, but increase expenditures by \$8.3 M in FYE 2027. These values are an estimate of expenditures under the IRA compared to estimated costs without the expected impacts of the IRA, and rely upon values provided by OGB’s Pharmacy Benefit Manager (PBM) and Actuary. Some federal Medicare Part D subsidy amounts for 2025 have still not been released by the Centers for Medicare & Medicaid Services (CMS); any deviations between the Medicare Part D subsidy estimates provided by OGB’s vendors and the subsidy payments OGB actually receives will impact the estimates provided.

The IRA also mandated those providing Medicare Part D coverage make available the Medicare Prescription Payment Plan (M3P). M3P is a program that requires OGB to offer Medicare paying primary plan participants the option to pay out-of-pocket prescription drug costs in the form of capped monthly installment payments instead of all at once at the pharmacy. This program assists Medicare enrollees by allowing them to defer the cost of their prescriptions and pay a monthly amount instead. This means that a plan participant who purchases a prescription drug on January 1<sup>st</sup> will not have to pay their share of the cost on January 1<sup>st</sup> if they enroll in the program. Instead, the plan participant can spread their prescription cost across monthly payments for the remainder of the plan year. Despite payments being spread out, the plan participant’s prescription costs will still accrue to meet their MOOP. This federal requirement will cause an increase of \$9 per member per month (PMPM) in 2025 for those members who participate in the program. This administrative fee will be paid by OGB to the prescription drug administrator and covers the cost of administering this program.

The cost estimates presented on the prior page do not include any potential impact of the M3P program, the cost of which will depend on the number of participants who enroll and the period they remain enrolled in the program. If every eligible participant enrolled in this program for 12 months, the annual cost to OGB would be \$4.8M. If OGB were to incur the maximum cost for this program, this increase in administrative cost would reduce the expected decrease in expenditures.

Additionally, there may be minimal one-time costs associated with required programming updates by OGB’s current vendors for medical and pharmacy benefits. Other than

the M3P program, these costs are already provided for in OGB's contracts with the vendors and should not result in additional costs to OGB for programming updates.

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

OGB is funded by premiums which are paid partially by participating employers and partially by the plan participants themselves. A change in OGB's costs is expected to result in a corresponding change in plan participants' premium rates. While OGB does not anticipate an increase in expenditures in the first or second year of IRA compliance, due to the expected increase in expenditures in the third year of IRA compliance, OGB anticipates the expenditure increase will require an increase in the premium rates for OGB's self-funded health plans. OGB strives to offset large premium rate increases by spreading the expected impact to the premium rate increases across several years. As such, OGB expects the impact of the IRA in 2025 to yield an increase in premium revenue receipts of \$0.4M in FYE 2025 from what was expected without the impact of the IRA in 2025. The comparable increases for FYE 2026 and FYE 2027 are \$1.7M and \$3.1M, respectively.

## III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

For OGB plan participants for whom Medicare pays primary, the change implements a \$2,000 per Medicare participant MOOP for prescription drug benefits, except for those retired before March 1, 2015 in the Magnolia Local Plus plan (who will have a \$1,500 per Medicare participant MOOP for prescription drug benefits) or the Magnolia Local plan (who will have a \$1,000 per Medicare participant MOOP for prescription drug benefits). For all plans and tiers, the MOOP for medical and commercial prescription drug benefits was set such that when combined with the Medicare drug MOOPs, the total MOOP is equal to the current plan design to the extent this was possible. These changes affect approximately 44,414 OGB plan participants. These updates are expected to lower prescription drug cost sharing for Medicare participants.

The IRA mandated the M3P program, requiring OGB to offer Medicare paying primary plan participants the option to pay out-of-pocket prescription drug costs in the form of capped monthly installment payments instead of all at once at the pharmacy. This program assists Medicare enrollees by allowing them to defer the cost of their prescriptions and pay a monthly amount instead. This means that a plan participant who purchases a prescription drug on January 1<sup>st</sup> will not have to pay their share of the cost on January 1<sup>st</sup> if they enroll in the program. Instead, the plan participant can spread their prescription cost across monthly payments for the remainder of the plan year. Despite payments being spread out, the plan participant's prescription costs will still accrue to meet their MOOP. However, the initial higher out-of-pocket amount can be spread out by the plan participant if they desire to participate in this program. While there is no direct cost for this program to the plan participant, as discussed above, this federal requirement will cause an increase of \$9 PMPM in 2025 for those members who participate in the program. This fee will be paid by OGB to the prescription drug administrator and covers the cost of administering this program. If every eligible participant enrolled in this program for 12 months, the annual cost to OGB would be \$4.8M.

## IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect of the proposed changes on competition and employment is unknown but estimated to be minimal to none.

Heath Williams  
Chief Executive Officer  
2407#021

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Office of the Governor Division of Administration Racing Commission

House Rules (LAC 35:III.5728)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to adopt LAC 35:III.5728. The proposed Rule establishes that an association's house rules cannot contradict the commission's rules, regulations, and directives and specifies requirements for commission approval of an association's proposed house rules.

#### Title 35

#### HORSE RACING

#### Part III. Personnel, Registration and Licensing Chapter 57. Associations' Duties and Obligations §5728. House Rules

A. An association shall not have house rules that are inconsistent with and/or contrary to the commission's rules, regulations, and directives.

1. All association house rules in place when this rule is promulgated will remain in place until the end of the association's current active race meet.

2. New association house rules shall first be submitted to the Louisiana Horsemen's Benevolent and Protective Association for their review and then submitted to the commission for approval noting whether or not the Louisiana Horsemen's Benevolent and Protective Association is in agreement or disagreement with the proposed new house rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 50:

#### Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

#### Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.



**Provider Impact Statement**

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

**Public Comments**

The domicile office of the Louisiana State Racing Commission is open from 8 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Stephen Landry  
Executive Director

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Racing Commission**

Purses from Sports Wagering (LAC 35:III.5734)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to adopt LAC 35:III.5734. The proposed Rule creates procedures on how the commission shall allocate appropriations from sports wagering pursuant to statute.

**Title 35**

**HORSE RACING**

**Part III. Personnel, Registration and Licensing  
Chapter 57. Associations' Duties and Obligations  
§5734. Purses from Sports Wagering**

A. Each fiscal year, the commission shall allocate any appropriations received pursuant to R.S. 27:625(G)(4) as prescribed in R.S. 4:199(E).

1. Thoroughbred funds per R.S. 4:199(E)(1) shall be distributed periodically based on requests from the Louisiana Thoroughbred Breeders Association upon issuance of each condition book from each racing association. Quarter horse funds per R.S. 4:199(E)(2) shall be distributed periodically based on requests from the Louisiana Quarter Horse Breeders Association upon issuance of each condition book from each racing association.

2. Each receiving association shall maintain funds in a separate interest-bearing bank account approved by the commission, with appropriate transfers made to the horsemen's bookkeeper for purse distribution. The purse fund account so designated shall be a separate account from all other sources of purse funds, and the source of funds shall be indicated as such on racing association daily racing programs (Louisiana Thoroughbred Breeders Association or Louisiana Quarter Horse Breeders Association).

3. Unused funds at the end of a race meeting shall be retained in such bank account, for use during the next race meeting, and shall be subject to the same restrictions as specified herein.

4. Adequate records, to the satisfaction of the commission, shall be maintained, and fund usage and records will be audited by the commission, with reports issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:199.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 50:

**Family Impact Statement**

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: House Rules**

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

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this proposed rule.

To improve the Racing Commission's oversight of disputes between the Horsemen's Benevolent and Protective Association and licensed racing associations, the Louisiana State Racing Commission proposed to adopt Section 5728 (House Rules) of Part III, Chapter 57 of Title 35 (Horse Racing) of the Louisiana Administrative Code. Specifically, the proposed rule establishes the rules, regulations, and directives of the Racing Commission take precedence over licensed racing association's house rules. Additionally, the proposed measure requires any new racing association house rules must first be submitted to the Louisiana Horsemen's Benevolent and Protective Association for review prior to being submitted to the Racing Commission for approval. The submission to the Racing Commission must note whether the Horsemen's Benevolent and Protective Association agrees or disagrees with the racing association's proposed rules.

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

There is no anticipated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)** There is no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Stephen Landry  
Executive Director  
2407#006

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**Poverty Impact Statement**

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

**Provider Impact Statement**

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

**Public Comments**

The domicile office of the Louisiana State Racing Commission is open from 8 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed Rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Stephen Landry  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Purses from Sports Wagering**

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

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this proposed rule.

In consultation with the Legislative Auditor, the Louisiana State Racing Commission proposed to adopt Section 5734 (Purses from Sports Wagering) of Part III, Chapter 57 of Title 35 (Horse Racing) of the Louisiana Administrative Code. Specifically, the proposed rule establishes procedures for the distribution and management of funds received by licensed racing associations.

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

There is no anticipated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

To the extent that the Thoroughbred and the Quarter Horse Breeders Associations establish separate interest-bearing bank accounts to comply with the proposed measure, banking fees may be incurred to maintain funds per R.S. 4:199(E)(1) and (2).

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Stephen Landry  
Executive Director  
2407#005

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Automated Medication Systems  
(LAC 46:LIII.1217 and 1509)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §1217 and §1509 of its rules relative to Automated Medication Systems (AMS). The proposed Rule changes in §1217 and §1509.B. remove references to “human intervention” due to the ambiguity of phrase which has led to different interpretations. The proposed Rule changes in §1217 also describe the requirements of stocking and restocking of an AMS, differentiating between pharmacies that employ electronic product verification procedures and those that do not, and adds the accountability of the pharmacist-in-charge for the accuracy of all drug distribution activities.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 12. Automated Medication Systems**

**§1217. Stocking and Restocking; Electronic Product Verification**

A. In the absence of electronic product verification procedures as described within this Section, the stocking and restocking of medications and devices within an automated medication system shall be performed by a pharmacist, or in the alternative, a pharmacy intern, pharmacy technician, or pharmacy technician candidate under the supervision of a pharmacist.

B. When the pharmacy employs electronic product verification procedures as described within this Section, the stocking and restocking of medications and devices within an automated medication system may be performed by a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician candidate.

1. A bar code or other electronic verification shall be utilized to assure the correct selection of drugs to be placed into an automated medication system.

2. The use of a bar code or other electronic verification shall require an initial quality assurance validation followed by ongoing quality assurance reviews at intervals no greater than 90 days since the previous review, all conducted by a pharmacist.

C. The pharmacist-in-charge remains accountable to the board for the accuracy of all drug distribution activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182(A).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended LR 41:1488 (August 2015), amended by the Department of Health, Board of Pharmacy, LR 47:243 (February 2021), amended LR 50:

## **Chapter 15. Hospital Pharmacy** **§1509. Drug Distribution Control**

A. - A.3.e.iii. ...

B. Automated Medication Systems. A hospital pharmacy may use one or more automated medication systems in compliance with the provisions of Chapter 12 of this Part.

1. When the pharmacy uses an electronic product verification process as described in Section 1217 of this Part, the pharmacist-in-charge may elect to forego manual checks of drug products selected in that manner, provided however, that such selection by the pharmacist-in-charge shall require an initial quality assurance validation followed by an ongoing quality review at intervals no greater than 90 days since the previous review, all conducted by a pharmacist.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2093 (October 2003), effective January 1, 2004, amended LR 40:2257 (November 2014), effective January 1, 2015, LR 41:1488 (August 2015), amended by Department of Health, Board of Pharmacy, LR 46:583 (April 2020), amended LR 50:

### **Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule amendment will have no effect on 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. The proposed rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

### **Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule amendment will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

### **Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule amendment.

### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed rule amendment may reduce the staffing level requirements or qualification required to

provide the same level of service by removing the requirement for a pharmacist to be present for the restocking of an AMS in a location other than that of the pharmacy.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule amendment may decrease the cost to the provider to provide the same level of service by allowing a pharmacy intern, pharmacy technician, or pharmacy technician candidate to restock an AMS at a location other than that of the pharmacy without requiring a pharmacist to be present.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule amendment will have no effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Monday, August 26, 2024.

#### Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Monday, August 26, 2024 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot, Jr.  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Automated Medication Systems (AMS)

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

Other than the cost of rulemaking, which is approximately \$1,000 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in any additional expenditures or cost savings for the Louisiana Board of Pharmacy (LBP). The cost of rulemaking will be paid from self-generated funds.

To the extent a government-operated pharmacy is utilizing an Automated Medication System (AMS), the proposed rule changes may decrease the costs to the pharmacy to provide the same level of service by allowing a pharmacy intern, pharmacy technician, or pharmacy technician candidate to restock an AMS at a location other than that of the pharmacy without requiring a pharmacist to be present.

The proposed rule changes describe the requirements of stocking and restocking of an AMS, differentiating between pharmacies that employ electronic product verification procedures and those that do not, and adds the accountability of the pharmacist-in-charge for the accuracy of all drug

distribution activities. Current rules have been interpreted as requiring the pharmacist to be present when stocking an AMS at a location other than that of the pharmacy, but the proposed rule changes clarify that this is not necessary.

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

The proposed rule changes will not affect revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit pharmacies that employ electronic product verification procedures by allowing a pharmacy intern, pharmacy technician, or pharmacy technician candidate to restock an AMS at a location other than that of the pharmacy without requiring a pharmacist to be present.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes may reduce the staffing level requirements or qualification required to provide the same level of service by removing the requirement for a pharmacist to be present for the restocking of an AMS in a location other than that of the pharmacy.

M. Joseph Fontenot, Jr.  
Executive Director  
2407#032

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Board of Pharmacy

Durable Medical Equipment (DME) Permit  
Change of Ownership (LAC 46:LIII.2403)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §2403 of its rules relative to Durable Medical Equipment (DME) permit change of ownership procedures. The proposed Rule changes require a new application to be filed and a new permit obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the DME permit has occurred or when there is a change in the person or entity's Federal Employer Identification Number (FEIN). The proposed Rule changes indicate that a DME permit is not transferrable, and requires the application to be submitted at least 15 days prior to closing the transfer of ownership. The proposed Rule changes clarify that nothing prohibits an entity from applying for a new permit in order to separate itself from actions which may have been committed by previous ownership.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 24. Limited Service Providers

#### Subchapter A. Durable Medical Equipment

#### §2403. Durable Medical Equipment (DME) Permit

#### A. - E.2. ...

#### 3. Change of Ownership Procedures

a. A DME permit is not transferable  
b. A new application shall be filed and a new permit obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the permit has occurred or there is a change in the person or entity's Federal Employer Identification Number (FEIN).

c. The new owner shall submit an application to the board office at least 15 days before closing the transfer of ownership interests of said business.

d. An application for a new DME permit shall include the direct and first indirect level of ownership information. Any change in the first indirect level of ownership of 20 percent or more must be reported to the board within 30 days of the change.

e. Nothing in this section shall prohibit an entity from applying for a new DME permit in order to separate itself from actions which may have been committed by the previous ownership under the existing DME permit.

F. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:502 (March 2013), amended LR 50:

#### **Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule amendment will have no effect on 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. The proposed rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

#### **Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule amendment will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### **Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will lessen the requirement to apply for a new DME permit. It will require an application for a new DME permit to be submitted at least 15 days before closing the transfer of ownership and will require any change in the first indirect level of ownership of 20 percent or more to be reported to the Board within 30 days of the change.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will not establish less stringent schedules or deadlines for compliance or reporting requirements for small business. The proposed rule amendment will require an application for a new DME permit to be submitted at least 15 days prior to closing the transfer of ownership and will require any change in the first indirect level of ownership of 20 percent or more to be reported to the Board within 30 days of the change.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule amendment.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule

proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule amendment will have no 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 Provider to Provide the Same Level of Service. The proposed rule amendment will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule amendment will have no effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Monday, August 26, 2024.

#### Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Monday, August 26, 2024 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot, Jr.  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Durable Medical Equipment (DME) Permit Change of Ownership

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

Other than the cost of rulemaking, which is approximately \$1,500 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not expected to result in costs or savings to state or local governmental units. The cost of rulemaking will be paid from self-generated funds.

The proposed rule changes require a new application to be filed and a new permit obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the Durable Medical Equipment (DME) permit has occurred or when there is a change in the person or entity's

Federal Employer Identification Number (FEIN). The proposed rule changes indicate that a DME permit is not transferrable and requires the application to be submitted at least 15 days prior to closing the transfer of ownership. The proposed rule changes clarify that nothing prohibits an entity from applying for a new permit in order to separate itself from actions which may have been committed by previous ownership.

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

The proposed rule changes will result in a reduction in revenue collections for the Louisiana Board of Pharmacy (LBP) by eliminating the need for new DME permit applications (and commensurate fees) under certain circumstances related to change of facility ownership. While the actual amount of the reduction is indeterminable, it is anticipated to be approximately \$2,000 per year.

The proposed rule changes will eliminate the need for some DME permit applications due to a change of ownership. The application fee for a DME permit is \$200. Based on historical data, LBP estimates that the proposed rule change will eliminate the need for approximately 10 such applications per year, leading to an expected \$2,000 annual decrease in revenue, though the actual amount will vary depending on the number of applications which are no longer necessary under the proposed rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit DME providers undergoing a change in ownership by eliminating the need for a new DME permit in most circumstances. Eliminating the need to apply for a permit due to a change of ownership will save the DME provider \$200 in application fees.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

M. Joseph Fontenot, Jr.  
Executive Director  
2407#031

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Board of Pharmacy

Pharmacy Technicians (LAC 46:LIII.901, 903, 905)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §§901, 903, and 905 of its rules relative to pharmacy technicians. The proposed Rule changes in §901 remove the definition of Training Program and instead define Pharmacy Technician Educator. The proposed Rule changes in §903 expand the eligibility criteria for obtaining a pharmacy technician candidate registration, modifies the language under exceptions to provide clarity, describe actions to be taken in the event the pharmacy technician candidate is no longer training, and describe requirements of the training to be provided by the pharmacy technician educator. The proposed

Rule changes in §905 correct a typographical error and clarify that the notification of a change of employment must include the pharmacy name.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 9. Pharmacy Technicians

##### §901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section.

\* \* \*

*Pharmacy Technician Educator*—a pharmacy technician training program that is currently nationally-accredited and board-approved, a program by the Louisiana Department of Education offering Pharmacy Technician as a career path, or a Louisiana licensed pharmacist, not on probation with the board, providing technician training in a pharmacy that is not on probation with the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2485 (November 2004), effective January 1, 2005, amended LR 39:1777 (July 2013), amended by Department of Health, Board of Pharmacy, LR 43:2496 (December 2017), effective January 1, 2018, amended LR 50:

##### §903. Pharmacy Technician Candidates

###### A. Registration

1. ...

###### 2. Qualifications

a. The applicant shall be of good moral character and non-impaired.

b. One of the three following eligibility criteria shall be satisfied by the applicant:

i. Verification of enrollment in a nationally-accredited and board-approved pharmacy technician training program and at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

ii. Verification of enrollment in a Louisiana Department of Education program with a pharmacy technician career path and at least 16 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential. Applicants under 18 years of age shall provide evidence of an Employment Certificate as required by the Louisiana Department of Labor.

iii. Verification from a Louisiana licensed pharmacist, who is not on probation with the board, indicating their intention to provide technician training in a pharmacy that is not on probation with the board. The applicant shall be at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

###### c. Exceptions

i. A pharmacist or pharmacy intern whose board credential has been denied, suspended, revoked, or restricted for disciplinary reasons by any board of pharmacy shall not be a pharmacy technician candidate or pharmacy technician.

ii. A Louisiana pharmacist or pharmacy intern whose board credential is active shall not be a pharmacy technician candidate or pharmacy technician until such credential is relinquished.

###### 3. Issuance and Maintenance

a. - c. ...

###### d. Termination of Training

i. In the event the candidate is no longer training with the Pharmacy Technician Educator, for any reason other than completion of the training, the candidate no longer meets the eligibility criteria to possess the registration, and the candidate shall relinquish the registration to the board within 10 days, giving notice of their last day of training.

ii. In the event a candidate fails to relinquish their registration when required to do so, the board staff shall inactivate the registration.

iii. In the event the candidate should resume training with a pharmacy technician educator, and verification of that training is provided to the board, the board may re-issue the registration with the original expiration date preserved.

iv. In its discretion, the board may grant an exception to the original expiration date or reinstate the registration upon request by the candidate demonstrating unusual circumstances.

e. ...

f. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the candidate's name, registration number, and pharmacy name, address, and permit numbers for old and new employers.

###### B. Pharmacy Technician Educators

1. Pharmacy technician educators shall provide academic preparation including technical skills and knowledge, sufficient to prepare the candidate to adequately perform the duties of a pharmacy technician. Academic preparation shall meet the minimum requirements of a board-approved pharmacy technician certification examination provider.

2. All nationally-accredited training programs approved by the board shall maintain their national accreditation.

3. Pharmacy technician educators shall notify the board within 10 days when a pharmacy technician candidate is no longer enrolled in the program or actively progressing in training with the Louisiana licensed pharmacist.

4. Pharmacy technician educators shall provide verification that the pharmacy technician candidate has successfully completed the training.

###### C. Practical Experience

1. - 3. ...

4. The candidate's registration shall evidence his authority to earn practical experience in a pharmacy, under the supervision of a pharmacist, in satisfaction of the requirements for pharmacy technician certification.

a. In the event the registration was issued to an applicant enrolled in a nationally-accredited and board-approved training program, the candidate shall earn the amount of experience prescribed by the curriculum of that program.

b. In the event the registration was issued to an applicant by any other method, the candidate shall earn at least 600 hours of practical experience in a pharmacy in Louisiana. A candidate may receive board credit for a maximum of 50 hours per week, unless further limited by an

Employment Certificate as required by the Louisiana Department of Labor.

5. ...

D. Examination

1. A board-approved pharmacy technician certification examination shall consist of integrated pharmacy subject matter and any other disciplines the board may deem appropriate in order to permit the candidate to demonstrate his competency. The candidate shall achieve a passing score, as determined by the board.

2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2485 (November 2004), effective January 1, 2005, amended LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2496 (December 2017), effective January 1, 2018, repromulgated LR 44:49 (January 2018), amended LR 46:574 (April 2020), amended LR 46:576 (April 2020), amended LR 50:

**§905. Pharmacy Technician Certificate**

A. - B.2. ...

3. The annual renewal shall expire and become null and void on June 30 of each year.

a. The board shall make available, no later than May 1 of each year, an application for renewal to all pharmacy technicians to the address of record.

3.b. - 4. ...

5. A pharmacy technician shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the technician's name, certificate number, and pharmacy name, address, and permit numbers for old and new employers.

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 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2497 (December 2017), effective January 1, 2018, amended LR 46:576 (April 2020), amended LR 50:

**Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule amendment will have no effect on 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. The proposed rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

**Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule amendment will have a positive effect on employment and workforce development by including the Louisiana Department of Education program with a pharmacy technician career path as a Pharmacy Technician Educator. This will allow high school students enrolled in the program who meet all eligibility requirements to obtain a pharmacy technician candidate credential.

4. The Effect on Taxes and Tax Credits. The proposed rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

**Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational



Standards Required in the Proposed Rule. The proposed rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule amendment.

**Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on The Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed rule amendment will have no 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 Provider to Provide the Same Level of Service. The proposed rule amendment will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule amendment will have no effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendments. The deadline for the receipt of all written comments is 12 p.m. on Monday, August 26, 2024.

**Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Monday, August 26, 2024 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot, Jr.  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Pharmacy Technicians**

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

Other than the cost of rulemaking, which is approximately \$1,500 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings

to state or local governmental units. The cost of rulemaking will be paid from self-generated funds.

The proposed rule changes expand the eligibility criteria for obtaining a pharmacy technician candidate registration by providing alternatives to a board-approved, nationally-accredited pharmacy technician training program. The proposed rule changes in Section 901 remove the definition of Training Program and instead define Pharmacy Technician Educator, which includes a board-approved, nationally-accredited training program, a Louisiana Department of Education program with a pharmacy technician career path, and a Louisiana licensed pharmacist providing training in a permitted pharmacy. The proposed rule changes in Section 903 provide qualifications which must be met in order to obtain a Pharmacy Technician Candidate credential through each type of Pharmacy Technician Educator, change the wording for exceptions to provide clarity, describe actions to be taken in the event the pharmacy technician candidate is no longer training, and describe requirements of the training to be provided by the pharmacy technician educator. The proposed rule changes in Section 905 correct a typographical error and clarify that the notification of a change of employment must include the pharmacy name.

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

The proposed rule changes will not affect revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will benefit potential pharmacy technician candidates by providing alternatives to a board-approved nationally-accredited pharmacy technician training program, potentially saving money on enrollment fees. The proposed rule changes will benefit pharmacists and pharmacies by expanding the eligibility criteria for a person to obtain a pharmacy technician candidate registration, which should result in more pharmacy technicians to address the current workforce shortage. The proposed rule changes will benefit consumers by increasing the number of pharmacy technicians in the workplace, which will provide better pharmacy staffing, resulting in better and more efficient patient care.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes are expected to increase the pharmacy technician workforce by expanding the eligibility criteria for obtaining a pharmacy technician candidate registration. This expansion of eligibility criteria may also lead to increased competition for students among pharmacy technician education providers.

M. Joseph Fontenot, Jr.  
Executive Director  
2407#030

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Prescription Transfers (LAC 46:LIII.2523 and 2747)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §2523 and §2747 of its rules relative to prescription transfers. The proposed Rule changes in §2523 and §2747 simplify the requirements

of transferring prescriptions for controlled substances by allowing the transfer if in conformance with federal requirements in 21 CFR Part 1306. The proposed Rule changes in §2523 relative to transferring prescriptions for drugs other than controlled substances allow the transfer for initial filling or refill dispensing; list the actions required of the transferring pharmacist, intern, or technician; list the information required to be recorded by the receiving pharmacist, intern, or technician; change the prescription maintenance requirements to reference the requirements in Chapter 11, and repeals §2523.B.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LIII. Pharmacists**

#### **Chapter 25. Prescriptions, Drugs, and Devices**

##### **Subchapter B. Prescriptions**

##### **§2523. Transfer of Prescription or Prescription Information**

###### **A. Prescription Transfer Requirements**

###### **1. Prescriptions for Controlled Dangerous Substances**

a. The transfer between pharmacies of a prescription or prescription information for controlled substances is permissible in conformance with 21 CFR Part 1306.

###### **2. Prescriptions for Drugs Other Than Controlled Dangerous Substances**

a. The transfer of a prescription or prescription information for the purpose of initial filling or refill dispensing is permissible between pharmacies, subject to the following requirements.

i. Prescriptions may be transferred for the life of the prescription.

ii. The transferring pharmacist, pharmacy intern, or certified pharmacy technician shall do the following:

(a). Invalidate the prescription.

(b). Record on the invalidated prescription record the name and address of the pharmacy to which it was transferred and the name of the pharmacist, pharmacy intern, or certified pharmacy technician receiving the prescription information.

(c). Record the date of the transfer and the name of the pharmacist, pharmacy intern, or certified pharmacy technician transferring the information.

iii. The receiving pharmacist, pharmacy intern or certified pharmacy technician shall record the following:

(a). Indication of the transferred nature of the prescription.

(b). Provide all information required for a prescription and include:

(i). Date of issuance of original prescription.

(ii). Date of last dispensing, if applicable.

(iii). Original number of refills authorized on original prescription.

(iv). Number of refills remaining, if applicable.

(v). Pharmacy's name, address, and prescription number from which the prescription information was transferred.

(vi). Name of pharmacist, pharmacy intern, or certified pharmacy technician who transferred the prescription.

b. The original and transferred prescription(s) shall be maintained in compliance with Chapter 11 of this Part.

c. Pharmacies electronically accessing the same prescription record shall satisfy all information requirements of a manual mode for prescription transferal.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1182.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), LR 36:756 (April 2010), amended by the Department of Health, Board of Pharmacy, LR 49:67 (January 2023), amended LR 50:

#### **Chapter 27. Controlled Dangerous Substances**

##### **Subchapter F. Production, Distribution, and Utilization**

##### **§2747. Dispensing Requirements**

###### **A. - C.6.e. ...**

7. The transfer between pharmacies of a prescription or prescription information for controlled substances is permissible in conformance with 21 CFR Part 1306.

###### **C.8. - F. ...**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:972.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:577 (April 2020), LR 47:1645 (November 2021), amended LR 49:681 (April 2023), amended LR 50:

#### **Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule amendment will have no effect on 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. The proposed rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

### Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule amendment will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

### Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule amendment.

### Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the

following effects on the providers of services to individuals with developmental disabilities:

The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule amendment will have no 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 Provider to Provide the Same Level of Service. The proposed rule amendment will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule amendment will have no effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Monday, August 26, 2024.

### Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Monday, August 26, 2024 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Prescription Transfers

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

Other than the cost of rulemaking, which is approximately \$1,000 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. The cost of rulemaking will be paid from self-generated funds.

The proposed rule changes in Sections 2523 and 2747 simplify the requirements of transferring prescriptions for controlled substances by allowing the transfer if it is in conformance with federal requirements in 21 CFR Part 1306. The proposed rule changes in Section 2523 relative to transferring prescriptions for drugs other than controlled substances allow the transfer for initial filling or refill dispensing; list the actions required of the transferring pharmacist, intern, or technician; list the information required to be recorded by the receiving pharmacist, intern, or technician; change the prescription maintenance requirements to reference the requirements in Chapter 11; and remove

obsolete provisions regarding the use of common electronic files.

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

The proposed rule changes will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit the public by preventing delay of pharmacy services to patients by allowing the transfer of unfilled prescriptions to another pharmacy. The proposed rule changes will benefit the public, pharmacies, and pharmacists by preventing any delay in implementing future federal changes at the state level through referencing federal requirements for transfers of prescriptions for controlled substances.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

M. Joseph Fontenot, Jr.  
Executive Director  
2407#029

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

Medical Transportation Program  
Elevated Level of Care  
(LAC 50:XXVII.Chapter 5 and Chapter 7)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXVII.Chapter 5 and Chapter 7 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the medical transportation program to establish guidelines for the administration and distribution of Elevated Level of Care (ELOC) services by non-emergency medical transportation (NEMT) vendors that meet the criteria to provide an elevated level of care service to Medicaid beneficiaries utilizing this service, and to clarify language regarding non-emergency medical ambulance transportation (NEAT) services.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXVII. Medical Transportation Program**

**Chapter 5. Non-Emergency Medical Transportation**

**Subchapter A. General Provisions**

**§501. Introduction**

A. Non-emergency medical transportation (NEMT) is provided to Medicaid beneficiaries to and/or from a Medicaid covered service or value-added benefit (VAB) when no other means of transportation is available.

NOTE: Repealed.

B. Medicaid covered transportation is available to Medicaid beneficiaries when:

1. the beneficiary is enrolled in a Medicaid benefit program that explicitly includes transportation services;

2. the beneficiary or their representative has stated that they have no other means of transportation; and

3. the beneficiary may utilize the elevated level of care (ELOC) transportation services, often referred to as door through door transportation, which provides assistance beyond the capacity of the beneficiary. ELOC is a higher level of care for beneficiaries with mobility limitations requiring assistance with ambulating independently when using a wheelchair.

C. This Chapter applies to the fee-for-service and managed care programs for the provision of NEMT to and/or from medically necessary Medicaid covered services.

1. ...

2. An elevated level of care NEMT service utilizes fully credentialed NEMT providers who have complied with any advanced training and insurance required by the department, to transport fee-for-service beneficiaries and managed care enrollees to and/or from covered Medicaid services.

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, LR 47:1638 (November 2021), amended LR 50:

**§503. Prior Approval and Scheduling**

A. - A.2. ...

B. Elevated level of care wheelchair services require additional approval.

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, LR 47:1639 (November 2021), amended LR 50:

**§505. Requirements for Coverage**

A. Payment shall only be authorized for the least costly means of transportation available. The least costly means of transportation shall be determined by the department or its designee and considered the beneficiary's choice of transportation, the level of service required to safely transport the beneficiary (e.g., ambulatory, wheelchair, transfer), and the following hierarchy:

1. - 3. ...

4. for-profit providers who are enrolled in the Medicaid Program.

B. Beneficiaries shall be allowed a choice of transportation for-profit providers as long as it remains the least costly means of transportation.

C. Beneficiaries may request NEMT elevated level of care services to and/or from a Medicaid covered service if medically eligible.

1. - 2. Repealed.

D. Beneficiaries are encouraged to utilize healthcare providers of their choice in the community in which they reside when the beneficiary requires Medicaid reimbursed transportation services.

1. Beneficiaries may seek medically necessary services in another state when it is the nearest option available.

2. In the managed care program, transportation will only be approved to and/or from a healthcare provider within

the department's geographic access standards, unless granted an exception by the department or its designee.

E. Beneficiaries and healthcare providers should give advance notice when requesting transportation.

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, LR 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:

### **Subchapter C. Provider Responsibilities**

#### **§517. Provider Enrollment**

A. ...

B. Non-emergency medical transportation for-profit providers shall have a minimum liability insurance coverage of \$25,000 per person, \$50,000 per accident and \$25,000 property damage policy.

1. - 3. ...

C. As a condition of reimbursement for transporting Medicaid beneficiaries to and/or from healthcare services, gas reimbursement providers must maintain a current valid vehicle registration, the state minimum automobile liability insurance coverage, and a current valid driver's license. Proof of compliance with these requirements must be submitted to the department or its designee during the enrollment process. Gas reimbursement providers are allowed to transport up to five specified Medicaid beneficiaries or all members of one household across all contracted managed care organizations. The provider may not reside at the same physical address as the beneficiary being transported. Individuals transporting more than five Medicaid beneficiaries or all members of one household shall be considered for-profit providers and shall be enrolled as such and comply with all for-profit provider requirements.

D. ...

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, LR 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:

### **Subchapter D. Reimbursement**

#### **§523. General Provisions**

A. - B. ...

C. Reimbursement for NEMT elevated level of care claims shall be allowed only when accompanied by the completed prior approval form documenting the need for the enhanced level of care.

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, LR 47:1639 (November 2021), amended LR 50:

### **Chapter 7. Non-Emergency Ambulance Transportation**

#### **§705. Prior Approval and Scheduling**

A. The department or its designee must review and approve or deny the transportation requests, prior to scheduling, for beneficiary eligibility and verification of the following:

1. ...

2. that a completed certification of ambulance transportation form is received for the date of service and medical necessity has been determined by a licensed medical provider.

B. ...

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, LR 47:1640 (November 2021), amended LR 50:

#### **§707. Reimbursement**

A. ...

B. Reimbursement for NEAT claims shall be allowed only when accompanied by the completed certification of ambulance transportation form justifying the need for ambulance services.

C. Medicaid covers medically necessary nonemergency, scheduled, repetitive ambulance services if the ambulance provider or supplier, before furnishing the service to the beneficiary, obtains a certificate of ambulance transportation dated no earlier than 180 days before the date the service is furnished.

D. Reimbursement will not be made for any additional person(s) who must accompany the beneficiary to the medical provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1640 (November 2021), amended LR 50:

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 no impact on family functioning, stability and 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.

#### **Small Business Impact Statement**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have a positive impact on small businesses, as it permits enhanced Medicaid reimbursement for a higher level of services by properly accredited providers.

#### **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 staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the total direct and indirect cost to the provider to provide the same level of service, but will provide an enhanced reimbursement rate for a higher level of

care to properly accredited providers. This proposed Rule is anticipated to 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 Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2024.

#### Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 29, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Medical Transportation Program Elevated Level of Care

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

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$1,068,496 for FY 24-25, \$1,086,604 for FY 25-26, and \$1,119,203 for FY 26-27. It is anticipated that \$1,080 (\$540 SGF and \$540 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the medical transportation program to establish guidelines for the administration and distribution of Elevated Level of Care (ELOC) services in non-emergency medical transportation (NEMT) vendors that meet the criteria to provide an elevated level of care service to Medicaid beneficiaries utilizing this service, and to clarify language regarding non-emergency medical ambulance transportation (NEAT) services.

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

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$2,265,778 for FY 24-25, \$2,346,585 for FY 25-26, and \$2,416,982 for FY 26-27. It is anticipated that \$540 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the medical transportation program to establish guidelines for the administration and distribution of ELOC services in NEMT

vendors that meet the criteria to provide an elevated level of care service to Medicaid beneficiaries utilizing this service, and to clarify language regarding non-emergency medical ambulance transportation (NEAT) services. This proposed rule will allow eligible Medicaid beneficiaries to receive a higher level of care. Implementation of this proposed rule is anticipated to increase Medicaid payments to qualifying providers by \$3,333,194 in FY 24-25, \$3,433,189 for FY 25-26, and \$3,536,185 for FY 26-27.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2407#040

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Bureau of Health Services Financing

#### Pharmacy Benefits Management Program Drug Shortages (LAC 50:XXIX.105)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXIX.105 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 U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) recommended that the Department of Health, Bureau of Health Services Financing clarify language in the Medicaid State Plan relating to drug shortages of prescribed drugs under the Medical Assistance Program. The department proposes to amend the provisions governing the Pharmacy Benefits Management Program in order to align the language in the *Louisiana Administrative Code* with the required changes requested by CMS to the State Plan relative to shortages of drugs not on the covered drug list, including drugs authorized for import by the Food and Drug Administration (FDA) that may be covered when deemed medically necessary during drug shortages identified by the FDA.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XXIX. Pharmacy

#### Chapter 1. General Provisions

#### §105. Medicaid Pharmacy Benefits Management System Point of Sale—Prospective Drug Utilization Program

A. - C. ...

D. Drug Shortages. Drugs that are not on the list of covered drugs, including drugs authorized for import by the Food and Drug Administration (FDA), may be covered when deemed medically necessary during drug shortages identified by the FDA.

E. Reimbursement Management. The cost of pharmaceutical care is managed through NADAC of the

ingredient or through wholesale acquisition cost (WAC) when no NADAC is assigned, and compliance with FUL regulations, the establishment of the professional dispensing fee, drug rebates and copayments. Usual and customary charges are compared to other reimbursement methodologies and the "lesser of" is reimbursed.

F. Claims Management. The claims management component is performed through the processing of pharmacy claims against established edits. Claim edit patterns and operational reports are analyzed to review the effectiveness of established edits and to identify those areas where the development of additional edits are needed.

1. - 3. Repealed.

G. Pharmacy Program Integrity. Program integrity is maintained through the following mechanisms:

1. retrospective drug utilization review;
2. Lock-In Program for patient education; and
3. Surveillance and Utilization Review Systems (SURS) Program processes which provide for on-going review for mis-utilization, abuse and fraud and audits of the pharmacy providers.

H. Pharmacy Provider Network. Enrolled Medicaid pharmacy providers are required to comply with all applicable federal and state laws and regulations.

I. Point-of-Sale Prospective Drug Utilization Review System. This on-line point-of-sale system provides electronic claims management to evaluate and improve drug utilization quality. Information about the patient and the drug will be analyzed through the use of therapeutic modules in accordance with the standards of the National Council of Prescription Drug Programs. The purpose of prospective drug utilization review is to reduce duplication of drug therapy, prevent drug-to-drug interactions, and assure appropriate drug use, dosage and duration. The prospective modules may screen for drug interactions, therapeutic duplication, improper duration of therapy, incorrect dosages, clinical abuse/misuse and age restrictions. Electronic claims submission inform pharmacists of potential drug-related problems and pharmacists document their responses by using interventions codes. By using these codes, pharmacists will document prescription reporting and outcomes of therapy for Medicaid recipients.

1. - 5. Repealed.

J. POS/PRO-DUR Requirements Provider Participation.

1. Point-of-sale (POS) enrollment amendment and certification is required prior to billing POS/PRO-DUR system. Annual recertification is required.

2. All Medicaid enrolled pharmacy providers will be required to participate in the Pharmacy Benefits Management System.

3. Eligibility verification is determined at the point of sale.

4. Pharmacy providers and prescribing providers may obtain assistance with clinical questions from the University of Louisiana at Monroe.

5. Prescribers and pharmacy providers are required to participate in the educational and intervention features of the pharmacy benefits management system.

K. Recipient Participation. Pharmacy patients are encouraged to take an active role in the treatment or management of their health conditions through participation

in patient counseling efforts with their prescribing providers and pharmacists.

L. Disease and Outcomes Management. Disease management will be focused on improving the drug therapy for certain disease states by developing procedures to assure direct interventions and increasing compliance of patients. Patient populations will be targeted for disease therapy monitoring and educational efforts.

M. Peer Counseling and Conference Management. The department will analyze data for individual prescribers and pharmacists. Quality management strategies will be used for peer counseling and conferences with prescribers and/or pharmacists to assure appropriate prescribing and dispensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and the 1995-96 General Appropriate Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1180 (June 2017), LR 43:1553 (August 2017), LR 45:570 (April 2019), amended LR 45:665 (May 2019), LR 50:

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 no impact on family functioning, stability and 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.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **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 Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030.

Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2024.

### Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 29, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Pharmacy Benefit Management Program—Drug Shortages

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$864 (\$432 SGF and \$432 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the Pharmacy Benefits Management Program in order to align the language in the Louisiana Administrative Code with the required changes requested by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) to the State Plan relative to shortages of drugs not on the covered drug list, including drugs authorized for import by the Food and Drug Administration (FDA) that may be covered when deemed medically necessary during drug shortages identified by the FDA.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 24-25. It is anticipated that \$432 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the Pharmacy Benefits Management Program in order to align the language in the Louisiana Administrative Code with the required changes requested by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) to the State Plan relative to shortages of drugs not on the covered drug list, including drugs authorized for import by the Food and Drug Administration (FDA) that may be covered when deemed medically necessary during drug

shortages identified by the FDA. Implementation of this proposed rule will not result in costs to providers and small businesses in FY 24-25, FY 25-26, and FY 26-27, and will be beneficial by aligning the administrative rule with the federal regulations governing the Pharmacy Benefits Management Program.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2407#041

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Insurance Office of the Commissioner

Regulation 19—Inclusion of Burial Plots, Vaults, etc., as  
Part of Funeral Service—Change in Reserve Basis  
(LAC 37:XIII.Chapter 63)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to *Regulation 19—Inclusion of Burial Plots, Vaults, etc., as Part of Funeral Service—Change in Reserve Basis*. The Department of Insurance is repealing Regulation 19 as existing statutory language provides sufficient guidance, and regulatory clarification is no longer necessary.

#### Title 37

#### INSURANCE

#### Part XIII. Regulations

#### Chapter 67. Regulation 19—Inclusion of Burial Plots, Vaults, etc., as Part of Funeral Service— Change in Reserve Basis

#### §6701. Policy Directive Number Six to All Insurance Issuing Funeral Policies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, July 9, 1962, repealed LR 50:

#### Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.



4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-7821, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., August 10, 2024.

Timothy J. Temple  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 19—Inclusion of Burial Plots, Vaults, etc., as Part of Funeral Service—Change in Reserve Basis**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed regulation change will not result in additional costs or savings for state and local government units. The proposed regulation change is to repeal Regulation 19 as existing statutory language provides sufficient guidance, and regulatory clarification is no longer necessary.

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

The proposed regulation will have no impact on the state or local government revenues.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed regulation change promulgates Regulation 19 due to existing statutory language providing sufficient guidance, and regulatory clarification is no longer necessary.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule will have no impact upon competition and employment in the state.

Chris Cerniauskas  
Chief of Staff  
2407#023

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Insurance Office of the Commissioner

#### Regulation 39—Statement of Actuarial Opinion (LAC 37:XIII.Chapter 7)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to Regulation 39—Statement of Actuarial Opinion. The Department of Insurance is repealing Regulation 39 as the guidance it provides is included in the NAIC Annual Statement Instructions, which La. R.S. 22:771 directs insurers to follow.

#### Title 37 INSURANCE

#### Part XIII. Regulations

#### Chapter 7 Regulation 39—Statement of Actuarial Opinion

##### §701. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:904

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:619 (June 1992), repealed LR 50:

##### §703. Applicability and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:904.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:619 (June 1992), repealed LR 50:

##### §705. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:904.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:52 (January 2021), repealed LR 50:

##### §707. Content

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:904.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:619 (June 1992), repealed LR 50:

##### §709. Exemptions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:904.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:619 (June 1992), repealed LR 50 :

#### Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended

regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

#### Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The

proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

**Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

**Public Comments**

Interested persons who wish to make comments may do so by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., August 10, 2024.

Timothy J. Temple  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Regulation 39—Statement of Actuarial  
Opinion**

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

The proposed regulation change will not result in additional costs or savings for state and local government units. The proposed regulation change is to repeal Regulation 39 as the guidance it provides is included in the NAIC Annual Statement Instructions, which La. R.S. 22:771 directs insurers to follow.

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

The proposed rule will have no impact on state or local governmental revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR  
NONGOVERNMENTAL GROUPS (Summary)**

The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or nongovernmental groups. The proposed regulation change promulgates Regulation 39 due to the NAIC Annual Statement Instructions, which La. R.S. 22:771 directs insurers to follow.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

The proposed rule will have no impact upon competition and employment in the state.

Chris Cerniauskas  
Chief of Staff  
2407#050

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

Regulation 43—Companies in Hazardous  
Financial Condition  
(LAC 37:XIII.Chapter 13)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 43.

The purpose of the amendment to Regulation 43 is to update the standards which the commissioner may use for identifying insurers found to be in such condition as to render the continuance of their business hazardous to their policyholders, creditors or the general public in accordance with the model regulation adopted by the National Association of Insurance Commissioners (NAIC).

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**Chapter 13. Regulation Number 43—Companies in  
Hazardous Financial Condition**

**§1305. Standards**

A. ...

1. - 4. ...

5. whether the insurer's operating loss in the last 12-month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and cash dividends paid to shareholders, is greater than 50 percent of the insurer's remaining surplus as regards policyholders in excess of the minimum required;

6. - 20. ...

21. whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:220 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 18:1408 (December 1992), amended LR 39:3303 (December 2013), amended by the Department of Insurance, Office of the Commissioner, LR 50:

**Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation

should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the Rule.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the

Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., August 10, 2024.

Timothy J. Temple  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Regulation 43—Companies in Hazardous Financial Condition**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed regulation change will not result in additional costs or savings for state and local government units. The proposed regulation change is to update the standards which the commissioner may use for identifying insurers found to be in such condition as to render the continuance of their business hazardous to their policyholders, creditors or the general public in accordance with the model regulation adopted by the National Association of Insurance Commissioners (NAIC).

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

The proposed regulation changes will have no impact on state or local governmental revenues.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed regulation change promulgates Regulation 43 due to the model regulation adopted by the National Association of Insurance Commissioners (NAIC).

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed regulation changes will have no impact upon competition and employment in the state.

Chris Cerniauskas  
Chief of Staff  
2407#051

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Insurance Office of the Commissioner

Regulation 126—Louisiana Fortify Homes Program  
(LAC 37:XIII.Chapter 182)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby gives notice of its intent to amend Regulation 126 to provide clarification with respect to the administration of the Louisiana Fortify Homes Program (LFHP) in accordance with Act No. 554 of the 2022 Regular Session.

#### Title 37 INSURANCE

#### Part XIII. Regulations

#### Chapter 182. Regulation Number 126—Louisiana Fortify Homes Program

##### §18201. Purpose

A. ...

B. The purpose of the amendment to Regulation 126 is to provide additional clarification with respect to the administration of the LFHP in accordance with Act No. 554 of the 2022 Regular Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

##### §18202. Definitions

A. As used in Regulation 126, the following terms shall have the meanings herein specified.

1. *Commissioner*—the Louisiana Commissioner of Insurance.

2. *FORTIFIED*—a program of IBHS.

3. *FORTIFIED Home Evaluator*—an independent, third party who has completed the FORTIFIED training requirements and is certified by the Insurance Institute for Business and Home Safety (IBHS) as a home evaluator who can verify that a home meets the FORTIFIED roof standard. Homeowners can find a list of certified home evaluators at [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes).

4. *Good Cause*—sufficient and verifiable grounds for waiving a requirement in the grant application process.

5. *Insurance Institute for Business and Home Safety (IBHS)*—a non-profit research and communications organization of the property and casualty insurance industry that defines the FORTIFIED roof standard for homes, information for which can be found at [www.fortifiedhome.org](http://www.fortifiedhome.org).

6. *Lottery Process*—the random process by which an applicant is selected for the LFHP.

7. *Louisiana Fortify Homes Program (LFHP)*—a program, enacted by Act No. 554 of the 2022 Regular Session, administered by the commissioner, to make financial grants to retrofit roofs of insured property, as defined in R.S. 22:1483(C)(9), with a homestead exemption utilizing construction techniques demonstrated to reduce losses caused by a hurricane, tornado, or other catastrophic windstorm event and that meet or exceed the IBHS

FORTIFIED roof standard, information for which can be found at [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes).

8. *National Flood Insurance Program (NFIP)*—a federal program enacted by the National Flood Insurance Act of 1968 (Title XIII of P.L. 90-448, as amended, 42 U.S.C. §§4001, et seq.) to provide greater access to primary flood insurance, mitigate flood risks, and reduce federal expenditures pertaining to flood-related disaster assistance. As part of its efforts to minimize flood damage and reduce repair costs, the NFIP designates flood zones and flood maps, which illustrate a community's flood risks. Additional information regarding the NFIP or flood zones and maps can be found at [www.floodsmart.gov](http://www.floodsmart.gov).

9. *Special Flood Hazard Area (SFHA)*—an area having special flood, mudflow, or flood-related erosion hazards on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as shown on the Federal Emergency Management Agency's website. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

##### §18203. Contractor Eligibility Requirements and Conflicts of Interest

A. Contractor Eligibility Requirements. To be eligible to work as a LFHP contractor (LFHP-approved contractor), the contractor must meet all of the following program requirements:

1. submit and maintain a current copy of all certificates, licenses, and proof of insurance coverages with the LFHP;

2. - 5. ...

6. provide a FORTIFIED certification issued by the IBHS or its successor;

7. be listed on the IBHS Directory as an approved contractor at [www.fortifiedproviders.com](http://www.fortifiedproviders.com);

8. comply with all regulatory and tax laws regulating businesses in the state of Louisiana;

9. maintain internet access and have a valid, active email address on file with the LFHP for communication with the LFHP;

10. avoid conflicts of interest in any work performed on projects funded by LFHP grants; and

11. agree to follow the LFHP procedures and rules as established by the commissioner.

B. Contractor Conflicts of Interest

1. LFHP-approved contractors may not possess a financial interest in any project for which they perform work toward a FORTIFIED designation other than for payment on behalf of the homeowner by the LFHP.

2. LFHP-approved contractors cannot be the home evaluator for a FORTIFIED designation on any project funded by LFHP grants.

3. ...

C. The LFHP may remove a contractor from the list of LFHP-approved contractors at any time upon a finding that the contractor failed to meet any of the program requirements listed in Regulation 126.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

#### **§18204. Home Evaluator Eligibility Requirements and Conflicts of Interest**

A. Home Evaluator Eligibility Requirements. To be eligible to work on the LFHP, a home evaluator must meet all of the following program requirements:

1. submit and maintain a copy of all current program certificates with the LFHP;
2. be in good standing with the IBHS and maintain an active certification as a FORTIFIED home evaluator, issued by the IBHS or its successor;
3. ...
4. comply with all regulatory and tax laws regulating businesses in the state of Louisiana; and
5. ...

B. Home Evaluator Conflicts of Interest

1. Home evaluators may not possess a financial interest in any project for which they inspect for FORTIFIED designation purposes in connection with the LFHP.

2. Home evaluators cannot be contractors or suppliers of any materials, products, or systems installed in any home they inspect for FORTIFIED designation purposes for the LFHP.

3. Home evaluators cannot be a sales agent for any home being designated for the LFHP program.

4. Home evaluators have a duty to inform the LFHP of any potential conflicts of interest before commencing inspections on any job funded by LFHP grants.

C. The LFHP may remove a home evaluator from the list of eligible certified evaluators at any time upon a finding that the home evaluator failed to meet any of the program requirements listed in Regulation 126.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

#### **§18205. LFHP Grants**

A. Grant Eligibility. To be eligible for a LFHP grant, an applicant must meet the following requirements:

1. The home must be a residence with a homestead exemption that is not a condominium or mobile home.

2. ...

3. The homeowner, with the assistance of an LFHP-approved contractor and home evaluator, must fortify the home's roof to meet or exceed the IBHS FORTIFIED roof standard.

4. The homeowner must provide the LFHP proof of a wind insurance policy on the home. Additionally, if the home is in a designated SFHA, the homeowner must provide the LFHP proof of a flood insurance policy on the home.

5. - 7. ...

8. Unless granted an extension by the commissioner, the LFHP project must be completed within 90 days from the date of the notification issued by the commissioner that the applicant is eligible to proceed with the grant process.

Notice will be delivered to the applicant through electronic means. Failure to timely complete the LFHP project may result in a forfeiture of the grant.

9. The commissioner may grant a homeowner an extension of time to complete the LFHP project if an extension is timely requested in writing and the homeowner provides sufficient proof that extenuating circumstances caused or will likely cause delays in the completion of the LFHP. Whether to grant or deny a request for an extension of time shall be subject to the commissioner's sole discretion.

B. Grant Application Process

1. To apply for an LFHP grant, a homeowner must complete and submit an online grant application to the LFHP. The online grant application portal will be accessible via [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes).

2. Unless otherwise notified by the commissioner, the homeowner will be responsible for paying for a certified home evaluator of the homeowner's choice to provide an IBHS home review evaluation on the home seeking to be fortified. A list of certified home evaluators can be found at [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes).

3. The home evaluator shall determine whether the home meets a minimum structural standard on a pass-or-fail basis before identifying all improvements required to meet the IBHS FORTIFIED roof standard. Thereafter, the home evaluator shall submit a report to the LFHP for approval.

4. The homeowner must access the LFHP online application portal and obtain bids from not less than three LFHP-approved contractors of their choice to improve the home to meet the IBHS FORTIFIED roof standard. The commissioner may waive the minimum number of bids required for the application to reflect the number of contractors available in the area or for other good cause shown. A list of eligible contractors can be found at [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes).

C. Awarding of Grants. The LFHP will award grants through a lottery process, subject to the availability of funding. The LFHP will review all applications for completeness and perform appropriate audits to verify the accuracy of the information in the application and whether the applicant meets the eligibility criteria. Applicants will have 30 days from selection in the lottery process to provide information to verify eligibility. LFHP-approved contractors may not begin work on a home until selected by the applicant and the bid process is complete. The LFHP may extend the time for review and approval of applications as it deems necessary. The LFHP will notify an applicant if the time for review and approval of the application has been extended.

D. Maximum Grant Award. The amount of a grant award shall be equivalent to the actual cost of retrofitting the roof to comply with the IBHS FORTIFIED roof standard, not to exceed \$10,000. The commissioner may periodically update the amount of the grant award.

E. Release of Funds. Grant funds will only be released on behalf of an approved applicant once an IBHS FORTIFIED certificate has been issued for the home. Funds will be paid by the LFHP, on behalf of the homeowner, directly to the contractor who performed the work to fortify the roof.

## F. Grant Award Process

1. Once the LFHP approves the grant application, the homeowner may contract with an LFHP-approved contractor to fortify the home. Once the LFHP-approved contractor completes the fortification work on the home, they must submit a copy of the signed contract to the LFHP with a final invoice. The final invoice must include written verification that the work was completed to the FORTIFIED roof standard and that the total invoiced amount does not include any costs or fees incurred by the contractor for those items identified in R.S. 22:1483.1(B).

2. The home evaluator will perform all required evaluations to confirm that the LFHP-approved contractor completed the work according to the IBHS FORTIFIED roof standard. The IBHS will review the evaluation and determine whether to issue a FORTIFIED designation, which is a written certificate that the home meets the FORTIFIED roof standard.

3. ...

4. The LFHP reserves the right to conduct random inspections.

5. To timely manage the processing of grant applications or to meet funding limitations, the LFHP may establish specific periods when it will accept grant applications.

G. The commissioner may create pilot projects as needed to establish a sustainable distribution system of the program in any geographic area within the State of Louisiana.

## H. Coordination with Other Funding Sources

1. Applicants shall report any funds received or anticipated from insurance, disaster relief, or other sources to ensure that the grant only covers actual costs.

2. Insurers shall not reduce settlement payments based on the payment of an LFHP grant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 49:

## §18207. Effective Date

A. Regulation 126, as amended, shall be effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

## Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended

regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

## Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

## Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore,

there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

#### Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

#### Public Comments

Interested persons who wish to make comments may do so by writing to Philip Dominique, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., August 12, 2024.

Tim Temple  
Commissioner

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Regulation 126—Louisiana Fortify Homes Program

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

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being promulgated to provide additional clarification with respect to the administration of the Louisiana Fortify Homes Program (LFHP) in accordance with Act 554 of the 2022 Louisiana Regular Legislative Session.

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

The proposed rule will have no impact on state or local governmental revenues.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule provides clarification with respect to the administration of the LFHP. This may benefit contractors by clarifying requirements for contractor eligibility and conflicts of interest. Also, homeowners who apply for the program may benefit from clarification regarding grant eligibility as well as the application and grant process.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule outlines contractor eligibility requirements, evaluator eligibility requirements, and outlines conflicts of interest of the LFHP.

Chris Cerniauskas  
Chief of Staff  
2407#042

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Insurance Office of the Commissioner

Regulation 130—Insurance Premium Tax Credits for  
Retaliatory Taxes Paid by Certain Domestic Insurers  
(LAC 37:XIII.Chapter 199)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate *Regulation 130—Insurance Premium Tax Credits for Retaliatory Taxes Paid by Certain Domestic Insurers*. Regulation 130 implements the provisions of Act No. 428 of the 2023 Regular Session. The law creates an insurance premium tax refundable credit for retaliatory taxes paid by certain domestic insurers.

#### Title 37

#### INSURANCE

#### Part XIII. Regulations

#### Chapter 199. Regulation Number 130—Insurance Premium Tax Credits for Retaliatory Taxes Paid by Certain Domestic Insurers

#### §19901. Purpose

A. The purpose of this regulation is to implement the provisions of Act No. 428 of the 2023 Regular Session. The law creates an insurance premium tax refundable credit for retaliatory taxes paid by certain domestic insurers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:836, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### §19903. Applicability and Scope

A. This regulation applies to Louisiana domestic insurers that are authorized to write and do write insurance in Louisiana on an admitted basis and in at least one other state on an admitted basis as of July 1, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:836, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### §19905. Definitions

*Commissioner*—the commissioner of insurance for the State of Louisiana.

*LDI*—the Louisiana Department of Insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:836, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### §19907. Calculation of the Refundable Credit; Proof of Credit; Affidavit

A. Domestic admitted insurers who have paid retaliatory tax based on premiums written in the preceding year shall provide evidence of the retaliatory taxes paid to other states along with Form 836. Evidence may consist of tax returns,



invoices, copies of checks, or other documents that support the payment of the retaliatory taxes. Form 836 will be due by April 15th of each year.

B. Within 60 days after receiving all applications of the retaliatory credits, the LDI shall issue a refund for the retaliatory amounts paid by the domestic insurer. The maximum amount of refundable credits shall not exceed nine million dollars per fiscal year for the total of all domestic insurers claiming credits. If the total amount of refundable credits claimed by all eligible domestic insurers exceeds nine million dollars, the refunds shall be made on a pro rata basis to the eligible domestic insurers based upon the proportion of the total amount paid by each domestic insurer for the preceding year.

C. An affidavit must be included with Form 836 certifying the commissioner that the domestic insurer will use the retaliatory credit refund monies exclusively for Louisiana-specific purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:836, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### **§19909. Request for Refundable Tax Credit; Dispute Resolution**

A. Domestic insurers seeking a refundable tax credit shall submit a request to the LDI pursuant to R.S.22:836 on Form 836 which shall be designed by the commissioner. The request shall be submitted no later than April 15th of each year. The commissioner may disapprove a tax credit either in whole or in part if the required supporting documents are missing.

B. If the commissioner disapproves in whole or in part, a refundable tax credit filed by a domestic insurer, he shall give written notice to the domestic insurer, stating grounds for disapproval. The notice shall be sent to the address shown on the records of the LDI. The insurer shall have 30 days to dispute the disapproval of the commissioner or supply the missing documentation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:836, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

#### **§19911. Effective Date; Implementation**

A. This regulation shall take effect on January 1, 2024. The initial applications for the refundable retaliatory tax credits must be filed by April 15, 2025. This regulation sunsets December 31, 2029. The last applications for the refundable tax credits must be filed by April 15, 2030, for the year of 2029.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:836, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### **Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended and repealed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education

and Supervision of their Children. The proposed amended and repealed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended and repealed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended and repealed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended and repealed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended and repealed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended and repealed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended and repealed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended and repealed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended and repealed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended and repealed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed amended and repealed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed amended and repealed regulation is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed amended and repealed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The

proposed amended and repealed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended and repealed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to 225-342-7851, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., August 10, 2024.

Timothy J. Temple  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Regulation 130—Insurance Premium Tax Credits for Retaliatory Taxes Paid by Certain Domestic Insurers**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed regulation change will not result in additional costs or savings for state and local government units. The proposed regulation change is to implement the provisions of Act No. 428 of the 2023 Regular Session. The law creates an insurance premium tax refundable credit for retaliatory taxes paid by certain domestic insurers.

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

The proposed regulation will have no impact on the state or local government revenues.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or nongovernmental groups. The proposed regulation change promulgates Regulation 130 due to the passage of Act No. 428 of the 2023 Regular Session.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed regulation will have no impact upon competition and employment in the state.

Chris Cerniauskas  
Chief of Staff  
2407#055

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Public Safety Office of Motor Vehicles**

#### **Reinstatement Relief Program (LAC 55:III.1801 and 1803)**

In compliance with Act 629 of the 2024 Regular Session of the Louisiana Legislature, (“Act”), the Department of Public Safety and Corrections, Office of Motor Vehicles (“OMV”) is required to create a Reinstatement Relief Program to assist citizens to reinstate outstanding insurance cancellations and the related reinstatement fees. In connection with the Reinstatement Relief Program, the OMV Commissioner is authorized by the Act to settle and compromise the debt citizens owe in the form of insurance cancellation fees. There currently over 600,000 people whose driving privileges are suspended, or who cannot obtain a valid renewed or duplicate driver’s license because of a block on their record. Further, there are approximately 1.8 million unresolved insurance cancellations. Many of these people simply do not have the financial resources to pay these debts. It is also likely that some of the people are driving illegally without a valid driver’s license and without being covered by liability insurance. OMV intends that the permanent Rule become effective on October 20, 2024.

#### **Title 55**

#### **PUBLIC SAFETY**

#### **Part III. Motor Vehicles**

#### **Chapter 18. Reinstatement Relief Program §1801. Application**

A. Any person shall complete and sign the Reinstatement Relief Program application form in order to apply for participation in the Reinstatement Relief Program. Any application or request, no matter in what form, which is not on the Office of Motor Vehicles approved application form shall be rejected, and such applicant shall not be considered for participation in the Reinstatement Relief Program until they submit the application on the approved form.

B. The applicant for the Reinstatement Relief Program shall provide the following information in order to be considered for the program:

1. personal information, including but not limited to:
  - a. name;
  - b. address. If the applicant's mailing address and physical address are different, the applicant shall provide both address;
  - c. driver's license number. If the applicant does not know their driver's license number, they shall provide their social security number;
  - d. telephone number;
2. marital status;
3. the name of all children under the age of 18 and any other person who is a dependent and lives with the applicant;
4. applicant's employment information or self-employment information;
5. applicant's spouse employment information or self-employment information;
6. complete information on income;
7. complete information on monthly deductions and expenses;
8. credit card debt and loans not included in "9";
9. any financial assistance received by the applicant by another person;
10. listing of all assets;
11. listing of all bank accounts;
12. any pending bankruptcies.

C. The applicant shall sign the application certifying that all the information contained in the application is true, correct, and complete.

D. Based upon the applicant's responses, the Office of Motor Vehicles may require additional information or documentation to properly evaluate the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.1.2

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:

### **§1803. Determination of Amount to be owed.**

A. The amount to be owed in the Reinstatement Relief Program shall be determined on an individual basis taking into account outstanding insurance cancellations which have not been reinstated including an insurance cancellation for which only a partial payment has been made. Any insurance cancellation, and any money paid, on an insurance cancellation which was reinstated prior to the application for the Reinstatement Relief Program shall not be considered in determining the amount owed.

B. The applicant shall have the option to make a single payment for the total amount owed, or the applicant may request that the amount owed be paid through an installment agreement authorized in RS 32:429.4. The applicant shall choose which option is authorized in this Subsection within 10 calendar days of the commissioner making a determination of the amount owed. If the applicant chooses to make a single payment, the payment shall be received by the Office of Motor Vehicles prior to the expiration of the ten calendar day period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.1.2

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:

### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

### **Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

### **Public Comments**

All interested persons may submit written comments through August 5, 2024, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at Mailing Address: P. O. Box 64886, Baton Rouge, LA 70896, Physical Address: 7979 Independence Blvd., Ste. 301 Baton Rouge, LA 70806, or faxed to (225) 925-6303.

### **Public Hearing**

A public hearing on the proposed Rule will be held on August 29, 2024, at the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Suite 301, Baton Rouge, La. 70806, (225) 925-6281, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the above number at least seven working days in advance of the hearing. For assistance, call (225) 925-6281 (voice and TDD). Any interested person should call before coming to the public hearing as the hearing will be cancelled if the requisite number of comments, as provided in R.S.49:961(B), are not received.

Daniel Casey  
Commissioner

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Reinstatement Relief Program**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule is anticipated to increase expenditures for the Office of Motor Vehicles (OMV) by approximately \$49,000 for software updates.

In compliance with Act 629 of the 2024 RS, the OMV proposes to amend Title 55, Part III, Chapter 18, Reinstatement Relief Program, Sections 1801 and 1803. Specifically, this proposed rule:

- Creates the Reinstatement Relief Program for persons who owe fees for having a lapse in insurance coverage.

- Specifies that after the debt becomes final but before it is transferred to the Office of Debt Recovery (ODR), the Office of Motor Vehicles (OMV), through its commissioner, may compromise and settle the debt upon satisfactory showing of substantial compliance with the law.
- Extends the number of days that constitute “delinquent debt” from 60 to 180 days.

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

The proposed rule will have an indeterminable impact on state revenues. Future revenue collections will depend on the number of customers that participate in the program and the amount of fees the participants ultimately pay. Additionally, OMV anticipates the majority of customer accounts being returned from the Office of Debt Recovery will automatically be eligible for the reinstatement cap of \$850 plus a \$25 administrative fee per cancellation.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will economically benefit individuals who participate in the program by reducing the amount of fees owed. The reduction of fees owed will provide financial relief to participants and provide them with a path to clearing their driving records.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Daniel Casey  
Commissioner  
2407#033

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Tax Policy and Planning Division**

**Tax Credit Documentation Requirements  
(LAC 61:I.1001 and 1302)**

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, proposes to amend LAC 61:I.1001 and 1302.

R.S. 47:1624(F) authorizes the suspension of the accrual of interest during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required by statute or regulation. The purpose of these amendments is to set forth the information and documentation required to be provided by a taxpayer claiming the pass-through entity exclusion and nonresident individuals reporting a net operating loss.

**Title 61**

**REVENUE AND TAXATION**

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

**Chapter 10. Income: Pass-Through Entities**

**§1001. Election of Pass-Through Entities**

A. - C.4.c. ...

d. For calculation purposes, individual or fiduciary income taxpayers with an ownership interest in an entity making the election shall submit a copy of Form R-6981, Louisiana Statement of Owner’s Share of Entity Level Tax

Items, and a pro forma Federal Form 1040 or 1041, respectively, that excludes any income, deductions or other tax items that were included in the calculation of Louisiana net income on the entity’s Louisiana Form CIFT-620. A nonresident individual shall submit a *pro forma* NPR Worksheet of the Louisiana Form IT-540B excluding any income, deductions or other tax items that were included in the calculation of Louisiana net income on the entity’s Louisiana Form CIFT-620 instead of a *pro forma* Federal Form 1040.

e. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer’s failure to provide information or documentation required herein, as provided by R.S. 47:1624(F).

C.5. - D.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.732.2 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 46:43 (January 2020), amended by the Department of Revenue, Policy Services Division, LR 48:2991 (December 2022), amended by the Department of Revenue, Tax Policy and Planning Division, LR 50:407 (March 2024), amended LR:50.

**Chapter 13. Income: Individual  
§1302. Nonresident Net Operating Losses**

A. ...

B. Application

1. The years to which Louisiana net operating losses may be carried are the same as they are for federal personal income tax purposes.

2. Net operating loss carrybacks and carryovers are considered an adjustment to Louisiana income and must be applied against total Louisiana income before applying any deductions.

C. Limitations

1. A Louisiana net operating loss carryback or carryover cannot include any amount that has already been deducted for Louisiana purposes.

2. Nothing in this Section authorizes a federal income tax deduction for income that did not bear Louisiana personal income tax.

D. Documentation for claiming the deduction

1. When a year produces a Louisiana net operating loss, a *pro forma* Federal Form 1040 showing how the Louisiana NOL was calculated must be attached to the return at the time of filing.

2. When a net operating loss carryback or carryover is used you must mark the “NOL” box on the face of the return and the following documentation must be attached to the return at the time of filing:

a. a schedule showing:

i. the taxable year in which each loss that is being carried back or carried over occurred; and  
ii. the amount of each loss applied to each taxable year to which it was carried over or carried back.

b. a *pro forma* Federal Form 1040 showing the utilization of the Louisiana net operating loss; and

c. a *pro forma* Federal Form 1040 for the year producing the Louisiana net operating loss if it was not provided for the year in which it was produced.

3. When federal law provides for the carryback of a net operating loss:

a. If an amended return is being filed to carryback a Federal net operating loss, you must mark the "Amended Return" box on the face of the return and attach an explanation of the change and a copy of the federal amended return, Federal Form 1040X, or Federal Form 1045 whichever was filed.

b. If an amended return is being filed to carryback a federal and Louisiana net operating loss, you must mark the "Amended Return" and "NOL" box on the face of the return; attach the schedule required by Subparagraph (2)(a) of this Subsection, a copy of the federal amended return, Federal Form 1040X or Federal Form 1045 whichever was filed; and a *pro forma* Federal Form 1040 to show how the Louisiana net operating loss was utilized.

4. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein, as provided by R.S. 47:1624(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:101 (January 2002), amended by the Department of Revenue, Tax Policy and Planning Division, LR 50:

#### Family Impact Statement

The proposed amendments 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, the implementation of this proposed amendment will have 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. 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 this function.

#### Poverty Impact Statement

The proposed amendments will have no known impact on poverty as described in R.S. 49:973.

#### Small Business Analysis

It is anticipated that the proposed amendments should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting these proposed amendments to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

#### Provider Impact Statement

The proposed amendments will have no known or foreseeable effect on:

1. 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 provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Any interested persons may submit written data, views, arguments, or comments regarding these proposed amendments to Danielle Daniels, Attorney, Tax Policy and Planning Division by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or email at Danielle.Daniels2@la.gov. All comments must be received no later than Monday, August 26, 2024, at 4 p.m..

#### Public Hearing

A public hearing will be held on Tuesday, August 27, 2024, at 10 a.m. in the LaBelle Room, on the First Floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Should individuals with a disability need an accommodation in order to participate, contact Danielle Daniels at the address given above in the Public Comments section, by email at LDRadarequests@la.gov or by phone at 225-219-1781.

Richard Nelson  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Tax Credit Documentation Requirements

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

The proposed amendments set forth the information and documentation required to be provided by taxpayers claiming the pass-through entity exclusion. The amendments also establish information and documentation required when nonresidents initially report a Louisiana net operating loss ("NOL") and when they utilize the NOL. The proposed amendments also allows for the suspension of interest as provided in R.S. 47:1624(F). R.S. 47:1624(F) authorizes the suspension of the accrual of interest due to a delay in the issuance of a refund that is attributable to the taxpayer's failure to provide information or documentation required by statute or regulation.

Implementation of the proposed amendments will not result in material additional costs or cost savings to the Department of Revenue (LDR).

Local governmental units are not affected.

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

To the extent the additional information required for the exclusion or deduction and the suspension of interest provisions reduce refund interest paid by the state to taxpayers, the proposed amendments will increase state revenue. According to R.S. 47:1624(A)(1)(a), interest shall be allowed from 90 days after the later of the due date of the return, the filing date of the return or claim for refund on which the overpayment is claimed, or the date the tax was paid. LDR is unable to provide an estimate as to how much interest has accumulated due to missing documentation for the aforementioned exclusion and deduction.

The proposed amendments are not anticipated to have any effect on revenue collections of local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Taxpayers claiming the pass-through entity exclusion and nonresidents reporting or utilizing a Louisiana NOL will be

affected by the proposed amendments. Taxpayers will be required to submit additional documentation when filing the return. However, the additional costs for completion and submission of the required information are expected to be minor.

To the extent taxpayers previously received interest in certain circumstances, the proposed amendments will decrease taxpayer income from the interest suspension when proper documentation is not provided.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

There is no anticipated impact on competition or employment.

Luke Morris  
Assistant Secretary  
2407#045

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

# Concurrent Resolutions

## CONCURRENT RESOLUTION

### House of Representatives House Concurrent Resolution No. 6

#### Wildlife Rehabilitation Program (LAC 76:V.131)

By Representatives Ventrella and Geymann

A Concurrent Resolution To amend the Department of Wildlife and Fisheries rules LAC 76:V.131(B), (E)(4), and (6) and to enact LAC 76:V.131(D)(3) which provide relative to the Wildlife Rehabilitation Program, to provide for requirements for a Wildlife Rehabilitation Program permit, to provide general rules for the Wildlife Rehabilitation program, to provide for requests for extension, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

WHEREAS, the current permit process for the Wildlife Rehabilitation Permit Program is overly burdensome, making it too difficult to become a permitted rehabilitator; and

WHEREAS, there is a shortage of licensed rehabilitators in the state of Louisiana, burdening current rehabilitators past capacity; and

WHEREAS, the Department of Wildlife and Fisheries Wildlife Rehabilitation Permit Program regulates the rehabilitation of injured or orphaned wildlife in Louisiana; and

WHEREAS, you must have a wildlife rehabilitation permit to rehabilitate wildlife in Louisiana; and

WHEREAS, to obtain a permit you must have knowledge of wildlife behavior, habitat, diet and other species specific needs; and

WHEREAS, completion of the Wildlife Rehabilitation Permit Basic Skills Course is required for individuals to receive a wildlife rehabilitation permit; and

WHEREAS, the Wildlife Rehabilitation Permit Basic Skills Course is only offered annually; and

WHEREAS, offering the course online will make it more readily available to the general public who may wish to obtain a wildlife rehabilitation permit. Page 1 of 5 CODING: Words in struck through type are deletions from existing law; words underscored are additions.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 76:V.131(B), (E)(4), and (6) are hereby amended and LAC 76:V.131(D)(3) is hereby enacted to read as follows:

#### §131. Wildlife Rehabilitation Program

\* \* \*

##### B. Definitions

*Rabies Vector Species (RVS)*—mammalian species defined by Louisiana Department of Wildlife and Fisheries (LDWF) as potential carriers of the rabies virus including, but not limited to the following:

- a. raccoons;
- b. foxes;

- c. coyotes;
- d. skunks; and
- e. bats.

*Subpermittee*—person authorized to conduct rehabilitation activities under the supervisory responsibility of a wildlife rehabilitator.

*Supervisory Responsibility*—to direct actions and accept responsibility for the actions of a named individual engaged in wildlife rehabilitation activities.

*Wildlife Rehabilitation*—activity that provides housing, treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

*Wildlife Rehabilitator*—a person who is permitted by the LDWF to engage in the practice of wildlife rehabilitation.

*Wildlife Rescuer*—a person who is allowed to possess certain wildlife in accordance with the exemption requirements of Paragraph D.3 of this Section.

\* \* \*

##### D. Exemptions

\* \* \*

##### 3. Wildlife Rescuer

a. Individuals may possess in captivity certain sick, injured, or orphaned wildlife while providing care for such wildlife for a period of up to 90 days as provided for in this Paragraph.

i. Wildlife included under this Paragraph shall be limited to the following species: squirrel, opossum, rabbit, or chipmunk, with such possession limited to one animal or litter of animals per individual.

ii. A raccoon or skunk that is sick, injured, or orphaned may also be possessed pursuant to the provisions of this Paragraph upon notification to the Department of Wildlife and Fisheries of possession of the wildlife and upon receipt of information regarding rabies vector species and a list of available wildlife rehabilitators.

iii. Individuals in possession of any of these animals shall be held strictly liable for any damages for injuries to persons or property caused by the animal.

b. To continue to possess the wildlife beyond ninety day from finding the sick, injured, or orphaned wildlife all of the following shall occur.

i. The individual has satisfied wildlife rescuer training requirements. The curriculum shall be offered online and shall cover at a minimum safety considerations, wildlife husbandry requirements, transfer of diseases, and that a person possessing an animal pursuant to this Paragraph is held strictly liable for any damage or injury the animal causes.

ii. The individual applied for a Special Purpose and Possession permit.

iii. A Louisiana licensed veterinarian has determined that the animal is medically non-releasable or exhibits signs of adjusted life in captivity.

c.i. If the conditions of Subparagraph b of this Paragraph have been met, the Department of Wildlife and

Fisheries shall issue a special purpose and possession permit and the individual shall be able to continue to possess the animal for the duration of its natural life.

ii. Any animal possessed pursuant to the provisions of this Paragraph shall be spayed or neutered. Rabies vector species shall also be microchipped by a Louisiana licensed veterinarian.

d. A Louisiana licensed veterinarian shall not be liable to any person for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in determining that the animal is medically non-releasable or exhibits signs of adjusted life in captivity as required by the provisions of this Paragraph. However, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed Louisiana veterinarian.

e. It shall be unlawful for an individual exempted under the provisions of this Paragraph to use the wildlife in any manner for the purposes of exploitation, including for any promotional or commercial purpose, or for the purposes of pet trade. Any such act shall be grounds for seizure of the wildlife by the department and revocation of any issued permit.

E. Permit Requirements

\* \* \*

4. Prior to licensure or renewal, all applicants must show proof of completion of a LDWF-approved wildlife rehabilitation course and must be currently certified under the approved organization's guidelines. There shall be at least one approved course readily available online, which

may require successful completion of an interactive test. The department shall post approved courses on its website by January 1, 2025. Failure to provide proof of successful completion of the course and subsequent continuing education requirements will result in non-licensure or revocation of the WRP.

\* \* \*

6. All facilities where animals will be housed or maintained will be inspected by LDWF prior to receiving a WRP. All applicants shall have a suitable habitat for any animals housed and shall report the specifications of the habitat to the department. Permitted facilities may be subject to inspection by LDWF upon 24 hour notice to the WRP applicant.

\* \* \*

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the office of the state register.

BE IT FURTHER RESOLVED that the office of the state register is hereby directed to have the amendments to LAC 76:V.131(B), (E)(4), and (6) and the enactment of LAC 76:V.131(D)(3) printed and incorporated into the Louisiana Administrative Code.

Phillip R. De Villier  
Speaker of the House of Representatives  
and  
Cameron Henry  
President of the Senate

2407#002



# Administrative Code Update

CUMULATIVE: JAN-JUNE 2024

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
			Month	Page #				Month	Page #
4	I.101	Adopted	Apr.	516	28	CXXXI.1311,1323,1325,1327,1329,1331	Amended	Jan.	019
	VII.901, 961,963	Repealed	Apr.	498		CXXXI.1323,1325,1327,1329,1331,1337	Amended	May	659
	VII.903,907,917,937,943,965,967,969,975	Amended	Apr.	498		CXXXI.1345,1349,1355,1359,1360,1361	Amended	May	659
	VII.918,925,982,992,995	Adopted	Apr.	498		CXXXI.1365,1367,1369,1371,1503,1507	Amended	May	659
	VII.977,979,981,983,987,990	Amended	Apr.	498		CXXXI.1509,1519,1521,1523,1527,1529	Amended	May	659
	XXI.103	Amended	Apr.	503		CXXXI.1541,1543,1545,1703,2301,2303	Amended	May	659
	XXI.1101,1301,1303,1305,1307,1309,1311	Adopted	Apr.	503		CXXXI.1701,1909	Amended	Jan.	019
	XXI.1313,1315,1317,1319,1321,1323,1325	Adopted	Apr.	503		CXXXI.2501,2503	Amended	May	659
	XXI.1327,1329,1331,1333,1335,1501,1503	Adopted	Apr.	503		CXXXIX.515,2103,2501,4001,4003	Amended	May	657
	XXI.1505,1507,1701,1703	Adopted	Apr.	503		CXXXIX.4003	Amended	Feb.	174
	XXIII.301,303,305,307,309,311,321	Adopted	Mar.	407		CXXXIX.4003	Repromulgated	June	783
	XXIII.901,903,905,907	Adopted	June	783		CXLVII.101	Amended	May	658
						CXLVII.104	Adopted	May	658
						CLVII.509	Adopted	Feb.	174
					32	III.107,109	Amended	June	780
						V.205,207,305,307,405,505,507	Amended	June	780
7	XXI.1513	Amended	Mar.	362					
	XXV.101	Amended	Feb.	171					
	XXV.101,107,109,117,119,123,141,147,165	Repromulgated	June	774	33	I.2105	Amended	Jan.	032
	XXV.167	Repromulgated	June	774		I.2201	Adopted	Apr.	496
	XXXV.103,125,127	Amended	Mar.	362		III.506	Repelaed	Jan.	031
	XXXV.125	Repromulgated	Apr.	478	35	I.322	Adopted	May	683
						III.5773	Amended	May	683
10	XV.2001,2003,2005,2007,2009,2011,2013	Adopted	Apr.	518		XI.9905	Amended	May	684
	XV.2015	Adopted	Apr.	518		LXI.9905	Repromulgated	June	833
17	I.101,103,105,107,111	Amended	Mar.	415	37	III.302	Adopted	Mar.	364
	I.103,107,111,115	Amended	Mar.	410		XI.2303,2307,2309,2313	Amended	Apr.	526
						XIII.201,203,205	Amended	Mar.	409
22	I.325	Amended	Feb.	258	40	I.2007,2021,2113	Amended	May	692
	XI.601,603,605,607	Adopted	Feb.	209		I.6665,6667	Amended	June	832
25	IX.601	Adopted	Apr.	478	42	III.120	Amended	Feb.	263
28	I.1501	Amended	May	681		III.501,503,505,507	Adopted	June	789
	IV.301,701,703,704	Adopted	Feb.	185		III.2714	Amended	June	833
	IV.803	Amended	Feb.	185	43	XI.3501	Amended	Jan.	035
	IV.804	Adopted	Feb.	185		XIX.103	Amended	Jan.	036
	IV.2201,2203,2205,2207,2209,2211,2213	Amended	Feb.	178		XIX.3105	Amended	Jan.	035
	IV.2501,2503,2505,2507,2509,2511,2513	Adopted	Feb.	183		XIX.3503,3507,3509,3511	Amended	Jan.	036
	IV.2515	Adopted	Feb.	183		XVII.3801,3803,3805,3811	Adopted	May	682
	V.101,103,111,113,115,117,121,123,125	Adopted	Apr.	490	46	XI.101	Amended	Jan.	032
	V.131,133,135,137,139,141,143,145,147	Adopted	Apr.	490		XI.901,903,905,907,909,911,913,915,917	Adopted	Jan.	032
	V.201,203,211,213,215,217,221,223,225	Amended	Apr.	490		XL.107,121,501	Amended	June	779
	V.231,233,235,237,239,241,243,245,247	Amended	Apr.	489		XXXIII.313	Amended	May	684
	VI.507,509,517	Amended	Feb.	172		XXXIII.1611	Amended	Feb.	210
	XI.7311	Amended	May	681		XXXVIII.101,301,303,305,306,307,501,503	Amended	Feb.	246
	XXXV.109	Amended	May	679		XXXVIII.103,105,510,515	Adopted	Feb.	246
	XXXIX.701	Amended	May	675		XXXVIII.505,507,509,511,513,517	Amended	Feb.	246
	XLV.303,405,503,505,507,743,745,747,917	Repealed	May	675		XLIX.503	Amended	May	685
	XLV.703,705,707,711,713,715,717,719,721	Repealed	May	675		XLVII.303	Amended	Apr.	524
	XLV.723,727,729,731,733,735,737,739	Repealed	May	675		XLVII.1701,1703	Amended	Apr.	524
	XLV.743,745	Amended	Jan.	019		LIII.501,2901,2914	Amended	Mar.	390
	XCI.107	Amended	Apr.	680		LIII.1107	Amended	Jan.	034
	LXI.305,501,505,509	Amended	Apr.	489		LV.101,301,303,305,307,309,311,508	Amended	Jan.	041
	LXXIX.107,1309,1901	Amended	Feb.	174		LX.307	Amended	May	685
	LXXIX.125	Repealed	Feb.	174		LXX.3205	Amended	Mar.	364
	LXXIX.2109,2317	Amended	Apr.	480		LXXXV.103	Amended	Apr.	653
	CXIII.903	Amended	Feb.	174		LXXXV.901,903,905,907	Repromulgated	June	772
	CXV.339,915,1103,1127,1315,2305,2317	Amended	Feb.	174		LXXXV.1001,1003,1005,1009,1013,1017	Repromulgated	Apr.	654
	CXV.504	Repealed	Feb.	174		LXXXV.1021,1023,1029,1031,1033,1035	Repromulgated	Apr.	654
	CXV.511	Adopted	Feb.	174		LXXXV.1037,1041,1045,1047,1049,1053	Repromulgated	Apr.	654
	CXV.525	Adopted	Jan.	019		LXXXV.1055,1059,1061,1065	Repromulgated	Apr.	654
	CXV.1123	Amended	May	681		LXXXV.1300,1301,1303,1305,1307	Repromulgated	June	773
	CXV.2318,2319,2345	Amended	Apr.	480					
	CXV.2367	Amended	Feb.	174					
	CXXXI.103	Adopted	Jan.	019	48	I.4201,4203,4205,4207,4223,4224	Amended	Mar.	403
	CXXXI.303	Repromulgated	Feb.	173		I.5603,5684	Amended	Mar.	406
	CXXXI.303,503,505,507,511,513,521,528	Amended	May	659		I.5690	Adopted	Mar.	406
	CXXXI.303,507,509,511,515,519,525,527	Amended	Jan.	019		I.6101,6103,6105	Amended	May	688
	CXXXI.331,333,507	Amended	Apr.	487		I.6831,6832	Amended	Mar.	391
	CXXXI.517,705,711,1517,2101,2105,2305	Repealed	May	659		I.6831,6832	Repromulgated	Apr.	521
	CXXXI.529,535,537,539,541,543,545,547	Amended	May	659		I.7206	Adopted	Apr.	525
	CXXXI.531,535,536,1301,1305,1307,1309	Amended	Jan.	019		I.7215,7275	Amended	Apr.	525
	CXXXI.548,550,1319,	Adopted	Apr.	659		I.8531,8591	Amended	Mar.	397
	CXXXI.549,551,553,555,557,701,709,717	Amended	May	659		I.8531,8591	Repromulgated	Apr.	523
	CXXXI.721,723,725,1107,1109,1301,1305	Amended	May	659		I.12501,12503,12505,12507,12509,12513	Amended	Feb.	221
	CXXXI.1307,1309,1313,1315,1317,1321	Amended	May	659		I.12508,12511,12524,12526,12535,12543	Repealed	Feb.	221

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			Month	Page #				Month	Page #	
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	I.12545,12549,12551,12553	Amended	Feb.	221		XXVII.531	Amended	Feb.	218	
	I.12547	Repealed	Feb.	221		XXXIII.8103	Amended	Feb.	211	
	I.18703,18705,18708	Amended	Feb.	220	58	V.2101,2103	Adopted	June	780	
	I.19305	Adopted	May	686		XVIII.1901,1903,1905,1907	Adopted	Apr.	517	
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	V.17502,17503,17504,17701,17702,17703	Amended	Feb.	240		I.1402	Adopted	May	691	
	V.17704,17705	Amended	Feb.	240		I.5501	Adopted	Mar.	420	
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XXI.8101,8103,8105,8302,8305,8307,8309	Amended	June	784	XIX.113	Amended	Mar.		422		
XXI.8313,8323,8329,8501,8601,8701,8901	Amended	June	784	XIX.119	Adopted	June		789		
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# Potpourri

## POTPOURRI

### Department of Children and Family Services Licensing Section

Public Hearing—Substantive Changes to Notice of Intent Licensee Portal—Child Residential Care Class B, Residential Homes (Type IV), Child Placing Agencies General Provisions, and Juvenile Detention (LAC 67:V. 6956, 7108, 7311, and 7507)

The department is seeking to repeal LAC 67:V.7507 which was originally included in the Notice of Intent published in the April 20, 2024, edition of the *Louisiana Register*. This repeal is required as a result of ACT 445 of the 2023 regular Louisiana legislative session, in which the Office of Juvenile Justice (OJJ) assumed the licensing authority of juvenile detention facilities effective July 1, 2024.

In accordance with the R.S. 49:966(H)(2), a public hearing on proposed substantive changes will be held on August 19, 2024, at 9 a.m. at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Room 1-127, Baton Rouge, LA. The above changes are incorporated into the following Notice of Intent.

#### NOTICE OF INTENT

Department of Children and Family Services  
Licensing Section

Licensee Portal—Child Residential Care Class B,  
Residential Homes (Type IV), Child Placing Agencies  
General Provisions, and Juvenile Detention  
(LAC 67:V.6956, 7108, 7311, and 7507)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6956, Chapter 71, Residential Homes-Type IV, Section 7108, Chapter 73, Child Placing Agencies—General Provisions, Section 7311, and to repeal LAC 67: V, Subpart 8, Chapter 75, Juvenile Detention Facilities, Section 7507.

The department is amending Sections 6956, 7108, and 7311 in order to implement the licensee portal for the submission of electronic corrective action plans by the providers. This electronic submission will streamline the corrective action plan approval process for providers. The proposed change does not give the department any additional authority or remove any authority currently held by the department. Section 7507 is being repealed as effective July 1, 2024, the Department of Children and Family Services (DCFS) no longer holds the licensing authority of juvenile detention facilities.

## Title 67

### SOCIAL SERVICES

#### Part V. Child Welfare

##### Subpart 8. Residential Licensing

##### Chapter 69. Child Residential Care, Class B

##### §6956. Corrective Action Plans

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within 3 calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 50:

##### Chapter 71. Residential Homes – Type IV

##### §7108. Corrective Action Plans

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Division

Notice of Public Hearing
Substantive Changes to Proposed Rule SW068
Disposal of Coal Combustion Residuals
(LAC 33:VII.1002 and 1004)

information within 3 calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:257 (February 2017), LR 50:

Chapter 73. Child Placing Agencies—General Provisions

§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing

A. - K.3....

L. Corrective Action Plans—Foster Care, Adoption, Transitional Placing

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the child-placing agency. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the child-placing agency plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

L.2. - N.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:1847 (December 2021), LR 49:848 (May 2023), effective June 1, 2023, LR 50:

Chapter 75. Juvenile Detention Facilities

§7507. Licensing Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 49:848 (May 2023), effective June 1, 2023, repealed LR 50:

David Matlock
Secretary

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 the department is seeking to incorporate substantive changes to proposed regulation (LAC 33:VII.1002 and 1004) (Log number SW068S), which was originally noticed as SW068 in the October 20, 2023, issue of the Louisiana Register. (2407Pot1)

The department has proposed substantive changes to address comments received during the public comment period of proposed Rule SW068. The changes clarify the proposed Rule language. In the interest of clarity and transparency, the department is providing public notice and opportunity to comment on the proposed changes to the amendments of the regulation in question. The department is also providing an interim response to comments received on the initial regulation proposal.

A strikeout/underline/shaded version of the proposed rule that distinguishes original proposed language from language changed by this proposal and the interim response to comments are available on the department's website under Rules and Regulations at https://www.deq.louisiana.gov/page/rules-regulations. The following changes are to be incorporated into the Notice of Intent:

Title 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 10. Coal Combustion Residuals (CCR) Waste Management

§1002. Definitions

A. ...

\*\*\*

Aquifer—a continuous geologic formation, group of formations, or part of a formation that contains enough saturated permeable materials to yield usable quantities of water to wells or springs. For the purposes of these regulations, a usable quantity of water is enough water to yield a groundwater sample within 24 hours after purging a monitoring well.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 50:

§1004. CCR Permit Requirements

A. - B. ...

1. Each CCR permit renewal application or permit modification application shall contain the information required by application forms and instructions prescribed by

the department, including the substantive information required by this Section and 40 CFR part 257 subpart D.

B.2. - G.1.a. ...

b. A sufficient number of wells shall be installed in the uppermost aquifer, to ensure the entirety of the zone is monitored. Depending on the thickness of the aquifer, monitoring wells may be required to be installed at the top of aquifer, middle of the aquifer, and/or bottom of the aquifer of use of well screens that encompass the length of the aquifer may be utilized, as long as well screens do not exceed 10 feet in length.

c. ...

2. If there are statistically significant increases (SSIs) above background concentrations while in detection monitoring, or if there are statistically significant levels (SSLs) above groundwater protection standards while in assessment monitoring, the department may require the installation of additional monitoring wells in the next (deeper) aquifer(s). Additionally, vertical and horizontal delineation of the aquifer(s) shall be required.

a. If there are SSIs or SSLs then monitoring of the uppermost aquifer shall continue.

b. If there are SSIs or SSLs in any portion of the uppermost aquifer zone, monitoring wells shall be installed into the next (deeper) aquifer to ensure groundwater quality beneath the permitted unit.

c. If there are SSIs or SSLs in the aquifer beneath the uppermost aquifer, monitoring wells shall be installed in the next aquifer to determine and monitor groundwater quality beneath the permitted unit.

G.3. - H.2. ...

a. The owner or operator shall submit sufficient information, such as supporting data, analyses, and where applicable, the most recent alternate source demonstration to support a detection monitoring program that meets the requirements of LAC 33:VII.1003.A.

b. In addition to the requirements of LAC 33:VII.1003.A, facilities shall comply with the notification requirements of LAC 33:VII.805.C.6.a.i and ii.

H.3. - H.3.a.iii. ...

b. A facility may remain in detection monitoring if an alternate source demonstration is submitted for the SSIs and approved by the department within 90 days of detection of SSIs.

c. If an alternate source demonstration is still under review or additional investigation is ongoing 90 days after the detection of SSIs, the facility shall initiate the assessment monitoring requirements.

H.3.d. - H.4.a.iii. ...

b. A facility may remain in assessment monitoring if an alternate source demonstration for the SSLs is submitted and approved by the department within 90 days of identification of the SSLs.

c. If an alternate source demonstration is still under review or additional investigation is ongoing 90 days after the detection of SSLs, the facility shall initiate the corrective action monitoring requirements.

H.4.d. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 50:

A public hearing on the substantive changes will be held on August 27, 2024, at 1:30 p.m. in the Galvez Building, Oliver Pollock Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94218724960> or by telephone at (646) 255-1997 using the Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below, or at (225) 219-1325.

All interested persons are also invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation as SW068. Such comments must be received no later than August 27, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or emailed to [DEQ.Reg.Dev.Comments@la.gov](mailto:DEQ.Reg.Dev.Comments@la.gov). The comment period for the substantive changes ends on the same date as the public hearing. Copies of these substantive changes can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW068S. This regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2024%20>.

These substantive changes to SW068 are available for inspection at the following LDEQ office locations from 8:00 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; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto  
Secretary

2407#026

**POTPOURRI**

**Department of Insurance  
Office of Health, Life and Annuity Insurance**

**Annual HIPAA Assessment Rate**

Pursuant to Louisiana Revised Statute 22:1071(D)(2), the annual HIPAA assessment rate has been determined by the Department of Insurance to be .000221 percent.

Frank Opelka  
Deputy Commissioner

2407#002

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