

LOUISIANA ADMINISTRATIVE CODE/LOUISIANA REGISTER

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ANNOUNCEMENT

TO: All State Agencies, Boards and Commissions

The Office of the State Register will conduct the annual rulemaking seminar:

FRIDAY, MARCH 29, 1996

ROOM 139

CAPITAL ANNEX BUILDING

1051 NORTH THIRD STREET

BATON ROUGE

8:30 A.M. UNTIL 12 NOON

This training is expressly designed for individuals who: audit/interpret state and federal laws to assure regulatory compliance by state agencies; conduct legal research to formulate rules and amendments; administer and document an agency's legal rulemaking process; and provide legal counsel and assistance to agencies, boards and commissions. Presentations include:

OVERVIEW OF RULEMAKING: time frames for Administrative Procedure Act compliance; fiscal requirements; public comments and hearings; legislative oversight review; documentation during and after the rulemaking process; and legal publishing requirements.

REQUIREMENTS FOR SUBMITTING DOCUMENTS FOR "LOUISIANA REGISTER" PUBLICATION: legal formatting of rules and rule amendments; composition guidelines; legal document substance requirements; and the Louisiana Administrative Code codification system.

If your agency has not attended rulemaking training during past years, please contact the Office of the State Register, (504) 342-5015 for reservations.

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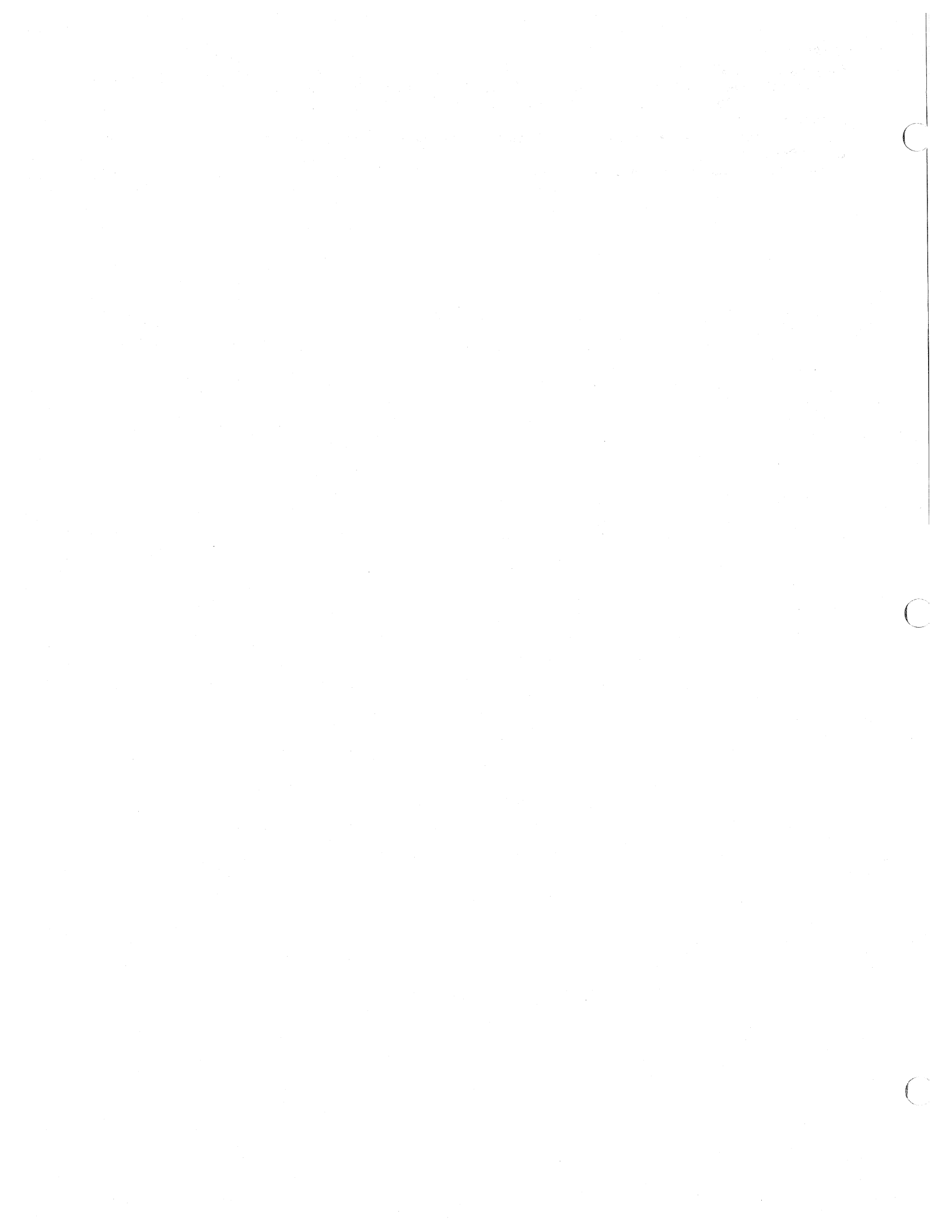
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Executive Orders

EXECUTIVE ORDER EWE 95-36

West Baton Rouge Parish Bond Allocation

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1995 (the "1995 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1995 Ceiling, and (iii) a system of central record keeping for such allocations; and

WHEREAS: the Industrial District Number 3 of the Parish of West Baton Rouge has requested an allocation from the 1995 Ceiling to be used in connection with the financing of the acquisition, construction and installation of certain water pollution control facilities (the "project") at the chemical plant complex of The Dow Chemical Company located in and adjoining the Parish of West Baton Rouge, Louisiana; and

WHEREAS: the governor has determined that the project serves a crucial need and provides a benefit to the state of Louisiana, the Parish of West Baton Rouge; and

WHEREAS: it is the intent of the Governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1995 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$14,605,000	Industrial District Number 3 of the Parish of West Baton Rouge	The Dow Chemical Company

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set in the "Application for Allocation of a Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 28, 1995, provided that such bonds are delivered to the initial purchasers thereof on or before December 28, 1995.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order 92-47,

supercedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 20th day of December, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9601#004

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Forestry
Forestry Commission
and
Department of Revenue and Taxation
Tax Commission

Timber Stumpage Values (LAC 7:XXXIX.20101)

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and R.S. 47:633, the Forestry Commission and the Tax Commission find that this emergency rule setting forth the determination by the two commissions of the current average stumpage market value of trees, timber, and pulpwood for the purpose of predicating severance tax for the 1996 tax year is required so that timber severance tax computation and collection can be accomplished beginning in January, 1996. By law, these values are set annually in a meeting of the Forestry Commission and the Tax Commission on the second Monday in December. Failure to adopt the values on or before January 1, 1996 and the resultant non-collection of severance tax will cause imminent peril to public health, safety, and welfare in that the monies generated from the severance tax go to state and parish governmental entities for such uses as fire protection, police and road maintenance and are necessary for maintaining essential governmental services.

The effective date of this emergency rule is January 1, 1996 and it shall be in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever occurs first.

**TITLE 7
AGRICULTURE AND ANIMALS**

Part XXXIX. Forestry

Chapter 201. Timber Stumpage

§20101. Stumpage Values

The Louisiana Forestry Commission, and the Louisiana Tax Commission, as required by R.S. 47:633, determined the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1996:

1. Pine trees and timber	\$361.36/MBF	\$45.17/Ton
2. Hardwood trees and timber	\$195.51/MBF	\$20.58/Ton
3. Pine Chip and Saw	\$82.10/Cord	\$30.41/Ton
4. Pine pulpwood	\$23.84/Cord	\$ 8.83/Ton
5. Hardwood pulpwood	\$12.63/Cord	\$ 4.43/Ton

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, and the Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry, and the Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), LR 14:9 (January 1988), LR 15:5 (January 1989), LR 16:16 (January 1990), LR 17:476 (May 1991), LR 18:6 (January 1992), LR 19:611 (May 1993), LR 20:408 (April 1994), LR 21:930 (September 1995), repromulgated LR 21:1069 (October 1995).

Billy Weaver, Chairman
Louisiana Forestry Commission

Malcolm Price, Chairman
Louisiana Tax Commission

9601#002

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1706-Discipline

The Board of Elementary and Secondary Education exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and adopted as an emergency rule, an amendment to Section 459 (Discipline Procedures) of Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act as stated below:

Emergency adoption is based on the recommendation of legal counsel and the imminent peril to the public health, safety, and welfare of students and the need for adequate due process timelines to protect the rights of students and school

personnel. Effective date of emergency rule is January 25, 1995.

Section 459. Discipline Procedures

B. Procedures for Exclusion of Students with Disabilities and Students with Suspected Disabilities

2. For exclusions of more than nine consecutive days, or when a pattern of exclusions has occurred, or upon the fourth suspension.

Delete the phrase: "or upon reaching the maximum number of unexcused absences due to suspensions."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941-1958.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 22:

Carole Wallin
Executive Director

9501#034

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1868-Personnel Manual (LAC 28:I.922)

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and readopted as an emergency rule, Revised Bulletin 1868, BESE Personnel Manual. Revisions to the manual were developed as a result of federal and state mandates, board action, or reworded for clarification as a result of using the manual. Bulletin 1868 is being readopted as an emergency rule, effective January 27, 1995 in order to continue the policies until finalized as a rule.

Copies of this bulletin have been provided to all entities under the jurisdiction of the Board of Elementary and Secondary Education and listed below:

1. each technical institute and regional management center;
2. BESE's special schools - Louisiana School for the Deaf, Louisiana School for the Visually Impaired, Louisiana Special Education Center;
3. each site operated by Special School District Number 1;
4. LA Association of Educators and LA Federation of Teachers.

Bulletin 1868, BESE Personnel Manual may be seen in its entirety in the Office of the State Register located on the fifth floor of the Capitol Annex; in the Office of the State Board of Elementary and Secondary Education, located in the Education Building in Baton Rouge or in the Office of Vocational Education; or in the office of Special School District Number 1 located in the State Department of Education.

Bulletin 1868 is referenced in LAC 28:I.922 and amended as stated below:

Title 28
EDUCATION

Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§922. Personnel Policies

A. Bulletin 1868

1. Revised Bulletin 1868, Personnel Manual of the State Board of Elementary and Secondary Education is adopted by the board. Policies in this bulletin apply to personnel under the jurisdiction of the state board in the Board Special Schools; in the entities comprising Special School District Number 1; and in entities in the vocational-technical system, exclusive of the assistant superintendent for Vocational Education and related state department staff.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:7(10), R.S. 17:81.4, R.S. 17:1941-1956; R.S. 17:1993.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16:297 (April 1990), amended LR 16:957 (November 1990), LR 22:

(It should be noted that the clause "exclusive of the central office staff" which appeared after Special School District Number 1 has been eliminated from the bulletin. The salary schedule for Technical Institutes has been deleted from the Bulletin.)

Carole Wallin
Executive Director

9601#033

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of the Secretary

Waste Tire Transporter Reimbursement
(LAC 33:VII.10515 and 10535)(SW019E)

In accordance with the emergency provisions of the Administrative Procedure Act R.S. 49:953 (B), and under authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality declares that an emergency action is necessary because of the ever-increasing numbers of waste tires that are currently being generated. It is necessary for the DEQ to adopt this emergency rule so that funds may be made available from the Waste Tire Management Fund to facilitate the processing of waste tire piles and waste tires currently being generated. In accordance with R.S. 30:2018 (H)(5), DEQ is required to provide incentives and assistance for the collection and transportation of waste tires. Waste tires that are not processed in accordance with LAC 33:VII.10501 et seq. create environmental and health-related problems, and pose a significant threat to the safety of the community should a fire occur. Presently, there is no economic incentive to process waste tires not located near a permitted waste tire processor. Accordingly, many waste tires may not be

processed and disposed of in accordance with LAC 33:VII.10501 et seq. The DEQ is preparing a rule which includes similar provisions to those contained in this emergency rule. The intent of this emergency rule is to make funds available from the Waste Tire Management Fund to provide for the processing and disposal of waste tires, which are presently not economically feasible to process and dispose of due to the remoteness of the site of generation from the processing facilities.

This emergency rule is effective on December 19, 1995, and shall remain in effect for the maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning SW019E, you may contact DEQ's Investigations and Regulation Development Division at (504) 765-0399. Adopted this 19th day of December, 1995.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling

Chapter 105. Waste Tires

§10515. Agreements with Waste Tire Processors

Permitted waste tire processors may apply to the administrative authority for subsidized funding to assist them with waste tire processing and disposal costs. This application form is available from the administrative authority.

* * *

[See Prior Text in A - A.2]

3. Processors will be eligible to receive reimbursement for waste tire transportation costs as provided in LAC 33:VII.10535.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 22:

§10535. Fees and Fund Disbursement

* * *

[See Prior Text in A - C.1]

2. beginning December 19, 1995, the \$2 waste tire fee shall be designated as follows: a range of \$.85 to \$1.50 will be used to pay waste tire processors for eligible costs under agreement with the administrative authority for transporting and processing currently generated waste tires. The remaining \$.50 to \$1.15 will be used by the administrative authority for program management, research and market development, and promiscuous tire pile cleanup.

* * *

[See Prior Text in D - D.13]

E. Payments to waste tire processing facilities for transportation of waste tires shall be as follows:

1. expenses incurred by a permitted waste tire processor for transporting waste tires from the point of generation/point of manifest (place of pick-up or retrieval) to the processing facility are reimbursable as follows:

a. transportation expenses are reimbursable at a rate of \$.00333 per mile per tire not to exceed \$.50 per manifested waste tire. Transportation expenses include all

costs associated with transporting waste tires for processing, e.g., tolls, salaries, insurance, overhead, gas, maintenance; and

b. requests for reimbursement shall be submitted to the department by the 20th day of the month following the month in which the expenses were incurred. The transportation reimbursement request must be accompanied by the following documentation:

i. the monthly report as required under LAC 33:VII.10525.B. The monthly report requires all completed manifests for the month;

ii. actual transportation invoice; and

iii. any other proof that may be requested by the administrative authority; and

2. conditions for reimbursement are as follows:

a. mileage shall be determined by use of the official Louisiana state map prepared by the Department of Transportation and Development;

b. processing facilities will not be reimbursed for expenses in excess of the actual invoice from the transporter;

c. processing facilities may be reimbursed at the rate of \$.00333 per manifested waste tire;

d. the maximum allowable transportation cost per waste tire shall not exceed \$.50 per tire transported; and

e. the number of waste tires processed during the month must meet or exceed the number of waste tires for which transportation reimbursement is requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 22:

William A. Kucharski
Secretary

9601#030

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Abortion Alternatives (LAC 48:V.12314)

The Department of Health and Hospitals, Office of Public Health adopts the following emergency rule pursuant to R.S. 49:950 et seq. and pursuant to Act 648 of the 1995 Regular Session of the Louisiana Legislature, relative to informed consent of a woman prior to an abortion being performed. This emergency rule shall be effective beginning January 12, 1996 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

The adoption of this rule is necessary because there exists an urgency for the need of obtaining informed consent of a pregnant woman prior to the performance of an abortion. As expressed by the Louisiana Legislature in Act 648, there are risks to a woman's reproductive health associated with different abortion methods, "devastating psychological consequences" can result when an abortion is elected without a woman being fully informed, the "medical, emotional and psychological consequences of an abortion are serious and can be lasting", and it is "imperative that [the decision to abort] be made with full knowledge of its nature and consequences." (See Act 648).

Title 48

PUBLIC HEALTH - GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 123. Documents Related Abortion - Informed Consent

§12314. Documents Related to Informed Consent - Abortion; Distribution and Reporting Procedures

A. Distribution

1. The printed materials which the department is required to publish pursuant to Act 648 of the 1995 Regular Legislative Session shall be made available at no cost, upon request by any person, facility or hospital. Such materials shall include the pamphlet (entitled *Abortion: Making A Decision*) describing fetal development and the risks associated with different abortion methods, the directory of agencies which provide "abortion alternative services" and the certification form (PHS 16-IC) and accompanying instruction sheet.

2. The facility or hospital requesting the pamphlet, directory or certification form shall direct all requests, via mail or facsimile to the following: The Office of Public Health, 325 Loyola Avenue, Room 610, New Orleans, LA 70112, (504) 568-5330, FAX: (504) 568-3786,

3. The following information shall be included in the request by a facility or hospital:

a. name of the person, facility or hospital making the request;

b. total number of pamphlets and directories requested;

c. total number of certification forms requested.

4. An individual who is not representing a physician, facility or hospital may request the materials by calling the Office of Public Health at the number listed in Subsection A.2 herein. The materials will be mailed to the individual.

B. Reporting

1. A physician shall report the following information to the department within 15 days of the information and materials being provided:

a. name and address of the facility where the required information was provided;

b. information as required by R.S. 40:1299.35.10(A)(1) and (4) through (18) inclusive; and

c. copy of the certification form, if executed by the woman.

2. A physician who performs an abortion shall report the following information to the department within 15 days of the abortion:

- a. all information as required by R.S. 40:1299.35.10;
- b. date upon which the required information and materials were provided; and
- c. executed copy of the certification form.

Note: A physician who reports under Subsection B.2 need not comply with the reporting requirements of Subsection B.1 herein.

3. In addition to the reporting requirements set forth in Paragraphs 1 and 2 above, a physician who performs abortions shall report to the department the total number of executed certification forms received monthly. The total number of certification forms received during the calendar month shall be reported within seven days following that calendar month.

4. The information required to be reported pursuant to Subsection B.1, 2 and 3 herein shall be reported to the department, the Office of Public Health at the following address: Director and State Registrar, Division of Records and Statistics, Office of Public Health, Box 60630, New Orleans, LA 70160.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.35.6.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 22:

Eric Baumgartner, M.D., M.P.H.
Assistant Secretary

9601#049

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Intermediate Care Facility Services—Leave of Absence

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule under the Medical Assistance Program as authorized by R. S. 46:153 et seq. and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act.

The Bureau of Health Services Financing provides coverage and reimbursement under the Medicaid Program for Intermediate Care Facility Services for the Handicapped and/or Mentally Retarded (ICF/MR) provided by Intermediate Care Facilities which includes payment for leave of absence days for hospitalization and other leave days. Effective July 13, 1995 the department adopted an emergency rule (*Louisiana Register*, Volume 21, Number 7) which established the number of payable leave of absence days as five days per hospitalization for the treatment of an acute

condition and 22 days per state fiscal year for other leave days. Leave days for the following purposes were limited to 14 days per occurrence and were excluded from the annual 30-day limitation: 1) Special Olympics; 2) Roadrunner sponsored events; 3) Louisiana planned conferences; and 4) Trial discharge leaves. Effective November 1, 1995 the department adopted an emergency to increase to 30 days the allowable number of other leave of absence days for residents of these facilities. The department has now determined that it is necessary to repeal the November 1, 1995 emergency rule and thereby reinstate the prior regulation for other leave of absence days which allowed for 45 days of other leave of absence days. This action is necessary in order to protect the health and welfare of residents of these facilities by affording them increased opportunities to be with their families and to maintain their familial bonds. The following emergency rule repeals the November 1, 1995 emergency rule provision governing other leave days thereby reinstating the allowance of 45 other leave days per resident per state fiscal year. It is estimated that implementation of this emergency rule will result in a slight increase in expenditures but a more precise projection is not feasible at this time.

Emergency Rule

Effective for dates of service beginning December 22, 1995 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the provision of the November 1, 1995 emergency rule (*Louisiana Register*, Volume 21, Number 10, page 1048) which governs the allowable number of other leave of absence days for residents of Intermediate Care Facilities for the Mentally Retarded and thereby reinstates the regulation existent prior to the July 13, 1995 and November 1, 1995 emergency rules to allow a maximum of 45 days of other leave of absence days for residents of Intermediate Care Facilities for the Mentally Retarded.

Interested persons may submit written comments to: Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this emergency rule. A copy of this emergency rule is available at parish Medicaid offices for review by interested parties.

Rose V. Forrest
Secretary

9601#006

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Laboratory and X-ray Billing Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted

the following rule as authorized by R.S. 46:153(G) and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the Administrative Procedure Act and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule whichever occurs first.

The Bureau of Health Services Financing reimburses clinical laboratory services on the basis of the lowest of billed charges, state maximum amount, or the Medicare fee schedule amount (however Medicaid payment cannot exceed the Medicare fee schedule). Effective July 7, 1995 this amount was reduced by 15 percent (*Louisiana Register*, Volume 21, Number 7). Claims for these services are processed for payment through the bureau's fiscal intermediary for automated billing and reimbursement. The fiscal intermediary's automated system includes edits to assure that automated chemistry tests are properly bundled. The department has determined that it is necessary to revise the edits governing the payment of clinical laboratory services in order to ensure that these edits are sufficient to detect and prevent payment for tests that are not properly bundled and or duplicated as well as to assure that hematology and urinalysis tests are properly bundled. The following emergency rule has been adopted to ensure proper management of the automated reimbursement system and to avoid the potential for sanctions and penalties from the federal government due to any overpayments in the Medicaid program. This emergency rule revises the edits which regulate reimbursement for laboratory services for automated, multichannel tests, hematology, prenatal lab panels and urinalysis. It is anticipated that implementation of this emergency rule will reduce expenditures for state fiscal year 1996 by approximately \$1,079,129.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following requirements for the reimbursement of clinical laboratory services.

I. Automated, Multichannel Tests and Panels

A. Procedure code 84478 (Triglycerides) is included in the list of automated, multichannel tests enumerated under the heading "Automated, Multichannel Tests" in the 1995 issuance of the Physicians' Current Procedural Terminology.

B. A panel code (80002-80019) must be billed after the performance of the first, rather than the second, automated, multichannel test.

C. If more than one of the codes listed below is billed by the same billing provider for the same recipient for the same date of service, the first billing will be paid and the second will be denied with the message "Multiblood tests billed; to be combined to panel".

82040	82250	82251	82310	82315	82320
82325	82330	82374	82435	82465	82565
82947	83615	83620	84060	84075	84100
84132	84155	84295	84450	84455	84460
84465	84520	84525	84550	83624	83610
82555	84478	82550	84160		

II. Hepatic Function Panel and General Health Panel

A. If individual tests and panel codes are billed for the same recipient for the same date of service by the same billing provider, the first billing will be paid and the second billing will be denied with the message "Blood component billed with panel code".

B. The panel codes begin with 80002 and extend through 80019 and include panel codes 80050 and 80058. The individual codes included in this edit are the ones listed under C above.

III. Hematology

A. Incorrect billings of hematology components, indices and profiles will be denied with the message "Hematology components/Indices/Profiles billed incorrectly".

B. Only one of codes 85021 through 85027 shall be paid to the same billing provider for the same recipient for the same date of service. A second billing of any of these codes on the same date of service for the same recipient by the same billing provider will be denied. Code 85021 should be billed by itself OR one of 85022, 85023, 85024, 85025 or 85027 should be billed.

C. The billing of more than two of the hematology component codes (85007, 85014, 85018, 85041, 85048, 85595) by the same billing provider for the same recipient for the same date of service will result in denial of the third code in this group as a profile code should be billed if more than two tests in this group are performed.

D. The billing of one of the above profile codes (85021-85027) and one or more of the component codes 85014, 85018, 85041 or 85048 by the same billing provider for the same recipient for the same date of service will result in payment of the first billing and denial of the second as the component codes are included in the profile codes.

E. The billing of code 85007 and codes 85022 and or 85023 on the same date of service for the same recipient by the same billing provider will result in payment of the first claim and denial of the second. Procedure Code 85007 is included in codes 85022 and 85023.

F. A billing of code 85595 and codes 85023, 85024, 85025 and or 85027 by the same billing provider for the same recipient for the same date of service will result in payment of the first claim and denial of the second claim. Procedure code 85595 is included in codes 85023, 85024, 85025 and 85027.

IV. Panel Codes

A billing of more than one panel code (80002-80019, 80050 and 80058) on the same date of service for the same recipient by the same billing provider will result in denial of the second billing with the message "Max allowed. One panel per day per billing provider".

V. Prenatal Lab Panels

A. A billing of more than one prenatal lab panel code (Z9001, Z9002, Z9003) on the same date of service for the same recipient by the same billing provider will result in denial of the second billing with the message "One prenatal panel per pregnancy payable".

B. Only one prenatal lab panel code is to be paid per pregnancy. Therefore, a second billing of Z9001, Z9002 or Z9003 within a 270-day period by the same billing provider

for the same recipient will be denied with the message "Max allowed. Only one payable per pregnancy".

C. Procedure code 80055 (Obstetric panel) will be placed in non-pay status as the Louisiana Medicaid Program has locally-assigned codes for prenatal lab panels.

D. Providers who have been reimbursed for a Z9001, Z9002 or Z9003 on a recipient will not be reimbursed also for codes 85018, 85022, 85025, 86592, 86762, 86900, 86901 or 86850 on that same recipient.

E. Only one claim for code 81000 will be reimbursed per recipient per pregnancy (270 days) per billing provider.

VI. Urinalysis

A. A billing of code 81000 and one or more of 81002, 81003, or 81015 by the same billing provider for the same recipient for the same date of service will result in denial of the second billing with the message "Urinalysis billed incorrectly" because 81002, 81003 and 81015 are inappropriate with 81000.

B. A billing of code 81002 and 81003 on the same date of service for the same recipient by the same billing provider will result in denial of the second claim with the same message because the descriptions of the two codes are contradictory.

C. A billing of code 81001 and 81002, 81003 or 81015 on the same date of service for the same recipient by the same billing provider will result in denial of the second claim as the descriptions of the latter three codes are contradictory to that of code 81001.

D. A billing of code 81000 and 81001 on the same date of service for the same recipient by the same billing provider will result in denial of the second claim as the two codes have contradictory descriptions.

VII. Panels and Component Codes within Panels

A. A billing of panel code 80050 and component codes 80012-80019, 85022, 85025 and/or 84443 by the same billing provider on the same date of service for the same recipient will result in denial of the second claim with the message "Billed panel and individual code within panel".

B. A billing of panel code 80058 and component codes 82040, 82250, 84075, 84450 and/or 84460 by the same billing provider on the same date of service for the same recipient will result in denial of the second billing with the same message.

C. If panel code 80059 is paid, component codes 86287, 86291, 86289, 86296, and 86302 will not also be paid on the same date of service for the same recipient to the same billing provider.

D. The above rule also applies to panel codes 80061, 80072, 80090, 80091, 80092 and their components.

Interested persons may submit written comments to: Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA. He is responsible for responding to inquires regarding this emergency rule and providing information on this emergency rule. A copy of this emergency rule is available at Parish Medicaid Offices for review by interested parties.

Rose V. Forrest
Secretary

9601#005

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Nursing Facility Services - Leave of Absence Days

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule under the Medical Assistance Program as authorized by R. S. 46:153 et seq. and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act.

The Bureau of Health Services Financing provides coverage and reimbursement for nursing facility services which includes reimbursement for leave of absence days. Effective July 13, 1995 the department reduced the number of reimbursable leave of absence days to five days per hospitalization for treatment of an acute condition and to four days for other leave days per calendar year (*Louisiana Register*, Volume 21, Number 11). This initiative was continued in force by means of the November 9, 1995 emergency rule (*Louisiana Register*, Volume 21, Number 12.). The department has now determined that it is necessary to increase the allowable number of other leave of absence days for nursing facility residents in order to protect their health and welfare by affording them increased opportunities to be with their families and to maintain their familial bonds. The following emergency rule repeals the November 9, 1995 emergency rule provision governing other leave of absence days thereby reinstating the allowance of nine other leave days per resident per calendar year which was in effect prior to July 13, 1995. It is estimated that implementation of this emergency rule will result in a slight increase in expenditures but a more precise projection is not feasible at this time.

Emergency Rule

Effective for dates of service beginning December 22, 1995 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the provision of the November 9, 1995 emergency rule (*Louisiana Register*, Volume 21, Number 11, page 1176) which governs the allowable number of other leave of absence days for residents of nursing facilities and thereby reinstates the regulation existent prior to the July 13, 1995 and November 9, 1995 emergency rules to allow a maximum of nine other leave of absence days for nursing facility residents.

Rose V. Forrest
Secretary

9601#007

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Professional Services Program—Neonatology Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing reimburses neonatology services according to established per diem rates for applicable Physicians' Current Procedural Terminology (CPT) codes. Effective July 7, 1995 and October 28, 1995 (*Louisiana Register*, Volume 21, Numbers 7 and 11) the bureau reduced the per diem rates for the following procedure codes to the following amounts:

- CPT code 99295 - \$323.90
- CPT code 99296 - \$190.20
- CPT code 99297 - \$150.10
- CPT code 99297-52 ("step-down" babies) - \$60.04.

This action was taken to avoid a budget deficit in the medical assistance programs. The department has now determined that it is necessary to make an adjustment in the above per diem rates in order to meet federal assurance requirements that there are a sufficient number of Medicaid providers for the delivery of these services. Therefore, the following emergency rule repeals the October 28, 1995 emergency rule and adopts revised per diem rates for specified neonatology procedure codes.

It is estimated that the implementation of this emergency rule will decrease the cost savings for neonatology services which was projected in July 1995 by approximately \$901,683 for the remainder of state fiscal year 1996 and approximately \$1,803,366 for next state fiscal year.

Emergency Rule

Effective for dates of service of January 21, 1996 and after, the Department of Health and Hospitals, Bureau of Health Services Financing, repeals the October 28, 1995 emergency rule (*Louisiana Register*, Volume 21, Number 11, page 1200) and adopts per diem rates for neonatology professional services to the amounts listed for the following procedure codes:

- CPT code 99295 - \$596.46
- CPT code 99296 - \$279.52
- CPT code 99297 - \$143.42
- CPT code 99297-52 ("step-down" babies) - \$57.37

Interested persons may submit written comments to the following address: Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this emergency rule. A copy of this rule is available in the Medicaid parish offices for review by interested parties.

Bobby P. Jindal
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Vaccines for Children Program

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to the Social Security Act. This rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Omnibus Budget Reconciliation Act of 1993, Public Law 103-66 Section 13631 created the Pediatric Vaccine Distribution Program (known as the Vaccines for Children Program) which became effective October 1, 1994, but was not mandated until October, 1995. OBRA 1993 added a new Section 1928 to the Social Security Act which requires that states establish a program for the purchase and distribution of pediatric vaccines to providers qualified under and registered with the program for the purpose of immunizing children eligible under the act. One of the federally mandated groups of children who are entitled to receive immunizations without charge for the cost of vaccines to their parents/guardians are Medicaid eligible children. Therefore, the Medicaid Program is required to reimburse qualified and registered providers for the administration of the immunization to Medicaid eligible children. The U. S. Health and Human Services' Center for Disease Control and the Office of Public Health within the Department of Health and Hospitals are responsible for the distribution of these vaccines to private providers who are registered and qualified under the federal requirements to receive and administer these vaccines. At this time the Office of Public Health is able to distribute these vaccines to their public health units and the federally qualified health centers, as well as to private providers.

Adoption of this as an emergency rule on January 20, 1995 (*Louisiana Register*, Volume 21, Number 1) and redeclaration in May and September (*Louisiana Register*, Volume 21, Numbers 5 and 9) was necessary to implement this Vaccines for Children Program under the Medicaid Program in order for the state to conform with federal law and thereby avoid possible sanctions or penalties by the federal government. It is estimated that implementation of this rule will result in an aggregate cost savings of \$3,848,598 for state fiscal year 1995-96 for the public sector only. As private providers are still enrolling, the department is unable to project at this time when this distribution system will be in place for the private providers and therefore is unable to project the cost savings related to the private sector. The following emergency rule provides for the continuation of the program and the implementing regulations.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the Medicaid Vaccines for Children Program whereby the bureau will reimburse qualified and registered providers only for the administration of the pediatric vaccines. This program has been instituted through a phase-in process to allow for the distribution of these vaccines on a statewide basis to both

9601#060

public and private providers. Initial distribution was only to the Office of Public Health Units and Federally Qualified Health Centers and private providers have been phased in now. The following provisions govern the reimbursement of pediatric vaccines under the Medicaid Vaccines for Children Program.

1. A qualified and registered provider must:
 - A. be a licensed health care provider who has authority under Louisiana state law to administer pediatric vaccines;
 - B. be an enrolled Medicaid provider and an enrolled Vaccines for Children Program provider; and
 - C. not have been found by the Health Care Financing Administration or Louisiana to have violated a provider agreement or other applicable requirements.
2. Medicaid reimbursement for the administration cost of the pediatric vaccines is \$9.45 for the first year and this rate will be inflated by the "Medical - All Items line" of the Consumer Price Index (CPI) for each of the succeeding two years; and
 - A. is provided only for Medicaid eligible children; and
 - B. shall be made only for the administration of vaccines in accordance with the immunization schedule adopted by the National Academy of Pediatrics as required by the KIDMED Program under the Medicaid Program.
3. Medicaid reimbursement for the cost of the pediatric vaccines administered to Medicaid-eligible children that may be obtained through the Vaccines for Children Program will remain at the current Medicaid payment rates through a date to be determined by the bureau and the Health Care Financing Administration. Subsequent to the time when the Office of Public Health has fully implemented the distribution system for VFC immunizations to private providers, the Medicaid Program will begin to reimburse only the \$9.45 for the administration cost.
4. The pediatric vaccines included under the Medicaid Vaccines for Children's Program include the following:
 - A. DTaP-Diphtheria, Tetanus and acellular Pertussis;
 - B. DTP-Diphtheria, Tetanus, Pertussis;
 - C. MMR-Measles, Mumps and Rubella;
 - D. Poliovirus;
 - E. Hep B - Hepatitis B;
 - F. HIB - Hemophilus Influenza B.
 - G. Td - Tetanus diphtheria;
 - H. DTP - HIB combination vaccine.

Bobby P. Jindal
Secretary

9601#056

DECLARATION OF EMERGENCY

Department of Labor
Office of Employment Security

Electronic Transfer (LAC 40:IV.375)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the statutory authority of R.S. 23:1653, the administrator of the

Office of Employment Security declares the following emergency rule adopted, effective January 3, 1996, and shall remain effective thereafter for the maximum period of 120 days allowable under R.S. 49:954(B)(2), or until final rule is adopted, whichever occurs first.

The adoption of such emergency and initial rule is necessary to implement and abide by Act 46 of the 1995 Regular Session of the Louisiana Legislature. Such statutory amendment of R.S. 23:1532.1 requires, in part, that post-defeasance proceeds of the special assessment for debt service, collected subsequent to September 1, 1993, be pledged and dedicated to the establishment of an electronic transfer system for the administration of the state unemployment compensation program. The above adoption date would further permit the application of such rule for the commencement of the first quarter of the new year for purposes of 1996 contribution reporting and payment, which serves the public good by facilitating consistent accounting procedures for employers for the full year. Such emergency rule shall pertain only to the electronic payment of contributions and shall not affect the accrual of quarterly contributions under the Louisiana Employment Security Law.

Title 40

LABOR AND EMPLOYMENT

Part IV. Employment Security

Subpart 3. Unemployment Compensation and Contributions

Chapter 3. Employment Security Law

§375. Electronic Transfer as Method of Payment

A. Any taxable employer which reports 250 or more employees in any calendar quarter, including any agent or entity which pays contributions either on behalf of any such employer or on behalf of a multiple of 50 or more taxable employers in any calendar quarter, shall remit any such payment(s) by electronic-fund transfer on or before the last day of the calendar month following the calendar quarter in which contributions accrue, subject to penalty and interest under R.S. 23: 1543 for failure to timely remit electronic transfer of funds for any such payment(s).

B. Any reimburseable employer which employs 250 or more employees in any calendar quarter, including any agent or entity which pays reimbursement either on behalf of any such employer or on behalf of a multiple of 50 or more reimburseable employers in any calendar quarter, shall remit any such payment(s) of reimbursement by electronic-fund transfer not later than 30 days after quarterly billing was mailed by the administrator or was otherwise delivered to such employer or designated agent or entity, subject to penalty and interest under R.S. 23:1543 for failure to timely remit electronic transfer of funds for any such payment(s).

C. Any agent or entity which pays on behalf of any combination of a multiple of 50 or more of taxable and reimburseable employers shall remit any such payment(s) of contributions or reimbursements by electronic transfer pursuant to the respective statutory due-dates for each such employer, as recited in above Subsections A and B.

D. The requirement of such form of payment under this rule shall commence with the first calendar quarter of 1996, ending March 31, 1996, and shall continue each calendar quarter thereafter.

E. Such payment(s) by electronic transfer shall be in accordance with the manner or format prescribed by the administrator and shall include reporting of all pertinent tax information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 22:

Gayle F. Truly
Secretary

9601#014

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

Paternity Establishment (LAC 67:III.Chapter 27)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in Support Enforcement Services (SES), the child support enforcement program, effective January 29, 1996. It is necessary to extend emergency rulemaking since the emergency rule of October 1, 1995 is effective for a maximum of 120 days and will expire before the final rule takes effect.

In order to improve program effectiveness and in accordance with 45 CFR Parts 301-305, R.S. 40:46.1 requires that all hospitals in the state which provide birthing services shall have a program for the voluntary acknowledgment of paternity. Acknowledgments provided to the state registrar shall be referred to SES. This rule establishes the role of SES in this process.

Pursuant to 45 CFR 303.5 an emergency rule is required to implement Support Enforcement's participation and function as relates to paternity acknowledgment since the entire program is federally mandated to be operational by the first calendar quarter following the close of the latest legislative session and is subject to audit and penalty pursuant to 45 CFR 305.

Subpart 4, Section 2705 is being renumbered to accommodate the incorporation of this rule.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 4. Support Enforcement Services

Chapter 27. General Program Administration

Subchapter A. Establishment of Paternity

§2703. Hospital-based Paternity Acknowledgment Program

The agency will provide all birthing hospitals in the state with written materials concerning paternity establishment, written descriptions of the rights and responsibilities of

acknowledging paternity, and the forms necessary to voluntarily acknowledge such, as well as training necessary to operate the program. The agency will receive acknowledgments generated by the program and maintain a statewide database. Information from the database will be used in child support matters subject to the jurisdiction of Support Enforcement Services.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.70(a)(5), 303.4(f), 303.5(g) and (h), R.S. 40:46.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 21: 1065 (October 1995), LR 22:

Subchapter B. Notice of Collection of Assigned Support

§2705. Annual Notice of Collection

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.54.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:1151 (December 1985), amended by the Department of Social Services, Office of Family Support, LR 21:1065 (October 1995), LR 22:

Gloria Bryant-Banks
Secretary

9601#025

DECLARATION OF EMERGENCY

Department of Treasury Bond Commission

Line of Credit Increase

The State Bond Commission amended the commission's rule on December 7, 1995, as originally adopted on November 20, 1976.

The commission amended Rule No. 15 of the original commission rules and increased the maximum amount of authorized lines of credit as follows:

15. Line of Credit - a line of credit is an authorization to a state agency to proceed with a project and draw from the State Treasury funds for the project prior to the sale of bonds for that project. The maximum amount of lines of credit which may be authorized by the commission shall be \$200,000,000. Bonds shall be issued to replenish lines of credit granted in the fiscal year in which the line of credit was granted. No lines of credit may be granted for a project unless and until either the bonds have been sold, lines of credit have been granted, or a certificate of impossibility and impracticality has been issued for all projects of higher priority as stated in the comprehensive capital budget adopted by the legislature. The maximum amount of lines of credit provided herein shall not apply in cases where the commission shall deem an item to be an emergency matter.

Monies advanced on a line of credit for any project shall be spent only in accordance with the description in the bond

authorization act authorizing bonds to be issued for that project.

Prior to the execution of any contract or agreement obligating the expenditure of monies received by any state department or agency or any other entity from line of credit funds, the Attorney General's Office shall be requested to review such proposed contracts or agreements for the sole purpose of determining whether expenditure of funds thereunder is for the purpose of furthering the applicable project adopted by the legislature. If given, such prior approval by the Attorney General's Office shall be in writing to the appropriate state department, agency or other entity with a copy to be furnished to the State Bond Commission.

Should the Attorney General's Office determine that the proposed expenditure of line of credit funds not be in order, no funds may be used to pay obligations which may be incurred if such contracts are executed after an adverse conclusion by the Attorney General's Office.

All approvals of lines of credit shall be conditioned on compliance by the state department, agency or other entity with the aforementioned procedure, and it shall be their duty to request approval from the Attorney General's Office, stating to which bond act and to which project the contract or agreement in question pertains. Failure to comply with such procedure by any such department, agency or other entity shall result in the immediate revocation of the line of credit, and all information regarding the possible expenditure of line of credit funds for other than authorized purposes shall be forwarded immediately by the commission to the Attorney General's Office and the District Attorney's Office.

This emergency rule is necessary to ensure continued construction and funding of all projects heretofore begun and contained in Priority 1 of the current Capital Outlay Act, Act 1096 of the 1995 Regular Session of the Louisiana Legislature.

This rule is effective immediately and will remain in effect until the delivery of the next issue of general obligation bonds of the state of Louisiana or 120 days, whichever occurs earlier, at which time the maximum amount of lines of credit which may be authorized by the commission shall be \$100,000,000.

Rae W. Logan
Director

9601#008

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Red Snapper Commercial Take Extension

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:317 which provides that the secretary of the department may declare a closed season when it is in the best interest of the state; the Secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

Effective 12:01 a.m., January 1, 1996 the commercial fishery for red snapper in Louisiana waters will remain closed until 12:01 a.m., February 1, 1996.

The 1995 commercial fishery for red snapper was closed by emergency action after the Gulf of Mexico commercial quota had been estimated to be reached. That action remains in effect until January 1, 1996, at which time the Gulf of Mexico Fishery Management Council was expected to reopen federal waters to the commercial harvest of red snapper. The council has since delayed the expected date for reopening federal waters until February 1, 1996. The secretary has been requested by the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service to maintain a concurrent closure of state waters. This notice is intended to maintain a concurrent closure of state waters as requested by the council and National Marine Fisheries Service.

Joe L. Herring
Secretary

9601#003

Rules

RULE

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

Public Library Construction/Technology Enhancements (LAC 25:VII.2105)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of the State Library has amended the following rules and regulations. The changes have no economic impact on the budget of the state, nor are fees involved. The revisions and changes herein refer to rules published in:

Title 25

CULTURAL RESOURCES

Part VII. State Library of Louisiana

Subpart 3. Library Development

Chapter 21. Public Library Construction/Technology Enhancement

§2105. Rules Governing Administration of the Act

A. - B. ...

C. The facility must meet standards as set forth in Standards for Public Libraries in Louisiana (1995).

D. - G. ...

H. Local matching funds must be public funds for library construction/technology enhancement and on deposit with the parish, the municipal corporation, or the parish municipality. Separate financial records must be maintained for the building/technology enhancement project.

I. All applicable regulations of the Public Contract, Work and Improvements Law, Louisiana Revised Statutes 38:2211 et seq. must be adhered to for the library construction/technology enhancement.

J. As soon as the construction/technology enhancement contract is signed one complete copy must be sent to the State Library of Louisiana.

K. ...

L. All equipment must be purchased on the basis of awards to the lowest qualified bidder on the basis of open competitive bidding, and according to state and local laws and regulations. In the case of technology enhancement, L.R.S. 38:2234 may be applicable.

M. - Q. ...

R. Should the State Library receive more correct, properly completed and eligible applications than can be funded, it will first fund those applications:

1. proposing facilities to serve as a center/headquarters for the library system;
2. proposing facilities serving parishes in which the average family income is less than the average family income for the state;
3. proposing facilities for a library system which has not received a prior LSCA Title II construction grant;
4. proposing facilities for which the local construction funds are readily available.

S. Should the State Library receive more correct, properly completed and eligible applications than can be funded, it will first fund the technology enhancement projects:

1. impacting statewide or regional library services and resource sharing;
2. impacting parish wide library services;
3. assisting individual libraries with needed services;
4. enhancing library services in parishes where the average family income is less than the average family income for the state.

T. - U. ...

V. Public library construction/technology enhancement projects must follow local and federal regulations guiding urban development, environmental impact and protection, and intergovernmental cooperation currently in force.

W. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Adopted by the Louisiana State Library, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 18:1356 (December 1992), LR 22:12 (January 1996).

Mark Hilzim
Secretary

9601#028

RULE

Department of Economic Development Racing Commission

Bleeder Medication (LAC 35:I.1507)

The Racing Commission is exercising the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority granted under R.S. 4:141 et seq., hereby amends the following rule.

Title 35

HORSE RACING

Part I. General Provisions

Chapter 15. Permitted Medication

§1507. Bleeder Medication

* * *

E. A bleeder shall be eligible to run as follows, but only after a recorded workout.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 6:174 (May 1980), amended LR 6:543 (September 1980), LR 9:547 (August 1983), amended by the Department of Economic Development, Racing Commission, LR 15:7 (January 1989), LR 22:12 (January 1996).

Paul D. Burgess
Executive Director

9601#009

RULE

**Department of Economic Development
Racing Commission**

Claiming Rule-Time of Entering (LAC 35:XI.9905)

The Racing Commission hereby repeals LAC 35:XI.9905 "Timing of Entering Next Claiming Race," to eliminate the restrictions of entering a horse in an upcoming claiming race.

Title 35

HORSE RACING

Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9905. Timing of Entering Next Claiming Race

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), repromulgated LR 3:41 (January 1977), LR 4:285 (August 1978), amended LR 14:292 (May 1988), repealed LR 22:13 (January 1996).

Paul D. Burgess
Executive Director

9601#012

RULE

**Department of Economic Development
Racing Commission**

Entry After Excused (LAC 35:V.6353)

The Racing Commission is exercising the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority granted under R.S. 4:141 et seq., hereby amends the following rule.

Title 35

HORSE RACING

Part V. Racing Procedures

Chapter 63. Entries

§6353. Entry After Excused

A. The entry of any horse which has been excused by the stewards from starting due to physical disability or sickness shall not be accepted until the expiration of three calendar days after the day the horse was excused.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), LR 3:34 (January 1977), LR 4:280 (August 1978), amended LR 11:615 (June 1985), amended

by the Department of Economic Development, Racing Commission, LR 14:702 (October 1988), LR 22:13 (January 1996).

Paul D. Burgess
Executive Director

9601#011

RULE

**Department of Economic Development
Racing Commission**

Field Less than Eight-Trifecta (LAC 35:XIII.11115)

The Racing Commission is exercising the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority granted under R.S. 4:141 et seq., hereby amends following rule.

Title 35

HORSE RACING

Part XIII. Wagering

Chapter 111. Trifecta Wagering

§11115. Field Less Than Eight

A. Trifecta wagering will be permitted when the number of scheduled starters in a thoroughbred or quarter horse race is eight or more. A late scratch after wagering begins on that race will not cancel trifecta wagering.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985), amended by the Department of Economic Development, Racing Commission, LR 18:366 (April 1992), LR 22:13 (January 1996).

Paul D. Burgess
Executive Director

9601#013

RULE

**Department of Economic Development
Racing Commission**

Purses from Video Poker (LAC 35:III.5736)

The Racing Commission hereby adopts LAC 35:III.5736 "Purses from Video Poker," to clarify R.S. 33:4862.23.

Title 35

HORSE RACING

Part III. Personnel, Registration and Licensing

Chapter 57. Associations' Duties and Obligations

§5736. Purses from Video Poker

A. In accordance with, and as defined by, R.S. 33:4862.23, monies in the Video Draw Poker Purse Supplement Fund shall be annually appropriated to the commission, and shall be allocated by the commission as follows:

1. Two-thirds of the total funds to all thoroughbred racing associations, proportionately distributed to each association based on the number of prior calendar year

thoroughbred race days per track to the total number of prior calendar year thoroughbred race days. Such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association, and only on Louisiana-bred thoroughbred races with purses not exceeding \$15,000.

2. One-third of the total funds to the Louisiana Quarter Horse Breeders Association to be used solely to supplement Louisiana-bred quarter horse purses.

B. The commission shall distribute the above thoroughbred funds based upon issuance of each condition book from each racing association. Quarter horse funds shall be distributed periodically based on requests from the Louisiana Quarter Horse Breeders Association for scheduled race days during active race meetings.

C. 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).

D. 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.

E. 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. 33:4862.23.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Racing Commission, LR 22: 14 (January 1996).

Paul D. Burgess
Executive Director

9601#010

RULE

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

**Control of Emission of Organic Compounds
(LAC 33:III.2117) (AQ131)**

(Editor's Note: In a final rule [AQ 131] published on pages 1329-1330 of the December, 1995 Louisiana Register, the Department of Environmental Quality inadvertently omitted several chemical extensions in §2117. This

Section was previously promulgated correctly, as amended, on pages 681-682 of the July, 1995 Louisiana Register [AQ113]. Republication of §2117 corrects the December, 1995 omitted text.)

Title 33 ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

§2117. Exemptions

The following compounds are considered exempt from the control requirements of LAC 33:III.2101—2145: methane, ethane, 1, 1, 1 trichloroethane (methyl chloroform), methylene chloride (dichloromethane), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113), trifluoromethane (FC-23), 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123), 1,1,1,2-tetrafluoroethane (HFC-134a), 1,1-dichloro 1-fluoroethane (HCFC-141b), 1-chloro 1,1-difluoroethane (HCFC-142b), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), acetone, parachlorobenzotrifluoride (PCBTF), and cyclic, branched, or linear completely methylated siloxanes. The following classes of perfluorocarbons are also considered exempt from the control requirements of LAC 33:III.2101—2145: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, LR 20:289 (March 1994), amended LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22: 14 (January 1996).

J. Dale Givens
Secretary

9601#063

RULE

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

**Quality Assurance Procedures
(LAC 33:III.6115 and 6117)(AQ128)**

Under the authority of the Louisiana 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 Quality Division regulations, LAC 33:III.6115 and 6117, (AQ128).

Quality assurance procedures for continuous emission monitors are incorporated into Louisiana's Air Quality regulations. These are LAC 33:III.6115 and 6117.

This action will make the Louisiana Air Quality regulations the same as the federal regulations.

This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

These regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 61. Division's Source Test Manual

§6115. Performance Specification 4A—Specifications and Test Procedures for Carbon Monoxide Continuous Emission Monitoring in Stationary Sources

A. Applicability and Principle

1. Applicability

a. This specification is to be used for evaluating the acceptability of carbon monoxide (CO) continuous emission monitoring systems (CEMSs) at the time of or soon after installation and whenever specified in an applicable section of the regulations.

b. This specification is not designed to evaluate the installed CEMS performance over an extended period of time nor does it identify specific calibration techniques and other auxiliary procedures to assess CEMS performance. The source owner or operator, however, is responsible to calibrate, maintain, and operate the CEMS. To evaluate CEMS performance the administrative authority may require, under section 114 of the Clean Air Act Amendments of 1990, the source owner or operator to conduct CEMS performance evaluations at other times besides the initial test. See LAC 33:III.3125.C.

c. The definitions, installation specifications, test procedures, data reduction procedures for determining calibration drifts (CD) and relative accuracy (RA), and reporting of LAC 33:III.6105.B, C, E, F, H, and I apply to this specification.

2. Principle. Reference method (RM), CD, and RA tests are conducted to determine that the CEMS conforms to the specification.

B. Performance and Equipment Specifications

1. Data Recorder Scale. This specification is the same as LAC 33:III.6105.D.1. The CEMS shall be capable of measuring emission levels under normal conditions and under periods of short-duration peaks of high concentrations. This dual-range capability may be met using two separate analyzers, one for each range, or by using dual-range units that have the capability of measuring both levels with a single unit. In the latter case when the reading goes above the full-scale measurement value of the lower range, the higher-range operation shall be started automatically. The CEMS recorder range must include zero and a high-level value. For the low-

range scale, the high-level value shall be between 1.5 times the pollutant concentration corresponding to the emission standard level and the span value. For the high-range scale, the high-level value shall be set at 2,000 ppm, as a minimum, and the range shall include the level of the span value. There shall be no concentration gap between the low- and high-range scales.

2. Interference Check. The CEMS must be shown to be free from the effects of any interferences.

3. Response Time. The CEMS response time shall not exceed 1.5 min to achieve 95 percent of the final stable value.

4. Calibration Drift. The CEMS calibration must not drift or deviate from the reference value of the calibration gas, gas cell, or optical filter by more than 5 percent of the established span value for six out of seven test days.

5. Relative Accuracy. The RA of the CEMS shall be no greater than 10 percent of the mean value of the RM test data in terms of the units of the emission standard or 5 ppm, whichever is greater. Under conditions where the average CO emissions are less than 10 percent of the standard, a cylinder gas audit may be performed in place of the RA test to determine compliance with these limits. In this case the cylinder gas shall contain CO in 12 percent carbon dioxide as an interference check. If this option is exercised, LAC 33:III.6050 must be used to verify that emission levels are less than 10 percent of the standard.

C. Response Time Test Procedure. The response time test applies to all types of CEMS's, but will generally have significance only for extractive systems. The entire system is checked with this procedure including applicable sample extraction and transport, sample conditioning, gas analyses, and data recording. Introduce zero gas into the system. For extractive systems, the calibration gases should be introduced at the probe as near to the sample location as possible. For in-situ systems, introduce the zero gas at the sample interface so that all components active in the analysis are tested. When the system output has stabilized (no change greater than 1 percent of full scale for 30 sec), switch to monitor stack effluent and wait for a stable value. Record the time (upscale response time) required to reach 95 percent of the final stable value. Next, introduce a high-level calibration gas and repeat the procedure (stabilize, switch to sample, stabilize, record). Repeat the entire procedure three times and determine the mean upscale and downscale response times. The slower or longer of the two means is the system response time.

D. Relative Accuracy Test Procedure

1. Sampling Strategy for RM Tests, Correlation of RM and CEMS Data, Number of RM Tests, and Calculations. These are the same as that in LAC 33:III.6105.G.1-3 and 5, respectively.

2. Reference Methods. Unless otherwise specified in an applicable section of the regulation, LAC 33:III.6050 is the RM for this performance specification. When evaluating nondispersive infrared continuous emission analyzers, LAC 33:III.6050 shall use the alternative interference trap specified in LAC 33:III.6050.A. LAC 33:III.6051 or 6052 is an acceptable alternative to LAC 33:III.6050.

E. Bibliography

1. Same as in LAC 33:III.6109.D.

2. "Gaseous Continuous Emission Monitoring Systems - Performance Specification Guidelines for SO₂, NO_x, CO₂, O₂, and TRS." EPA-450/3-82-026. U.S. Environmental Protection Agency, Technical Support Division (MD-19), Research Triangle Park, N.C. 27711.

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 22:16 (January 1996).

§6117. Performance Specification 7—Specifications and Test Procedures for Hydrogen Sulfide Continuous Emission Monitoring Systems in Stationary Sources

A. Applicability and Principle

1. Applicability

a. This specification is to be used for evaluating the acceptability of hydrogen sulfide (H₂S) continuous emission monitoring systems (CEMSs) at the time of or soon after installation and whenever specified in an applicable section of the regulations.

b. This specification is not designed to evaluate the installed CEMS performance over an extended period of time nor does it identify specific calibration techniques and other auxiliary procedures to assess CEMS performance. The source owner or operator, however, is responsible to calibrate, maintain, and operate the CEMS. To evaluate CEMS performance the administrative authority may require, under section 114 of the Clean Air Act Amendments of 1990, the source owner or operator to conduct CEMS performance evaluations at other times besides the initial test. See LAC 33:III.3125.C.

c. The definitions, installation specifications, test procedures, data reduction procedures for determining calibration drifts (CD) and relative accuracy (RA), and reporting of LAC 33:III.6105.B, C, E, F, H, and I apply to this specification.

2. Principle. Reference method (RM), CD, and RA tests are conducted to determine that the CEMS conforms to the specification.

B. Performance and Equipment Specifications

1. Instrument Zero and Span. This specification is the same as LAC 33:III.6105.D.1.

2. Calibration Drift. The CEMS calibration must not drift or deviate from the reference value of the calibration gas or reference source by more than 5 percent of the established span value for six out of seven test days (e.g., the established span value is 300 ppm for LAC 33:III.Chapter 31.Subchapter J fuel gas combustion devices).

3. Relative Accuracy. The RA of the CEMS shall be no greater than 20 percent of the mean value of the RM test data in terms of the units of the emission standard or 10 percent of the applicable standard, whichever is greater.

C. Relative Accuracy Test Procedure

1. Sampling Strategy for RM Tests, Correlation of RM and CEMS Data, Number of RM Tests, and Calculations. These are the same as that in LAC 33:III.6105.G.1-3 and 5, respectively.

2. Reference Methods. Unless otherwise specified in an applicable section of the regulation, LAC 33:III.6053 is the

RM for this performance specification.

D. Bibliography

1. U.S. Environmental Protection Agency. Standards of Performance for New Stationary Sources; Appendix B; Performance Specifications 2 and 3 for SO₂, NO_x, CO₂, and O₂ Continuous Emission Monitoring Systems; Final Rule. 48 CFR 23608. Washington, D.C. U.S. Government Printing Office. May 25, 1983.

2. U.S. Government Printing Office. Gaseous Continuous Emission Monitoring Systems - Performance Specification Guidelines for SO₂, NO_x, CO₂, Q₂, and TRS. U.S. Environmental Protection Agency. Washington, D.C. EPA-450/3-82-026. October 1982. 26 p.

3. Maines, G.D., W.C. Kelly (Scott Environmental Technology, Inc.), and J.B. Homolya. Evaluation of Monitors for Measuring H₂S in Refinery Gas. Prepared for the U.S. Environmental Protection Agency. Research Triangle Park, N.C. Contract Number 68-02-2707. 1978. 60 p.

4. Ferguson, B.B., R.E. Lester (Harmon Engineering and Testing), and W.J. Mitchell. Field Evaluation of Carbon Monoxide and Hydrogen Sulfide Continuous Emission Monitors at an Oil Refinery. Prepared for the U.S. Environmental Protection Agency. Research Triangle Park, N.C. Publication Number EPA-600/4-82-054. August 1982. 100 p.

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 22:16 (January 1996).

James B. Thompson, III
Assistant Secretary

9601#035

RULE

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

**Standards of Performance for Petroleum Refineries
(LAC 33:III.3260 and 3264)(AQ132)**

Under the authority of the Louisiana 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 Quality Division regulations, LAC 33:III.3260 and 3264, (AQ132).

LAC 33:III.3260 and 3264 are updated to conform to the federal regulation (40 CFR 60.100 and 60.104).

This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

These regulations are to become effective upon publication in the *Louisiana Register*.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter J. Standards of Performance for Petroleum Refineries (Subpart J)

§3260. Applicability and Designation of Affected Facility

* * *

[See Prior Text in A]

B. Any fluid catalytic cracking unit catalyst regenerator or fuel gas combustion device under Subsection A of this Section that commences construction or modification after June 11, 1973, or any Claus sulfur recovery plant under Subsection A of this Section that commences construction or modification after October 4, 1976, is subject to the requirements of this Subchapter, except as provided under Subsections C and D of this Section.

C. Any fluid catalytic cracking unit catalyst regenerator under Subsection B of this Section that commences construction or modification on or before January 17, 1984, is exempted from LAC 33:III.3264.C.

D. Any fluid catalytic cracking unit in which a contact material reacts with petroleum derivatives to improve feedstock quality and in which the contact material is regenerated by burning off coke and/or other deposits and that commences construction or modification on or before January 17, 1984, is exempt from this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:17 (January 1996).

§3264. Standard for Sulfur Oxides

* * *

[See Prior Text in A-B.2]

a. for an oxidation control system or a reduction control system followed by incineration or an oxidation control system, 250 ppm by volume (dry basis) of sulfur dioxide (SO₂) at 0 percent excess air; or

* * *

[See Prior Text in B.2.b-E]

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:372 (April 1995), LR 22: 17 (January 1996).

James B. Thompson, III
Assistant Secretary

9601#036

RULE

Department of Environmental Quality
Office of the Secretary
Office of Management and Finance
Fiscal Services Division

Method of Fee Payment

(LAC 33:III.209, 211, 215; 33:V.5125, 5127, 5129, 5141;
33:VII.529; 33:IX.1307, 1309; 33:XI.307;
33:XV.2505, 2509, 2511)(OS20)

Under the authority of the Louisiana 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 LAC 33:III.209, 211.B.4, 215; V.5125.C, 5127, 5129, 5141.A.2; VII.529.D-F; IX.1307, 1309.G; XI.307.B.2, and C-D; XV.2505, 2509, 2511 (OS20).

The Office of Management and Finance proposed this rule to standardize methods for payment of annual monitoring and maintenance fees, specifically regarding date of payment, late payment, and failure to pay.

The regulation is needed to establish consistency among the individual divisions in the department regarding collection of annual monitoring and maintenance fees.

This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

These regulations are to become effective upon publication in the *Louisiana Register*.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 2. Fee System of the Air Quality Control Programs

§209. Annual Fees

All parties conducting activities for which an annual fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22: 17 (January 1996).

§211. Methodology

* * *

[See Prior Text in A-B.3]

4. All invoices for annual maintenance fees for major sources shall be submitted to those sources during the fiscal year. The annual maintenance fee shall be applicable to the fiscal year beginning July 1 of each year and ending the following June 30. Failure to remit the annual maintenance fee in accordance with the above shall be considered grounds for revoking an existing permit. Maintenance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an

annual compliance inspection. In this case the maintenance fee must be paid within 30 days after notification by the agency of the amount due. Only one such fee shall be charged annually.

* * *

[See Prior Text in B.5-16.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

§215. Method of Payment

All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality, and mailed to the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repromulgated LR 14:612 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:706 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—

Hazardous Waste

Chapter 51. Fee Schedules

§5125. Annual Monitoring and Maintenance Fee

* * *

[See Prior Text in A-B]

C. All annual fees provided by this Chapter shall be paid by the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:321 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 17:658 (July 1991), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

§5127. Payment

All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 18:725 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

§5129. Late Payment

Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 18:725 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

§5141. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee

* * *

[See Prior Text in A-A.1]

2. This fee will be billed following completion of the trial burn or test burn and must be paid by the due date indicated on the invoice.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR:16:1057 (December 1990), amended LR 18:1375 (December 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter D. Solid Waste Fees

§529. Annual Monitoring and Maintenance Fee

* * *

[See Prior Text in A-C]

D. Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

E. Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

F. Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

* * *

[See Prior Text in G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

Part IX. Water Quality

Chapter 13. Water Pollution Control Fee System

§1307. Definitions

All terms used in these regulations, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in substantive regulations promulgated by the secretary of the Department of Environmental Quality, shall have their usual meaning. In addition, for purposes of these regulations, the following definitions apply:

* * *

[See Prior Text]

Due Date—the date indicated on the invoice.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources LR 11:534 (May 1985), amended LR 18:731 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

§1309. Fee System

* * *

[See Prior Text in A-F]

G. **Due Date.** Fees shall be received by the department by the due date indicated on the invoice.

* * *

[See Prior Text in H-M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§307. Fee Schedule

* * *

[See Prior Text in A-B.1.b]

2. Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

* * *

[See Prior Text in B.3-5]

C. **Late Payment.** Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

D. **Failure to Pay.** Failure to pay the prescribed application fee or annual fee as provided herein shall constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of

Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

Part XV. Radiation Protection

Chapter 25. Fee Schedule

§2505. Annual Fees

All activities for which an annual fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice, except that any fee in excess of \$50,000, upon written application to, and approval of, the administrative authority, may be paid in installments over a period not to exceed six months, according to a payment schedule established by the division or the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

§2509. Method of Payment

Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

§2511. Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

James B. Thompson, III
Assistant Secretary

9601#037

RULE

Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

Foreign Hazardous Waste Importation (LAC 33:V.Chapters 11, 41) (HW45)

Under the authority of the Louisiana 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 Hazardous Waste Regulations, LAC 33:V.Chapters 11 and 41 (HW45).

The amendments to LAC 33:V.Chapters 11 and 41 establish standards for Louisiana hazardous waste treatment, storage, or disposal facilities that intend to import foreign generated hazardous waste. The rule states that, prior to importation of foreign hazardous waste, the facility is required to notify the department. Furthermore, the regulation requires that the facility must also follow rules for manifesting the foreign generated hazardous waste and procedures for unmanifested foreign generated hazardous wastes.

Louisiana's laws prohibiting the importation of hazardous waste from foreign countries have been declared unconstitutional. The regulation will enable the department to monitor and track the importation of foreign generated hazardous waste entering the state of Louisiana.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 11. Generators

§1101. Applicability

* * *

[See Prior Text in A]

B. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with the standards applicable to generators established in this Chapter.

* * *

[See Prior Text in C-F]

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).

§1113. Exports of Hazardous Waste

A. Applicability. Any person who exports hazardous waste to a foreign country, from a point of departure in the state of Louisiana, must comply with the requirements of this Chapter and with the special requirements of LAC 33:V.1113. LAC 33:V.1113 establishes requirements applicable to exports of hazardous waste. A primary exporter of hazardous waste must comply with the special requirements of LAC 33:V.1113, and a transporter who transports hazardous waste

for export must comply with applicable requirements of LAC 33:V.Chapter 13.

* * *

[See Prior Text in B-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 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 22:20 (January 1996).

§1123. Imports of Foreign Hazardous Waste

A. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with this Chapter and the special requirements of LAC 33:V.1123.

B. When importing hazardous waste from a foreign country into the state of Louisiana, a person must meet all the requirements of LAC 33:V.1107 for the manifest except that:

1. the name and address of the foreign generator and the importer's name, address, and EPA identification number must replace the generator's name, address, and EPA identification number;

2. the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter to replace the generator's signature on the certification statement;

3. in the comment section (section J) of the manifest form, the importer must indicate the name of any transit countries with the corresponding ports and dates of entry and departure through which each waste type passed and the nature of its handling while there, the point of entry and the date on which the waste entered the United States and the date on which the Importation of Hazardous Waste Notification Form (HW-2) was mailed to the administrative authority; and

4. a copy of the Importation of Hazardous Waste Notification Form must accompany the manifest form.

C. A person who imports hazardous waste from a foreign country into the state of Louisiana must obtain a manifest form from the administrative authority. The hazardous waste shipment must be accompanied by the manifest from its point of arrival in the United States to its final disposition in the state of Louisiana.

D. Any person who imports hazardous waste from a foreign country into the state of Louisiana must prepare an Importation of Hazardous Waste Notification Form (HW-2) notifying the administrative authority of an intended import at least 30 days but not prior to one year before such waste is scheduled to enter the state of Louisiana. This notification form must be obtained from the administrative authority. The notification form must be signed by the importer and include the following information:

1. name, mailing address, telephone number, and EPA identification number of the importer;

2. for each hazardous waste type:

a. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), the United States Department of Transportation shipping name, the hazard class, and the ID number for each hazardous waste imported;

b. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest form (8700-22); and

c. a description of the manner in which each hazardous waste type will be treated, stored, or disposed of in the state of Louisiana, e.g., incineration, land disposal, recycling;

3. a description of the means by which the shipment of the hazardous waste will be transported, e.g., mode of transportation (air, highway, rail, water, etc.) and types of containers (drums, boxes, tanks, etc.); and

4. the name of the U.S. port of entry with the corresponding date of entry and the nature of the handling of the waste from its point of entry into the U.S. until its final destination.

E. Notification shall be sent to the administrative authority with "Attention: Notification to Import Foreign Hazardous Waste" prominently displayed on the front of the envelope. Such notices shall be sent by certified mail.

F. Except for changes to the telephone number required by LAC 33:V.1123.D.1, decreases in the quantity indicated pursuant to LAC 33:V.1123.D.2.c, and changes to the information required by LAC 33:V.1123.D.2.e, when conditions specified on the original notification change (including changes in the estimate of the quantity of hazardous waste specified in the original notification), the importer must provide the administrative authority with written notice of the change. Notice of such change must be submitted to the administrative authority prior to import into the state of Louisiana of the waste that is the subject of the change.

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).

§1125. Unmanifested Foreign Hazardous Waste

A. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous waste, must immediately notify the administrative authority by telephone.

B. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous must, within seven business days:

1. file in writing an unmanifested waste report with the administrative authority which shall include;

- a. the facility name and location;
- b. the port of entry of the hazardous waste;
- c. the date of entry of the hazardous waste;
- d. clarification of existence or nonexistence of an Importation of Hazardous Waste Notification Form (HW-2);
- e. the name of the transporter from port of entry to the destination facility;
- f. the vehicle numbers of the transporters; and
- g. the date of transportation; and

2. prepare a manifest and file a copy of the completed manifest for the unmanifested waste with the administrative authority. (The transporter's signature may be omitted from

the manifest; however, the comment section (section J) of the manifest must explain why the signature was omitted and must detail the unmanifested waste circumstance.)

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).

Chapter 41. Recyclable Materials

§4115. Owners and Operators of Facilities that Store or Recycle Recyclable Materials

A. Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 9, 11, 15, 19, 21, 22, 23, 29, 33, 35, 37, and Subchapters A-K of LAC 33:V.Chapter 43 and the notification requirements under LAC 33:V.105.A, except as provided in LAC 33:V.4105.A. (The recycling process itself is exempt from regulations, except as provided in LAC 33:V.4115.C.)

* * *

[See Prior Text in B-C]

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 15:378 (May 1989), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 22:21 (January 1996).

§4139. Recyclable Materials Used in a Manner Constituting Disposal

* * *

[See Prior Text in A-B.1]

2. Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal but who are not the ultimate users of the materials are regulated under all applicable provisions of LAC 33:V.Chapters 5, 9, 11, 15, 19, 21, 23, 33, 35, 37; Subchapters A-K of LAC 33:V.Chapters 43; and LAC 33:V.105.A.

3. Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of LAC 33:V.Chapters 1, 3, 5, 7, 9, 11, 15, 19, 21, 23, 25, 27, 29; Subchapters A-M of Chapter 43; and the notification requirement under section 3010 of RCRA. (These requirements do not apply to products which contain these recyclable materials under the provisions of LAC 33:V.4139.A.2.)

* * *

[See Prior Text in B.4]

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 15:378 (May 1989), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 22:21 (January 1996).

James B. Thompson, III
Assistant Secretary

9601#041

RULE

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Land Ban (LAC 33:V.Chapter 22)(HW48)

Under the authority of the Louisiana 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 Hazardous Waste Division Regulations, LAC 33:V.Chapter 22, (HW48).

This rule cleans up already existing language and to bring the state in line with federal regulations in order to obtain authorization from the United States Environmental Protection Agency to administer the Hazardous Waste Program. The provisions contained in this rule are not required by a single federal regulation but by many federal regulations.

Copies of this regulation can be purchased at the Office of the State Register, 1051 North Third Street, Room 512, Capitol Annex Building, Baton Rouge, LA, (504)342-5015.

James B. Thompson, III
Assistant Secretary

9601#040

RULE

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

Payroll Deductions (LAC 4:III.Chapter 1)

This amendment establishes procedures for a systematic review and evaluation of benefits provided, employee utilization of benefits, and updates forms associated with the process.

Copies of the full text of this rule may be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA, telephone (504) 342-5015.

Whit J. Kling
Deputy Undersecretary

9601#039

RULE

**Department of Health and Hospitals
Board of Dentistry**

Dental Assistants Expanded Duty Curriculum Development
(LAC 46:XXXIII.503)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental

Practice Act, R.S.37:751, et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.503, "Guide to Curriculum for Expanded Duty Dental Assistants."

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 5. Dental Assistants

**§503. Guide to Curriculum Development for Expanded
Duty Dental Assistants**

A. Cognitive Objectives

1. - 2.1 ...

m. Cardiopulmonary Resuscitation Course "C", Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course. This course may count for three hours of instruction provided this course has been successfully completed within six months prior to certification.

n. - o. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:205 (February 1993), amended LR 22:22 (January 1996).

C. Barry Ogden
Executive Director

9601#022

RULE

**Department of Health and Hospitals
Board of Dentistry**

Dental Hygienists Duties, Licensure and Advertising
(LAC 46:XXXIII.701,706,708)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:951, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.701, Authorized Duties; LAC 46:XXXIII.706, Requirements of Applicants for Licensure by Credentials; and adopted LAC 46:XXXIII.708, Advertising by Dental Hygienists.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Professions

CHAPTER 7. Dental Hygienists

§701. Authorized Duties

A. - B. 13. ...

14. Place and remove tetracycline-impregnated fibers.

15. Place and remove electronic anesthesia (TENS unit) devices.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:791 (November 1988),

amended LR 15:965 (November 1989), LR 19:206 (February 1993), LR 22:23 (January 1996).

§706. Requirements of Applicants for Licensure by Credentials

A. ...

1. - 15 ...

16. Possesses a current certificate in Cardiopulmonary Resuscitation Course "C", Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course.

17. - 18. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996).

§708. Advertising by Dental Hygienists

A. Dental hygienists may advertise their practice of dental hygiene provided it is in conjunction with advertising by a dentist who employs him or her. No individual advertisement by a dental hygienist is allowed.

B. Dental hygienists may use the appendage "R.D.H." or other degrees earned from accredited colleges or universities after their names. Fellowships, awards, membership in academies, or non-degreed boards may be spelled out in their entirety under one's name, but not appended to the name so as to avoid confusion to the consumer.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 22:23 (January 1996).

C. Barry Ogden
Executive Director

9601#018

RULE

**Department of Health and Hospitals
Board of Dentistry**

Dentists—Advertising/Soliciting and Licensure Credentials
(LAC 46:XXXIII.301 and 306)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.301, "Advertising and Soliciting by Dentists" and LAC 46:XXXIII.306, "Requirements of Applicants for Licensure by Credentials."

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Professions

Chapter 3. Dentists

§301. Advertising and Soliciting by Dentists

A. - J.4. ...

K. Appendages. In addition to those appendages required by law pertaining to one's business entity such as professional

dental corporation (P.C.) or dental limited liability company (L.L.C.), dentists may only use those abbreviations or appendages as specified under R.S. 37:771 or other degrees earned from accredited colleges or universities after their names. Fellowships, awards, membership in academies, or non-degreed boards may be spelled out in their entirety under one's name, but not appended to the name so as to avoid confusion to the consumer.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996).

§306. Requirement of Applicants for Licensure by Credentials

A. 1. - 16. ...

17. Possesses a current certificate in Cardiopulmonary Resuscitation Course "C", Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course.

A. 18. - 20. ...

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996).

C. Barry Ogden
Executive Director

9601#023

RULE

**Department of Health and Hospitals
Board of Dentistry**

Dentists—Restricted Licensees and Parental Consent
Requirement (LAC 46:XXXIII.105 and 106)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.105(B), "Requirements of Restricted Licensees" and adopted LAC 46:XXXIII.106, "Parental Consent."

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Professions

Chapter 1. General Provisions

§105. Requirements of Restricted Licensees

A. ...

B. All recipients of restricted licenses who are members of the faculty of the LSU system, and who are graduates of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and who

otherwise meet all requirements for a general license must receive same within two years from receipt of the original restricted license by successfully completing the LSBSD clinical licensure examination or by credentials, provided that where a holder of a restricted license has been so licensed without interruption since January 1, 1990, he may continue to hold a restricted license without the necessity of meeting the requirements for a general license.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 21:571 (June 1995), amended LR 22:24 (January 1996).

§ 106. Parental Consent

No dentist is to replace a tooth or part of a tooth or associated tissue by means of a filling, cap, or crown on any person under the age of 18 years without the prior consent of the minor's parent or guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 22:24 (January 1996).

C. Barry Ogden
Executive Director

9601#020

RULE

Department of Health and Hospitals Board of Dentistry

Dentists and Dental Hygienists Continuing Education (LAC 46:XXXIII.1611 and 1613)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.1611, "Continuing Education Requirements for Relicensure of Dentists," LAC 46:XXXIII.1613, "Continuing Education Requirements for Relicensure of Dental Hygienists," and LAC 46:XXXIII.1615, "Approved Courses."

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 16. Continuing Education Requirements

§1611. Continuing Education Requirements for Relicensure of Dentists

A. - C.2. ...

3. Three credit hours for successful completion of Cardiopulmonary Resuscitation Course "C" Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course.

D. - I. ...

J. Dentists who are on staffs of hospitals accredited by the

Joint Commission on Accreditation of Healthcare Organizations may receive continuing education credit for those continuing education courses provided by said hospital when those courses are approved by the American Medical Association.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996).

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. - C.2. ...

3. Three credit hours for successful completion of Cardiopulmonary Resuscitation Course "C" Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course.

D. - I. ...

J. Dental hygienists who are on staffs of hospitals accredited by the Joint Commission on Accreditation of Healthcare Organizations may receive continuing education credit for those continuing education courses provided by said hospital when those courses are approved by the American Medical Association.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:662 (June 1994), amended LR 21:570 (June 1995), LR 22:24 (January 1996).

§ 1615. Approved Courses

A.1.- 8. ...

9. The American Red Cross as a provider of the cardiopulmonary resuscitation course "Red Cross Professional Rescue Course."

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:662 (June 1994), amended LR 22:24 (January 1996).

C. Barry Ogden
Executive Director

9601#019

RULE

Department of Health and Hospitals Board of Dentistry

Hearing Notice/Hearing Subpoena (LAC 46:XXXIII.907 and 919)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.907, "Notice of Hearing," and LAC 46:XXXIII.919, "Subpoenas for Hearing."

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XXXIII. Dental Health Professions

Chapter 9. Formal Adjudication

§907. Notice of Hearing

A. Upon the filing of an administrative complaint pursuant to §903 and §905 of this Chapter, the board shall schedule the complaint for hearing before the committee not less than 45 days nor more than 180 days thereafter; provided, however, that such time may be lengthened or shortened as the board determines may be necessary or appropriate to protect the public interest or upon motion of the complaint counsel or respondent pursuant to a showing of proper grounds. In the event that the respondent's license, permit, certification, or registration has been suspended by the board pending hearing, pursuant to R.S. 49:961(C), formal adjudication of the complaint shall be noticed and scheduled not more than 45 days after the filing of the complaint; provided, however, that such time may be lengthened or shortened as the board determines may be necessary or appropriate to protect the public interest or upon motion of the complaint counsel or respondent pursuant to a showing of proper grounds.

B. A written notice of the complaint and the time, date, and place of the scheduled hearing thereon shall be served upon the respondent by certified mail, return-receipt-requested, by first class mail, or by any other means authorized by the Administrative Procedure Act or the Louisiana Code of Civil Procedure, at the most current address for the respondent reflected in the official records of the board. The notice shall include a statement of the legal authority and jurisdiction under which the hearing is to be held and shall be accompanied by a certified copy of the administrative complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:1318 (October 1993), amended LR 22:25 (January 1995).

§919. Subpoenas for Hearing

A. ...

B. No subpoena shall be issued unless and until the party who wishes to subpoena the witness first deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671, in addition to those fees required by LAC 46:XXXIII.421. Witnesses subpoenaed to testify before the board only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witnesses as may be fixed by the hearing panel with reference to the value of the time employed and the degree of learning or skill required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:1319 (October 1993), amended LR 22:25 (January 1996).

C. Barry Ogden
Executive Director

9601#021

RULE

Department of Health and Hospitals
Office of Public Health

Abortion Reporting (LAC 48:V.Chapter 123)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, hereby enacts the following rule, as mandated by Act 648 of the 1995 Regular Legislative Session relative to informed consent for abortion. This rule sets forth the distribution of the written materials required by the Act, as well as the deadlines for reporting.

Title 48

PUBLIC HEALTH - GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 123. Documents Related to Abortion -
Informed Consent

§12314. Documents Related to Informed Consent -
Abortion; Distribution and Reporting
Procedures

A. Distribution

1. The printed materials which the department is required to publish pursuant to Act 648 of the 1995 Regular Legislative Session shall be made available at no cost, upon request, by any person, facility or hospital. Such materials shall include the pamphlet (entitled Abortion: Making A Decision) describing fetal development and the risks associated with different abortion methods, a directory of agencies which provide abortion alternative services and the certification form (PHS 16-IC) and accompanying instruction sheet.

2. The facility or hospital requesting the pamphlet, directory or certification form shall direct all requests, via mail or facsimile to the following: The Office of Public Health; 325 Loyola Avenue, Room 610, New Orleans, LA, 70112, (504) 568-5330; FAX: (504) 568-3786.

3. The following information shall be included in the request by a facility or hospital:

- a. name of the person, facility or hospital making the request;
- b. total number of pamphlets and directories requested;
- c. total number of certification forms requested.

4. An individual who is not representing a physician, facility or hospital may request the materials calling the Office of Public Health at the number listed in Paragraph 2 above. The materials will be mailed to the individual. Any identifying information shall remain confidential.

B. Reporting

1. A physician shall report the following information to the department within 15 days of the information and materials being provided:

- a. name and address of the facility where the required information was provided;
- b. information as required by R.S. 40:1299.35.10(A)(1) and (4) through (18) inclusive; and
- c. copy of the certification form required by Act 648, if executed by the woman.

2. A physician who performs an abortion shall report the following information to the department within 15 days of the abortion:

- a. all information as required by R.S. 40:1299.35.10;
- b. date upon which the required information and materials were provided; and
- c. executed copy of the certification form required by Act 648.

A physician who reports under Subsection B.2 need not comply with the reporting requirements of Subsection B.1 herein.

3. In addition to the aforementioned reporting requirements, a physician who performs abortions shall report to the department the total number of executed certification forms received monthly. The total number of certification forms received during the calendar month shall be reported within seven days following that calendar month.

4. The information required to be reported herein shall be reported to the department, the Office of Public Health at the following address: Director and State Registrar; Division of Records and Statistics; Office of Public Health; Box 60630; New Orleans, LA 70160.

AUTHORITY NOTE: Promulgated in accordance with Act 648 of the 1995 Regular Legislative Session, which amends and reenacts R.S. 40:1299.35.6.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, LR 22:26 (January 1996).

Bobby P. Jindal
Secretary

9601#050

RULE

Department of Health and Hospitals Office of Public Health

Sanitary Code—Nutra Processing for Human Consumption (Chapter X)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health hereby amends and enacts rules pertaining to the slaughter and processing of nutria (*Myocastor coypus*) for human consumption.

Chapter X. Game Bird and Small Animal Slaughter and Processing

* * *

10:003

The inspection of slaughter houses, meat packing plants and sausage kitchens preparing cattle, sheep, swine, goats,

equines, chickens and turkeys is vested in the State Department of Agriculture and Forestry under authority of the State Meat and Poultry Inspection Law, LSA - R.S. 40:2271 et seq. The only services the State Department of Health and Hospitals shall provide such establishments will be approval of their water supplies and waste disposal facilities and registration of meat products in accordance with the provisions of LSA - R.S. 40:627, and Chapters XII and XIII of this Code.

10:008

Permits shall be issued only to the person or persons responsible for the operations of the facility and shall not be transferrable.

10:015

These records shall be kept on file for one year by the owner or operator of the slaughter house and shall be available for the state health officer's inspection at any time during reasonable working hours.

10:017

Plans and specifications for new establishments shall be submitted to the Department of Health and Hospitals, Office of Public Health, Food and Drug Unit for review and approval before construction.

10:018-1

Slaughter and processing plants shall be well lighted, naturally and/or artificially with at least 40 foot candles of light on all working surfaces.

10:018-2

Slaughter and processing plants shall be provided with adequate ventilation or control equipment to minimize odors and vapors (including steam and noxious fumes) in areas where they may contaminate food; and locate and operate fans and other air-blowing equipment in a manner that minimizes the potential for contaminating food, food-packaging materials, and food-contact surfaces.

10:019

Drainage, sewage disposal, and plumbing systems shall comply with Chapters XIII and XIV of this Code. Floor drains shall be provided in the slaughter and packing rooms in accordance with Chapter XIV.

10:020

Potable water shall be available in all areas of the slaughter house for cleaning and sanitizing utensils and equipment, and for hand washing, as specified in Chapter XIV of the State Sanitary Code, referencing Chapter 12 of the Standard Plumbing Code, 1991 Edition with 1992 Louisiana amendments. A heating facility capable of producing hot water for these purposes shall be provided on the premises. Water samples to verify microbiological quality and potability shall be collected from each plant at least annually.

10:025

Toilet facilities shall be provided and installed in accordance with Chapter XIV of the State Sanitary Code, referencing Section 922 of the Standard Plumbing Code, 1991 Edition. Facilities shall be conveniently located and shall be accessible to employees at all times.

10:026

Hand washing lavatories shall be provided and installed in accordance with Chapter XIV of the State Sanitary Code,

referencing Section 922 of the Standard Plumbing Code, 1991 Edition. Hand washing lavatories shall be accessible to employees at all times. Hand washing lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing. Each hand washing lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. An ample supply of hand cleansing soap or detergent shall be available at each lavatory. An ample supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each hand washing lavatory. The use of common towels is prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand washing facilities.

10:027

A three-compartment sink constructed of smooth, impervious noncorrosive material such as stainless steel or high density food grade polymer plastic shall be provided in slaughter rooms, packing rooms or other preparation rooms for washing, rinsing and sanitizing utensils and equipment. Sinks constructed of galvanized steel are not acceptable. Sinks shall be adequate in size and number and shall be large enough to accommodate the largest utensil or movable piece of equipment.

Each sink compartment is to be designated and used for a specific purpose as shown in Table 10.1 below:

Table 10.1 Three Compartment Sink Usage

Sink Compartment #1	Sink Compartment #2	Sink Compartment #3
Detergent Wash to remove soil and food residues	Rinse with potable water to remove detergent solution.	Immersion in hot water or chemical sanitizing solution to destroy harmful microbes not removed by washing process (See 10:028-2).

Each sink compartment shall be provided with hot and cold running water delivered under pressure through a mixer faucet or mixing valve. Sinks are to be properly installed and shall be trapped and vented. Sinks designated for washing or thawing of food or food ingredients shall be designated for that purpose only and shall not be used for cleaning equipment or utensils.

10:028-1

Equipment and utensils used for preparing, processing and otherwise handling any meat, meat product or poultry shall be of such material and construction so as to enable ready and thorough cleaning and sanitizing such as will insure strict cleanliness in the preparation and handling of all food products. Trucks and receptacles used for inedible products shall bear some conspicuous and distinct mark and shall not be used for handling edible products.

10:028-2

Equipment and utensils used for preparing, processing and otherwise handling any meat, meat product or poultry shall be cleaned as often as necessary to avoid contamination of food, food ingredients and food-packaging materials.

Food-contact surfaces of equipment and utensils used in the processing and packaging of foods subject to contamination by harmful microbes shall be washed with a suitable detergent solution, rinsed with potable water and then sanitized in a manner specified as follows:

A. Hot Water Immersion. Cleaned equipment and utensils shall be immersed in fresh hot water of 170° F (77° C) or above.

B. Chemical Sanitizers. A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified in 10:028-2 (C) shall be listed in 21 CFR 178.1010, shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

1. A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration mg/L	Minimum Temperature pH of 10 or less °F (°C)	Minimum Temperature pH of 8 or less °F (°C)
25	120 (49)	120 (49)
50	100 (38)	75 (24)
100	55 (13)	55 (13)

2. An iodine solution shall have a:

- a. minimum temperature of 75° F (24° C),
- b. pH of 5.0 or less, unless the manufacturer's use directions included in the labeling specify a higher pH limit of effectiveness, and
- c. concentration between 12.5 mg/L and 25 mg/L.

3. A quaternary ammonium compound solution shall:

- a. have a minimum temperature of 75° F (24° C),
- b. have an effective concentration of not more than 200 mg/L as specified in 21 CFR 178.1010,
- c. be used only in water with 500 mg/L hardness or less.

4. Other solutions of the chemicals specified in 10:028-2 (B)(1-3) of this section may be used if demonstrated to the state health officer to achieve sanitization and approved by the state health officer; or

5. Other chemical sanitizers may be used if they are applied in accordance with the manufacturer's use directions included in the labeling.

C. Sanitization Exposure Times. Utensils and food-contact surfaces shall be exposed to hot water and chemical compounds for a period of time as specified below:

METHOD	MINIMUM EXPOSURE TIME
Hot Water Immersion	30 seconds
Chlorine solutions	10 seconds
Other Chemical Sanitizing Solutions	30 seconds

10:031

Rooms, compartments, places, equipment and utensils used for preparing, storing or otherwise handling any meat, meat products or poultry processed or packed, shall be kept free of steam and vapor to allow for inspections and to insure clean operations. The walls and ceilings of coolers and rooms under refrigeration shall be kept free from moisture so that condensation does not accumulate on walls and ceilings. Fresh meat and poultry shall be stored at 41° F or below.

10:035

In addition, all vehicles used to transport meat, meat products or poultry shall be equipped with refrigeration units capable of maintaining 41°F or below for refrigerated products and 0°F or below for frozen products to insure their cleanliness.

10:038

Employee Health. The requirements of Chapter I, Section 1:008 (1-3) and Chapter 2, Sections 2:021-2:024 of this Code shall be met.

10:040

Offal shall be properly disposed of in a manner so as not to create nuisances or unsanitary conditions in or around the slaughter and processing plant that would provide a source of contamination. Offal shall be hauled away and properly disposed of daily pursuant to the requirements set forth in Chapters XI and XXVII of the State Sanitary Code.

* * *

Nutria Program

10:043

In order to protect the health and welfare of consumers and to properly manage the nutria inspection program, an initial pilot program will be established and will include the supervision of a limited number of nutria processing facilities. For the initial pilot program, permits to operate will be issued to a maximum of five qualified applicants. Application for permits to process nutria shall be made on a form provided by the Department of Health and Hospitals. However, no application to process nutria will be accepted after the maximum number of permits have been issued or after the closing of the nutria trapping season. The nutria processing pilot program will commence and cease on dates coinciding with the beginning and ending of the nutria trapping season as promulgated by the Wildlife and Fisheries Commission. Permits issued by LDHH will expire at midnight of the last official day of the nutria trapping season. Only nutria taken by licensed trappers will be considered eligible for processing and inspection under the cooperative inspection program. The number of nutria processing plants that will be approved and permitted for nutria processing in future years will be determined each year after the close of the nutria trapping season and after an evaluation of each year's production has been made.

10:044

Persons wanting to process nutria for human consumption must meet certain minimum qualifications in order to be considered for inclusion in the nutria processing pilot program.

10:044-1

Permitted facilities shall:

1. have access to an abundant supply of nutria animals for slaughtering and processing in order to keep each processing facility operating at an acceptable capacity in order to best utilize the personnel and resources of all departments;

2. utilize processing facilities that are designed and constructed to meet the minimum standards of Chapter X of the State Sanitary Code;

3. establish and adhere to a HACCP quality control plan approved by LDAF that will render safe nutria meat which is free of harmful microorganisms and of sound, wholesome quality;

4. receive and process only those nutria animals that have been taken by trappers who hold a valid license issued by the LDWF;

5. pre-inspect nutria carcasses upon receipt from licensed trappers to verify suitability for submission for inspection. Carcasses that are deemed unsuitable for processing for human consumption shall be clearly marked or otherwise identified so as not to be subject to inspection or otherwise commingled with nutria deemed suitable for human consumption. Nutria carcasses declared not fit for human consumption shall be rejected from inspection and shall be destroyed and disposed of in a manner approved by LDHH and LDAE and shall not be allowed to create a nuisance and/or a source of contamination.

10:045

Each package, container, carton, or case of nutria, nutria meat, or nutria meat products shall be labeled in accordance with Section 49:3.0601 of the meat and meat products regulations. Labels and labeling shall be reviewed and approved by the LDAF. All nutria taken, processed, packaged and distributed under this cooperative program shall be labeled and identified as "certified cajun nutria."

10:046

No nutria meat shall be sold in any butcher shop, meat market, grocery store, restaurant or to any wholesale grocer, dealer or distributors unless such nutria meat is clearly identified as having been processed and inspected in an approved processing facility. Nutria meat not clearly identified as having been processed and inspected in an approved processing facility shall be subject to seizure and destruction as provided for by LSA - R.S. 40:632 and 635.

10:047

The provisions herein constituting Chapter X of the State Sanitary Code shall apply to the nutria program, as appropriate.

* * *

Section 49:3.0403 of the meat and meat products regulations are hereby amended as follows:

49:3.0403 (12)

"Nutria" or "nutria meat" is the edible part of the muscle of nutria which is skeletal and shall not include muscle that is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without accompanying and overlying fat, and the portions of bone, skin sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

49:3.0403 (13)

"Nutria meat product" is any article of food, or any article

intended or capable of being used as food which is derived or prepared, in whole or in substantial definite part, from the skeletal muscle of nutria.

49:3.0403 (14)

"Nutria Sausage" is the coarse or finely comminuted meat food product prepared from nutria meat in combination with one or more kinds of meat or meat and meat by-products, containing various amounts of water and usually seasoned with condimental substances, and frequently cured. Nutria sausage shall contain greater than 50 percent nutria meat in combination with other meat or meat and meat by-products. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of nutria sausage which is not cooked in an amount not to exceed 3 percent of the total ingredients of the formula.

49:3.0403 (15)

"Uncooked, Smoked Nutria Sausage" is Nutria Sausage that is smoked with hardwood or other approved nonresinous materials. Smoked nutria sausage shall contain greater than 50 percent nutria meat in combination with beef, pork or poultry meat or beef, pork or poultry meat by-products. To facilitate chopping or mixing, water, or ice may be used in an amount not to exceed 3 percent of the total ingredients used. Nutria, beef, pork and poultry meat ingredients as well as all other ingredients shall be designated in the ingredient statement on the label of such sausage as required by 49:2.0220 of the food regulations.

"Cooked Nutria Sausage" is nutria frankfurter, nutria frank, nutria furter, nutria hot-dog, nutria wiener and similar products which are comminuted, semisolid sausages prepared from raw skeletal nutria muscle meat alone or in combination with beef meat, pork meat, or poultry meat and seasoned and cured, using one or more of the curing agents in accordance with 9 C.F.R. 318.7(c). They may or may not be smoked. The finished products shall contain not less than 50 percent nutria meat and not more than 30 percent fat. These sausage products may contain only phosphates approved under 9 C.F.R. 318. Such products may contain raw or cooked poultry meat not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and mechanically separated (Species) used in accordance with 9 C.F.R. 319.6. Nutria, beef, pork and poultry meat ingredients as well as all other ingredients shall be designated in the ingredient statement on the label of such sausage as required by 49:2.0220 of the food regulations.

* * *

Bobby P. Jindal
Secretary

9601#051

RULE

**Department of Health and Hospitals
Office of the Secretary**

**Informed Consent—Female Genital System
Treatment and Procedures (LAC 48:I.2303)**

As authorized by R.S. 40:1299.40(E), as enacted by Act 1093 of 1990 and later amended by Act 962 of 1991, and Act 633 of 1993, the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, hereby amends rules which require which risks must be disclosed under the Doctrine of Informed Consent to patients undergoing medical treatments or procedures and the consent form to be signed by the patient and physician before undergoing any such treatment or procedure.

Title 48

PUBLIC HEALTH

Part I. General Administration

Chapter 23. Informed Consent

**§2303. Female Genital System Treatments and
Procedures**

* * *

B. Delivery (Cesarean Section)

1. infection;
2. injury to bladder and/or rectum, including a fistula (abnormal hole) between bladder and vagina and/or rectum and vagina;
3. hemorrhage possibly requiring blood administration and/or hysterectomy and/or artery ligation to control;
4. sterility;
5. brain damage, injury, or even death occurring to the fetus before or during labor and/or cesarean delivery whether or not the cause is known;
6. uterine disease or injury requiring hysterectomy;
7. pulmonary embolus;
8. disfiguring scarring.

NOTE: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Medical Disclosure Panel, LR 18:1391 (December 1992); amended LR 19:1581 (December 1993); amended by the Department of Health and Hospitals, Office of the Secretary, LR 22:29 (January 1996).

Bobby P. Jindal
Secretary

9601#048

RULE

Department of Health and Hospitals Office of the Secretary

Informed Consent—Hemodialysis (LAC 48:1.2438, 2440, 2442 and 2444)

As authorized by R.S. 40:1299.40(E), as enacted by Act 1093 of 1990 and later amended by Act 962 of 1991, and Act 633 of 1993, the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, hereby amends rules which require which risks must be disclosed under the Doctrine of Informed Consent to patients undergoing medical treatments or procedures and the Consent Form to be signed by the patient and physician before undergoing any such treatment or procedure. This amends rules adopted in the *Louisiana Register*, Volume 21, Number 7, pages 700-701 (July 1995).

Title 48

PUBLIC HEALTH

Part I. General Administration

Chapter 23. Informed Consent

§2438. Hemodialysis

Note: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

1. Hypotension (abnormally low blood pressure);
2. blood vessel access problems;
3. anticoagulant complications such as hemorrhage;
4. sepsis (infection in blood stream)
5. cardiac arrhythmias (irregular heartbeats);
6. allergic reactions to tubing and dialyzer;
7. abdominal pain;
8. pulmonary edema (excess fluid in lungs);
9. hypertension (high blood pressure);
10. systemic poisoning from accumulation of toxic levels of metabolic by-products;
11. air bubbles in the bloodstream;
12. abnormal levels of minerals in the blood;
13. acute hemolysis;
14. seizure;
15. blood loss;
16. hypothermia (lowered body temperature);
17. hyperthermia (fever);
18. transfusion complications, such as allergic reaction to blood products;
19. metabolic disorders (protein loss, malnutrition, elevated blood sugar);
20. acquisition of viral infection such as hepatitis or HIV;
21. cardiac arrest (heart stoppage).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, LR 18:1391 (December 1992), repromulgated LR 19:1581 (December 1993), amended LR 22:30 (January 1996).

§2440. Peritoneal Dialysis

Note: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

1. peritonitis (infection within the abdominal cavity);
2. catheter complications (perforation of an organ in the abdomen);
3. hypotension (abnormally low blood pressure)
4. metabolic disorders (protein loss, malnutrition, elevated blood sugar);
5. hypertension (high blood pressure);
6. pulmonary edema (excess fluid in lungs);
7. cardiac arrhythmias (irregular heartbeats);
8. cardiac arrest (heart stoppage);
9. use of temporary access catheter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, LR 18:1391 (December 1992), repromulgated LR 19:1581 (December 1993), amended LR 22:30 (January 1996).

§2442. Insertion of Temporary Hemodialysis Access Catheter

Note: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

1. blood clots, requiring re-operation;
2. infection;
3. false aneurysm (damaged blood vessel with swelling and risk of rupture);
4. recurrent thrombosis (blood clot);
5. severe edema of extremity (swelling);
6. inadequate blood supply to extremity (interference with blood supply);
7. inadequate blood supply to nerves with resulting paralysis;
8. pneumothorax (air in chest cavity causing collapse of lung).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, LR 18:1391 (December 1992), repromulgated LR 19:1581 (December 1993), amended LR 22:30 (January 1996).

§2444. Insertion of Temporary Peritoneal Dialysis Catheter

Note: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

1. Peritonitis (infection inside the abdominal cavity);
2. bleeding;
3. infection;
4. intestinal perforation (piercing of an organ within the abdominal cavity);
5. ileus (sluggishness and distention of intestines).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, LR 18:1391 (December 1992), repromulgated LR 19:1581 (December 1993), amended LR 22:31 (January 1996).

§2446. Percutaneous Renal Biopsy Complications

Note: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

1. injury to adjacent organs, such as spleen or liver;
2. infection;
3. hypotension (abnormally low blood pressure);
4. bleeding from the kidney;
5. internal bleeding;
6. intestinal perforation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Medical Disclosure Panel, LR 22:31 (January 1996).

Bobby P. Jindal
Secretary

9601#046

RULE

Department of Health and Hospitals Office of the Secretary

Informed Consent—Urology (LAC 48:I.2449)

As authorized by R.S. 40:1299.40(E), as enacted by Act 1093 of 1990 and later amended by Act 962 of 1991, and Act 633 of 1993, the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, hereby enacts rules which require which risks must be disclosed under the Doctrine of Informed Consent to patients undergoing medical treatments or procedures and the Consent Form to be signed by the patient and physician before undergoing any such treatment or procedure.

Title 48

PUBLIC HEALTH

Part I. General Administration

Chapter 23. Informed Consent

§2449. Urology

NOTE: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

- A. Nephrectomy (complete or partial removal of kidney)
1. bleeding;
 2. infection;
 3. injury to adjacent organs such as lung, spleen, liver, bowel, adrenal gland (if not removed);
 4. incomplete removal of tumor, if present.

B. Extracorporeal Shock Wave Lithotripsy (using shock waves to break up kidney or ureteral stones)

1. bleeding in or around kidney;
2. obstruction of kidney by stone particles;
3. failure to completely fragment stone requiring repeat treatment or other form of treatment;
4. high blood pressure (transient or permanent);
5. loss of kidney.

C. Cystectomy with Urinary Diversion (removal of bladder with use of bowel to drain urine)

1. bleeding requiring blood transfusion;
2. infection;
3. injury to adjacent organs (bowel, blood vessels, nerves, etc.);
4. impotence (loss of erection functions);
5. ostomy problems (scarring, infection) which might necessitate re-operation.

D. Transurethral Prostatectomy (use of lighted scope and cautery to internally remove portion of prostate causing blockage)

1. bleeding requiring transfusion or re-operation;
2. infection;
3. injury to bladder or urethra or rectum;
4. impotence;
5. retrograde ejaculation ("dry ejaculation"- backward flow of ejaculate fluid into bladder) producing infertility;
6. bladder neck contracture-formation of scar tissue causing bladder blockage requiring repeat surgery or treatment;
7. incontinence (urinary leakage).

E. Radical Prostatectomy (total removal of prostate gland)

1. bleeding;
2. infection;
3. injury to adjacent organs (blood vessels, bowel, nerves);
4. blockage of ureters (kidney drainage tubes);
5. erectile dysfunction (impotence, i.e., loss of erection/ejaculation);
6. incontinence (urinary leakage).

F. Bladder Suspension (MMR, Purerya - Procedure, Cystocele repair, etc.)

1. bleeding;
2. infection;
3. blockage of ureters (kidney drainage tubes);
4. persistent leakage;
5. urinary fistula (abnormal hole in connection between bladder, vagina, etc.);
6. inability to void.

G. Vasectomy

1. bleeding;
2. infection;
3. testicular swelling or pain/possible loss of testicular function;
4. spermatic granuloma (nodule in cord at site of surgery);
5. recanalization ("re-connection" of vas tube resulting in becoming fertile again).

H. Penile Implant

1. bleeding;

2. infection (with possible loss of implant);
 3. penile pain or numbness;
 4. injury to bladder or urethra;
 5. problems with implantable prosthetic.
- I. Orchiectomy (removal of testicle)
1. bleeding;
 2. infection;
 3. loss of hormone (testosterone) resulting in erection problems, decreased energy, etc.;
 4. loss of fertility (ability to have children).
- J. Varicocele Repair (ligation/tying of spermatic veins)
1. bleeding;
 2. infection;
 3. injury to spermatic cord (vas deferens), testicular artery, nerves;
 4. testicular swelling or pain;
 5. possible loss of testicle due to blood vessel injury or infection (rare).
- K. Transurethral Resection of Bladder Tumor
1. bleeding;
 2. infection;
 3. perforation of bladder;
 4. obstruction of ureter (kidney drainage tube).
- L. Circumcision (removal of penile foreskin)
1. ulceration and scarring of urine hole at tip of penis (meatal stenosis);
 2. bleeding;
 3. infection (minor or serious);
 4. removal of too much or too little skin;
 5. skin bridge;
 6. fistula (abnormal hole in urine tube);
 7. buried penis.
- M. Hernia/Hydrocele (removal of fluid filled sac)
1. injury to sperm duct (vas deferens);
 2. injury to blood vessels of testis;
 3. atrophy (shriveling) of the testicle with loss of function;
 4. reaccumulation of hernia or fluid in scrotum.
- N. Hypospadias Repair (Correction of Penile Curvature/ Urethroplasty) (Construction/reconstruction of drainage tube from bladder)
1. leakage of urine at surgical site;
 2. stricture formation;
 3. residual curvature of penis;
 4. disfiguring scars;
 5. injury to glans (head of penis);
 6. additional operations.
- O. Ureteral Reimplantation (Reinserting ureter, tube between kidney and bladder, into the bladder)
1. leakage of urine at surgical site;
 2. obstruction to urine flow;
 3. damage to or loss of ureter (kidney drainage tube);
 4. backward flow of urine from bladder into ureter (kidney drainage tube);
 5. damage to other adjacent organs;
 6. damage to kidney.
- P. Pyeloplasty (pyeloureteroplasty - reconstruction of kidney drainage system)
1. obstruction of urinary flow;

2. leakage of urine at surgical site;
3. injury to or loss of kidney;
4. damage to adjacent organs;
5. decrease in kidney function- temporary/ permanent;
6. infection with resultant failure of surgery and/or loss of kidney function.

Q. Orchiopexy (surgically placing an undescended testicle into the scrotum)

1. atrophy (shriveling) of the testicle with loss of function;
2. removal of the testicle;
3. injury to the vas deferens;
4. inability to completely bring the testicle into the scrotum in a single surgical procedure;
5. recurrent hernia formation;
6. infraction with possible loss of testicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40(E) et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Medical Disclosure Panel, LR 22:32 (January 1996).

Bobby P. Jindal
Secretary

9601#047

RULE

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Hospital Program-Median

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adopts the following rule as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act and as directed by the 1995-96 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program and as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, utilization review, and other measures as allowed by federal law." This rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing will no longer reimburse acute hospitals for inpatient services above the peer group weighted median per diem rate for inpatient acute hospital services. The department will establish a weighted average per diem rate based on estimated payments under a capped weighted median per diem rate and will reimburse no inpatient acute hospital above the weighted average per diem rate. Medicaid per diem rates for inpatient acute hospitals

with per diem rates above the peer group weighted average per diem rate will be reimbursed at the peer group weighted average per diem rate. Specialty hospitals will be reimbursed at the lowest blended per diem rate for each specialty hospital category. For the purpose of this proposed rule, specialty hospitals are designated as long term hospitals, rehabilitation hospitals and Children's Hospital in New Orleans.

Bobby P. Jindal
Secretary

9601#062

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Hospital Program—Out-of-State Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adopts the following rule as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act and as directed by the 1995-96 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program and as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to precertification, pre-admission screening, utilization review, and other measures as allowed by federal law." This rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses out-of-state outpatient hospital services 50 percent of billed charges and reimburses out-of-state inpatient hospital services the lower of 50 percent of billed charges or the Medicaid per diem rate of the state wherein the services are provided. If the state wherein the inpatient services are provided does not use a per diem rate payment methodology, the bureau will reimburse the out-of-state hospital 50 percent of the billed charges.

Bobby P. Jindal
Secretary

9601#054

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Hospital Program—Outpatient Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adopts the following rule under the Medical Assistance Program as

authorized by R.S. 46:153 et seq. and pursuant to Title XIX of the Social Security Act and as directed by the 1995-96 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, and utilization review, and other measures as allowed by federal law." This rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses outpatient hospital services the interim rate of 60 percent of billed charges except those services subject to the fee schedule for laboratory services which will be reduced 10 percent and outpatient surgeries subject to the Medicaid outpatient surgery list. Final reimbursement for outpatient services shall be adjusted to 83 percent of allowable cost through the cost report settlement process except those services subject to the Medicare fee schedule for laboratory services and outpatient surgeries.

Bobby P. Jindal
Secretary

9601#064

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Hospital Program—Reimbursement Inflation

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act and as directed by the 1995-96 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid Program and as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, utilization review, and other measures as allowed by federal law." This rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, will inflate inpatient per diem rates to the midpoint of the payment year

using the lowest of the DRI Type Hospital Marketbasket index, the Consumer Price Index - All Urban Consumers or the Medicare PPS Marketbasket Index.

Bobby P. Jindal
Secretary

9601#053

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

**Mental Health Rehabilitation Program—Services
for Nursing Facility Residents**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule in the Medical Assistance program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act and as directed by the 1995-96 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program and as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, utilization review, and other measures as allowed by federal law". This rule is adopted in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing requires that a nursing facility resident must be identified as needing specialized mental health services through the pre-admission screening and annual resident review process in order to receive any services under the Mental Health Rehabilitation, Clinic or any other active mental health treatment program.

Bobby P. Jindal
Secretary

9601#055

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Nursing Facility Services—Standards for Payment

The Department of Health and Hospitals, Office of Secretary, Bureau of Health Services Financing has adopted the rule entitled "Nursing Facility Services - Standards for Payment" in the Medicaid Program as authorized by R.S.

46:153. This rule has been adopted pursuant to a Notice of Intent published in the *Louisiana Register*, Volume 21, Number 1, page 79 and is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

A copy of the full text of this rule may be obtained from the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

Bobby P. Jindal
Secretary

9601#074

RULE

**Department of Labor
Office of Workers' Compensation
Second Injury Board**

**Assessment and Timely Filing
(LAC 40:III.107 and 301-307)**

Under the authority of the Workers' Compensation Act, particularly R.S. 23:1021 et seq., R.S. 23:1376 and R.S. 23:1377, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Labor, Office of Workers' Compensation Administration, Second Injury Board ("the board") has amended Chapter 1, §107 and adopted new rules in Chapter 3 of Part III of LAC 40.

The changes to the rules are necessary to allow the board, under Acts 1995 Number 188, effective June 12, 1995, to administer the Second Injury Fund reimbursement program in a timely manner and in order to do so, the board must assess, notify entities, and collect such assessments before the 1996 calendar year. Without rules and regulations, the assessment cannot be timely made; therefore, time is of the essence to implement the rules for administration of the program under law. These rules are also necessary for compliance with Acts 1995 Number 245, effective June 14, 1995, to require presentation of claims to the board within one year after the first payment of either compensation or medical benefits.

These rules become effective January 20, 1996.

Title 40

**LABOR AND EMPLOYMENT
Part III. Workers' Compensation
Second Injury Board**

Chapter 1. General Provisions

**§107. Presentation of Claim for Reimbursement from
Second Injury Fund, Timely Filing Thereof**

Within one year after the first payment of either compensation or medical benefits, the employer or his insurer, whichever of them makes the payments or becomes liable therefor, shall notify the board in writing of such facts and furnish such other information as may be required for the board to determine if the employer or his insurer is entitled to reimbursement from the Workers' Compensation Second Injury Fund. No employer, insurer, servicing agent or self-

insured association shall be reimbursed unless the board is notified within one year from the date of the first payment of either compensation or medical benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1376.

HISTORICAL NOTE: Promulgated by the Workmen's Compensation Second Injury Board, LR 1:146 (February 1975), amended LR 3:49 (January 1977), amended by the Department of Labor, Workmen's Compensation Second Injury Board, LR 3:49 (December 1977), amended and repromulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LR 17:179 (February 1991), amended by the Department of Labor, Office of Workers' Compensation, Second Injury Board, LR 22:35 (January 1996).

Chapter 3. Assessments

§301. Assessment; Calculation of Rate

A. The board shall determine the amount of the total assessment to be collected which shall not exceed 125 percent of the disbursements made from the fund in the preceding fiscal year.

B. The assessment rate shall be calculated by dividing the total assessment by the total workers' compensation benefits as reported to the Office of Workers' Compensation on form LDOL-WC-1000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1376 and R.S. 23:1377.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, Second Injury Board, LR 22:35 (January 1996).

§303. Assessment; Due Date; Notice

A. Each reporting entity shall be assessed an amount determined by multiplying the assessment rate times the total reported workers' compensation benefits paid by that entity.

B. The board shall set the date that the assessment shall be due and shall provide notice to all entities assessed at least 30 days prior to such due date.

C. An assessment notice shall be prepared and mailed to each entity filing an annual report and for which an assessment is due. The notice shall be sent certified mail, return receipt requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1376 and R.S. 23:1377.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, Second Injury Board, LR 22:35 (January 1996).

§305. Assessments - Failure to Pay; Penalties; Collection

A. Any entity assessed, shall remit the amount of the assessment within 30 days of the date of notice or by the due date set forth in the notice if greater than 30 days. The official United States Postal Department postmark shall be the basis for determining compliance with this requirement.

B. Any entity failing to pay by the due date may be assessed a penalty of 20 percent of the unpaid assessment for each 30 days, or portion thereof, that the assessment remains unpaid.

C. Payments received by the office shall be applied first to penalties assessed and then to the outstanding second injury fund assessment.

D. The assessment and/or penalties imposed pursuant to this section shall be pursued for collection by the procedures used for collection of an open account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1376 and R.S. 23:1377.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, Second Injury Board, LR22:35 (January 1996).

§307. Ineligibility for Reimbursement

A. Any entity required by law to make an annual payment or payments into the fund, but which has not made such annual payment or payments, shall be ineligible for reimbursement from the fund for injuries occurring during such period of non-payment of assessment.

B. Except as provided in R.S. 23:1378(A)(7), any entity that is not required by law to make an annual payment or payments into the fund shall be ineligible for reimbursement from the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1376 and R.S. 23:1377.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, Second Injury Board, LR 22:35 (January 1996).

O. Larry Wilson
Chairman

9601#029

RULE

Department of Revenue and Taxation Office of the Secretary

Signature Alternatives-Electronic Filings
(LAC 61:I.4905)

Under the authority of R.S. 47:1520 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue and Taxation, Office of the Secretary, has adopted LAC 61:I.4905 to provide for a signature alternative for tax returns filed electronically.

The department is in the process of implementing several electronic filing programs. Tax return information is transmitted electronically, which eliminates the need for paper returns and the accompanying manual processing. Many of the department's tax statutes require that the tax returns have a written signature or declaration. This rule provides for an alternative to the signature/written declaration requirement for tax returns filed electronically or through other alternative nonpaper means.

Title 61

REVENUE AND TAXATION

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

Chapter 49. Tax Collection

§4905. Signature Alternatives; Electronic Filings

A. As authorized by R.S. 47:1520, the following alternate methods for signing, subscribing, or verifying tax returns, statements, or other documents filed by electronic means are allowed and shall have the same validity and consequence as the actual signature and/or written declaration.

B. Electronic Filing. The following alternatives, as determined by the secretary, are allowed for submitting a

written signature/declaration for tax returns transmitted electronically by the taxpayer or the taxpayer's agent:

1. the taxpayer's signature document maintained by the electronic filer on file and secure for a period of three years from December 31 of the year in which the taxes were due;

2. the taxpayer's signature on a trading partner agreement with the department; or

3. an electronic signature as determined by the secretary.

C. Telefiling. For tax returns filed by the taxpayer using a touch-tone telephone to transmit return information, a voicerecording of the taxpayer, and spouse for married

taxpayers filing joint returns, will serve as a signature alternative. The voice recording will be maintained by the department for a period of three years from December 31 of the year in which the taxes were due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Office of the Secretary, LR 22:36 (January 1996).

Ben Morrison
Secretary

9601#024

Notices of Intent

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Office of the Secretary

Segmentation of Louisiana Byways (LAC 25:XI.101)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Culture, Recreation and Tourism (CRT) intends to promulgate a rule entitled "Segmentation of Louisiana Byways" in accordance with R.S. 56:1948.7.B.

Pursuant to Act 741 of the Regular Session of the Louisiana Legislature, the secretary of CRT is authorized to promulgate rules and regulations that set forth the procedure and criteria by which certain segments of highway may be excluded from the Louisiana byways system. This proposed rule will set forth such a procedure and such criteria.

Title 25

CULTURE, RECREATION AND TOURISM

Part XI. Office of the Secretary

Chapter 1. Byways

§101. Segmentation of Louisiana Byways

A. A specific segment of an existing or proposed Louisiana byway may be excluded from the Louisiana byway system upon recommendation to, and determination by, the secretary (secretary) of the Department of Culture, Recreation and Tourism (CRT).

B. An authority, agency, organization or interested resident of an area with an existing or proposed Louisiana byway may recommend to the secretary exclusion of a specific segment of the byway.

C. A segment may be recommended for exclusion only if the adjacent land is zoned commercial or industrial or contains a permanent structure at which commercial or industrial activity is conducted. In an unzoned area, the excluded segment may include portions of the byway up to 800 feet away from the actual area regularly used for the commercial or industrial activity, including its structures, yards, parking and grounds. An excluded segment may also include an area up to 800 feet between any two such commercial or industrial areas.

D. A recommendation for exclusion must be submitted to the secretary in writing and include the following:

1. identification of the byway as designated in accordance with R.S. 56:1948;
2. identification of the designated entity that suggested byway in accordance with R.S. 56:1948.4;
3. Identification of the beginning and ending of the segment recommended to be excluded, measured in relation to permanent public features of the byway such as intersecting highways, municipal and parish boundaries and public buildings.
4. A description of the zoning on the adjacent land, including the name of the zoning authority, if zoned; or if unzoned, a description of the commercial or industrial activities located on the adjacent land, including the name of any businesses and the boundaries of the regularly used areas of such businesses.

5. A report of the differences between the segment to be excluded and the other portions of the byway relative to the criteria for Louisiana byway designation in R.S. 56:1948.3.

E. Upon receipt of a recommendation, the secretary will send a copy of the recommendation and accompanying documents to the Louisiana Department of Transportation and Development, the entity identified in Subsection D.2. above, and the local byway district, if any, with a request for written comment within 30 days on the suitability of the recommended segment for exclusion.

F. Not less than 45 days after the notice in §101.E above, the secretary will determine whether to exclude the recommended segment, based upon the lack of natural, scenic, cultural or historic features within the segment, compared to the presence of such features along the other portions of the affected byway. The beginning and ending of any excluded segment will be at those points of visible change in the appearance of the adjacent features along the byway, subject to the limitations of §101.C above.

G. An excluded segment may nevertheless be included by CRT, the Department of Transportation and Development, the local byway district and other local authorities in official signage and mapping of the byway and other purposes solely to preserve system continuity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1948.7.B.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 22:

Interested persons may submit written comments on the proposed rule until 4:30 p.m., February 28, 1996 to: Mark H. Hilzlim, Secretary of the Louisiana Department of Culture, Recreation and Tourism, Box 94361, Baton Rouge, LA 70804-9361.

A public hearing on the proposed rule will be held on March 6, 1996 at 10 a.m. in the Third Floor Conference Room, Capitol Annex, Baton Rouge, LA.

Mark H. Hilzlim
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Segmentation of Louisiana Byways

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is not anticipated that the proposed rule will result in costs or savings to the Department of Culture, Recreation and Tourism or any state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is not anticipated that the proposed rule will have any effect on revenue collections of any governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Landowners or leaseholders of property along Louisiana byways and eligible for exclusion may benefit from increased potential land uses as a result of exclusion from byways regulations.

Organizations or residents interested in excluding segments of existing or proposed Louisiana byways from the Louisiana byway system may recommend such exclusions to the secretary of CRT. These organizations or residents must accompany their recommendations with a description of the segment to be excluded and a report to justify the exclusion. This report may require clerical or technical assistance in its preparation. Specific costs would depend upon the ability of the recommending interest to personally prepare the report and the extent to which the interest might need outside assistance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule may allow for increased economic development opportunities on excluded segments. These increased opportunities may increase competition and employment.

Mark H. Hilzlim
Secretary
9601#075

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Foreign Language Teacher Certification

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement proposed changes to the certification requirements for foreign language and elementary foreign language. The revised certification requirements which are amendments to Bulletin 746, Louisiana Standards for State Certification of School Personnel are printed below.

This proposed policy change eliminates the requirement of an oral proficiency interview for elementary teachers to become certified to teach a foreign language. In addition, it deletes the option of the use of the oral proficiency interview as partial fulfillment of certification requirements for secondary foreign language teachers.

Certification Options in Elementary Education

* * *

Foreign Language

Elementary teachers may be certified to teach a foreign language upon completion of 15 semester hours in the language.

* * *

Foreign Language

Certification is awarded in each individual language. Secondary foreign language certification may be converted to all-level certification (1-12) with an additional nine hours of professional education courses at the elementary level.

1. All Foreign Languages (except Latin)

A minimum of 24 semester hours in a language or eight semester hours if taken above the first-year college level.

Beginning with freshmen entering higher education institutions in the 1984-85 school year, all candidates for certification will be required to complete 36 semester hours or 24 hours above the sophomore level which shall include a

three-hour methods course in modern foreign languages. A minimum of 12 of the 24 hours may be fulfilled by a two-semester residence in a university abroad or by two summers of intensive immersion study on a Louisiana university campus, an out-of-state university campus, or abroad.*

*The two semesters abroad or its alternative is required for French certification and is optional for all other foreign languages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6

Interested persons may submit written comments until 4:30 p.m., March 10, 1996 to Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Foreign Language Teacher Certification**

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

The adoption of this proposed rule will cost the Department of Education approximately \$600 (printing and postage) to disseminate the policy.

BESE's estimated cost for printing this policy change and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$200. Funds are available.

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

The proposed rule will have no effect on revenue collection.

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

There will be no costs to directly affected persons or nongovernmental groups. The proposed rule will result in the deletion of the use of the American Council on the Teaching of Foreign Language (ACTFL) Oral Proficiency Interview for certification to teach foreign languages.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule should result in a slight increase in the number of certified elementary foreign teachers since the requirement of the ACTFL Oral Proficiency Interview will be deleted.

Marlyn Langley
Deputy Superintendent
Management and Finance
9601#067

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1943—Teacher Assessment Policies and Procedures

In accordance with R.S. 49:950, et. seq., the Administrative Procedure Act, notice is hereby given that the Board of

Elementary and Secondary Education approved for advertisement, an amendment to Bulletin 1943, Policies and Procedures for the Louisiana Teacher Assessment, Section VII: Compensation, as stated below.

Section VII: Compensation

After the first paragraph, add the following: "Only retired educators, college faculty, and experienced teacher assessors shall receive compensation for their assessment activities."

AUTHORITY NOTE: Act 1 of the 1994 Third Extraordinary Session of the Louisiana Legislature

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 22:

Interested persons may submit comments on the proposed amendment until 4:30 p.m., March 10, 1995 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Bulletin 1943-Teacher Assessment

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

The estimated cost for FY 95-96 are for printing page 11 of the Policies and Procedures for Louisiana Teacher Assessment, Bulletin 1943, (125 at the state level and none at the local level).

In addition, copies will be mailed to all public school principals and one copy will be mailed to each superintendent, to the Louisiana Teacher Assessment Program contact person for the central office, to all assessor trainers, and assessors. Postage costs are estimated at \$1,646.40 to mail a copy of page 11 of the Policies and Procedures for Louisiana Teacher Assessment, Bulletin 1943.

The SBESE's estimated cost for printing this policy change and first page of the fiscal and economic impact statement in the *Louisiana Register* is approximately \$75. Funds are available.

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

There is no effect on revenue collections of state or local governmental units.

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

There are no estimated costs or economic benefits that directly affect persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The printing of page 11 of the Policies and Procedures for Louisiana Teacher Assessment, Bulletin 1943 does not affect competition.

Marlyn Langley
Deputy Superintendent
Management and Finance
9601#069

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Medication Policy (LAC 28:I.929)

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement, an amendment to the Administration of Medication Policy developed by the State Board of Elementary and Secondary Education and the State Board of Nursing. This amendment to the Administrative Code is printed below:

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations and State Plans
§929. Administration of Medication Policy**

* * *

B. Written Orders, Appropriate Containers, Labels, and Information

1. Medication shall not be administered to any student without an order from a Louisiana, or adjacent state, licensed physician or dentist and it shall include the following information:

* * *

E. Teacher. The classroom teacher who is not otherwise previously contractually required shall not be assigned to administer medications to students. A teacher may request in writing to volunteer to administer medications to his/her own students. The administration of medications shall not be a condition of employment of teachers employed subsequent to July 1, 1994. A regular education teacher who is assigned an exceptional child shall not be required to administer medications.

* * *

AUTHORITY NOTE: Promulgated in accordance with Act 87 of R. S. 1993 (R.S. 17:436.1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 22:

Interested persons may submit written comments until 4:30 p.m., March 10, 1996 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Medication Policy

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

The economic impact to the State Department of Education is based on costs for printing and dissemination of 500 copies of the amended policy and the law to the superintendents and school nurses in each parish (LEA), and interested citizens at a cost of \$525.

The increased cost to each local governmental unit for this policy will vary. School nurses and administrators will likely spend more time verifying appropriate licensure, and in consultation by long distance communication to physicians and pharmacists in bordering states.

Teachers, in accord with the joint policy, are already exempted unless they volunteer, from administering medication to students.

BESE's estimated cost for printing this policy change and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$400. Funds are available.

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

Local tax revenues could be affected if persons choose to use physicians and/or pharmacists from adjacent states. The revenue change is unknown. The state exempts prescription drugs from state sales tax. There is a state prescription fee that could be affected.

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

The number of students and local education agencies specifically affected is unknown. The number of students who receive medical care in bordering states is unknown, as is the number of students who receive medications prescribed by out-of-state physicians to students during school hours.

It is unknown how many, if any, physicians or dentists in bordering states will not renew their license to practice in Louisiana.

For parents, in some instances, the cost in travel will be less and the access to services will be more convenient in a neighboring state.

There is a possibility that citizens of Louisiana may find it more difficult and expensive to seek and recover malpractice suits involving physicians not licensed to practice in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Physicians and dentists licensed to practice in bordering states, but not licensed in Louisiana, may benefit from an increase in patients. Pharmacies in bordering states may have an increase in prescriptions filled by Louisiana residents.

Marlyn Langly
Deputy Superintendent
Management and Finance
9601#068

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship and Grant Manual

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to rescind the October 20, 1991 Scholarship and Grant Policy and Procedure Manual and its supplementing Scholarship Program Memoranda (SPMs) and replace it with a revised and updated manual effective April 20, 1996.

LASFAC supplies copies of the manual to schools participating in the scholarship and grant programs administered by the commission.

The proposed manual can be viewed from 7:45 a.m. to 4:30 p.m., Monday through Friday, at the Office of Student Financial Assistance, 1885 Wooddale Boulevard, Baton Rouge, LA 70806 or at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802.

Interested persons may submit written comments on the proposed manual until 4:30 p.m., March 20, 1996, at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Scholarship and Grant Policy and Procedure Manual

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

We estimate the publication costs for the Louisiana Scholarship and Grant Policy and Procedure Manual to be \$2.50 per manual produced. Fifty manuals will be printed, for a total cost of \$125.

Tuition Assistance Plan statutory changes will require \$85,800 for 1995-96, \$2,001,285 for 1996-97, and \$3,226,080 for 1997-98. References to the High School Rally Scholarship program have been deleted from the manual since it has not been funded since the 1991-1992 academic year. The average annual award for the Rally Scholarship was \$500. References to the Federal Paul Douglas Teacher Scholarship have been deleted from the manual since funding was rescinded for the 1995-96 award year and appropriations for the program are not expected in future years. The average annual award for the Douglas Scholarship was \$5,000.

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

No impact on revenue collections is anticipated from publication of this document.

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

The completely revised manual will aid agency and school officials in administration of the programs.

Changes to the Tuition Assistance Plan should result in approximately 40 students becoming eligible for assistance to attend college after reevaluation for the Tuition Assistance Plan during 1995-96, 933 students becoming eligible during 1996-97, and 1,504 during 1997-98 based on Acts 872 and 269. Students will not receive the High School Rally and the Paul Douglas scholarships due to a lack of funding.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is anticipated from publication of this manual.

Jack L. Guinn
Executive Director
9601#066

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

**Ambient Air Standards—Carbonyl Sulfide
(LAC 33:III.5112)(AQ133)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.5112 (AQ133).

It is proposed that the ambient air standard for carbonyl sulfide be changed to 582 ug/m³ in Table 51.2, LAC 33:III.5112.

The ambient air standard for carbonyl sulfide (COS) in Table 51.2 of LAC 33:III.5112 is incorrectly listed at 24.30 ug/m³. There was and still is a general lack of toxicity data for this compound. The standard for carbonyl sulfide is based on the toxicity of hydrogen sulfide since COS metabolizes to H₂S in the body. More current toxicity data caused a revision of the H₂S standard upward and should have caused a likewise revision in the COS standard.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant
Emission Control Program
Subchapter A. Applicability, Definitions, and General
Provisions
§5112. Tables**

[See Prior Text in Table 51.1]

Table 51.2 Louisiana Toxic Air Pollutant Ambient Air Standards				
Compounds	CAS No.	Class	Ambient Air Standard	
			($\mu\text{G}/\text{m}^3$ *) (8 Hour Avg.)	($\mu\text{G}/\text{m}^3$ ***) (Annual Avg.)
*** [See Prior Text in Acetaldehyde-Carbon Tetrachloride]				
Carbonyl Sulfide	463-58-1	III	582.00	
*** [See Prior Text in Chlorinated Dibenzo-p-dioxins [2]-Table 51.3 Explanatory Note [4]]				

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and 2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1330 (December 1995), amended LR 22:

A public hearing will be held on February 29, 1996, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ133. Such comments should be submitted no later than March 7, 1996, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70810 or to FAX number (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ133.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Ambient Air Standards—
Carbonyl Sulfide**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no significant implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Facilities that are major sources of toxic air pollutants and emit carbonyl sulfide above the minimum emission rate would demonstrate compliance with the adjusted ambient air standard. As a result, some facilities may benefit by reducing costs of air pollution controls to meet the ambient air standard for carbonyl sulfide.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Gus Von Bodungen
Assistant Secretary
9601#042

Richard England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

Miscellaneous Amendments
(LAC 33:III.509, 918, 919,
2123, and 3107)(AQ136)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.509, 918, 919, 2123, and 3107 (AQ136).

This proposed rule will provide miscellaneous corrections in Chapters 5, 9, 21, and 31. It will remove newly designated ozone attainment parishes from tables in Chapters 5 and 9 and add Livingston Parish to §509 that was omitted in error. It will also correct a mailing address in Chapter 31, remove a reporting requirement in Chapter 9, and clarify LAC 33:III.2123 to include oilfield tubulars and ancillary oilfield equipment.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 5. Permit Procedures

§509. Prevention of Significant Deterioration

[See Prior Text in A-B.Baseline Area.2]

Ascension
Calcasieu
East Baton Rouge
Iberville
Livingston
Point Coupee
West Baton Rouge

[See Prior Text in B.Baseline Concentration-S.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:

Chapter 9. General Regulations on Control of Emissions and Emission Standards

§918. Recordkeeping and Annual Reporting

Data for emission reports should be captured annually. These reports are to be submitted to the department by March 31 of each year (for the period January 1 to December 31 of the previous year) unless otherwise directed by the department. The report should include all data applicable to the emission source or sources which may be required under LAC 33:III.919.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:

§919. Emission Inventory

Emission inventory data shall be submitted to the Louisiana Department of Environmental Quality (DEQ) on magnetic media in the format specified by the Air Quality Division. Facilities with less than five point sources, may elect to submit Emission Inventory Coding (EIC) forms in lieu of the magnetic media. Facilities are defined as all emission points, fugitive, area, mobile, under common control on contiguous property. Point source is defined as the point of emission which should have a Source Classification Code. Stationary source is defined as a group of point sources. Detailed instructions are provided on an annual basis for completing and submitting emissions inventories which define requirements applicable to facilities, point sources, area sources and mobile sources.

[See Prior Text in A]

1. Any facility in an attainment area or unclassified area that emits or has the potential to emit 100 tons per year (TPY) or more of any contaminant [including volatile organic compounds (VOC)] for which a National Ambient Air Quality Standard (NAAQS) has been issued; or any facility in a marginal, moderate, or serious ozone nonattainment area (See Table 1) that emits or has the potential to emit 10 TPY VOC, 25 TPY nitrogen oxide (NO_x), or 100 TPY carbon monoxide (CO) or any other contaminant for which a NAAQS has been issued; or any facility that emits or has the potential to emit 50 TPY or more of VOC or 100 TPY or more of any other contaminant for which a NAAQS has been issued in an area designated as an ozone adjoining area (See Table 2) to a listed marginal, moderate, or serious ozone nonattainment area. (Potential to emit refers to the "allowables" or permitted emission limits in a facility's permit.) If any pollutant meets the criteria above, then all other air pollutants for which a NAAQS has been issued must be included in the report regardless of level of emissions.

[See Prior Text in A.2]

3. In Louisiana, the following facility classes or categories are exempted: None.

Table 1
Ozone Nonattainment Parishes
Ascension - Serious
Calcasieu - Marginal
East Baton Rouge - Serious
Iberville - Serious
Livingston - Serious
Pointe Coupee - Serious
West Baton Rouge - Serious

Table 2
Adjoining Parishes
Assumption
Avoyelles
Beauregard
Cameron
East Feliciana
Iberia
Jefferson Davis
St. Helena
St. James
St. John the Baptist
St. Landry
St. Martin
Tangipahoa
West Feliciana

[See Prior Text in B-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:

Chapter 21. Control of Emission of Organic Compounds

Subchapter B. Organic Solvents

§2123. Organic Solvents

[See Prior Text in A-C.10]

Affected Facility	Daily Weighted Average VOC Emission Limitation	
	Lbs. Per Gal. of Coating as applied (minus water and exempt solvent)	Kgs. Per Liter of Coating as applied (minus water and exempt solvent)
11. Surface Coating for Marine Vessels and Oilfield Tubulars and Ancillary Oilfield Equipment.		
*** [See Prior Text in 11.a]		
b. Except for the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, in which the VOC limitations in LAC 33:III.2123.C.11.a may not be exceeded, specialty marine coatings and coatings on oilfield tubulars and ancillary oilfield equipment with a VOC content not in excess of the following limits may be applied:		
*** [See Prior Text in Heat Resistant-F.4]		

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter A. General Provisions and Modifications

§3107. Address

All requests, reports, applications, submittals and other communications pursuant to this Subchapter shall be submitted in duplicate to the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Box 82135, Baton Rouge, LA 70884-2135, to the attention of the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:

A public hearing will be held on February 29, 1996, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ136. Such comments should be submitted no later than March 7, 1996, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70810 or to FAX number (504) 765-0486.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Miscellaneous**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are some cost (savings) to DEQ in that personnel time is no longer required to review a report and file space is not needed to maintain the report for the prescribed time.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This proposal will not have any effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Affected industries responding to Chapter 9 requirements will no longer be required to submit one type of annual report which will result in a savings of man hours and printing costs.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposal will not have any known effect on competition and employment.

J. Dale Givens
Secretary
9601#045

Richard England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

Point of Custody Transfer (LAC 33:III.3301.B)(AQ134)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.3301.B (AQ134).

It is proposed that LAC 33:III.3301.B.*Point of Custody Transfer* be deleted from the state regulations as it is not part of the federal regulations. This action was requested by the regulated community and agreed to by the Department of Environmental Quality.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter K. Standards of Performance for Storage Vessels for Petroleum Liquids (Subpart K, Ka, and Kb)

§3301. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984 (Subpart Kb)

[See Prior Text in A-B.*Petroleum*]

Petroleum Liquids—petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

Storage Vessel—each tank, reservoir, or container used for the storage of volatile organic liquids but not including:

1. frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors; or
2. subsurface caverns or porous rock reservoirs.

[See Prior Text in B.*Reid Vapor Pressure-G.7*]

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 17:263 (March 1991), amended LR 21:682 (July 1995), LR 22:

A public hearing will be held on February 29, 1996, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ134. Such comments should be submitted no later than March 7 1996, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70810 or to FAX number (504) 765-0486.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Point of Custody Transfer**

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

There aren't any implementation costs (savings) to state or local governmental units.

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

There isn't any effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC
BENEFITS TO DIRECTLY AFFECTED PERSONS OR
NONGOVERNMENTAL GROUPS (Summary)**

There aren't any costs and/or economic benefits to directly affected persons or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND
EMPLOYMENT (Summary)**

There isn't any effect on competition and employment.

Gus Von Bodungen
Assistant Secretary
9401#043

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

Reportable Quantity of VOCs Not Listed
(LAC 33:III.3931)(AQ135)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950

et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:I.3931 (AQ135).

It is proposed that LAC 33:I.3931 (Other VOCs not listed) be revised to read "Total VOCs" instead of "Each VOC". As written, the rule might allow an amount of VOC emissions greater than that which should be emitted.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 2. Notification Regulations
Chapter 39. Notification Regulations and Procedures
for Unauthorized Discharges
§3931. Reportable Quantity List for Pollutants**

Pollutant	CAS No. ¹	RCRA ² Waste Number	Pounds
* * *			
[See Prior Text in Acenaphthene - Osmium tetroxide]			
Other VOCs Not Listed (total VOCs)			5000
* * *			
[See Prior Text in 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid - Endnote @]			

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:943 (September 1995), LR 22:

A public hearing will be held on February 29, 1996, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ135. Such comments should be submitted no later than March 7, 1996, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70810 or to FAX number (504) 765-0486.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Reportable Quantity of VOCs Not Listed**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will not be any implementation costs (savings) to state or local governmental units due to this proposal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This proposal will not have any effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will not be any costs and/or economic benefits accruing to directly affected persons or nongovernmental groups, due to this proposal.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposal will not have any effect on competition and employment.

Gus Von Bodungen
Assistant Secretary
9601#044

Richard England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Electrolysis Examiners**

Electrologist Technician Licensure
(LAC 46:XXXV.101-2301)

The Board of Electrolysis Examiners (hereinafter referred to as "board") proposes to amend the operating rules and regulations in accordance with R.S. 37:3051-3077. Copies of the proposed rule can be viewed at the Board of Electrolysis Examiners noted below and also at the Office of the State Register at 1051 North Third Street, Room 512, Baton Rouge, LA 70802.

Written comments will be accepted until 5 p.m., Friday, March 1, 1996, and should be addressed to Cheri L. Miller, Chairperson, Board of Electrolysis Examiners, Box 67, DeRidder, LA 70634-0067.

Cheri L. Miller
Chairperson

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Licensure of Electrologist Technicians**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is not estimated that there will be any additional costs or savings to the board as a result of these rules.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Due to an increase in technician positions, it is estimated revenue collected by the board will be \$1200.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Individual electrologists' technician application fees will be \$200 and annual renewals fees will be \$100.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is not expected there will be any effect on competition and employment.

Cheri L. Miller
Chairperson
9601#032

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Pharmacy**

Pharmacy Technicians (LAC 46:LIII.Chapter 8)
Repeal LAC 46:LIII.919 and 2535

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Pharmacy Law, R.S. 37:1178, the Louisiana Board of Pharmacy hereby gives notice of intent to adopt the rules and regulations as detailed below. This will replace §919 entitled Pharmacy Support Staff and Supportive Personnel and current §2535 entitled Support Staff Qualifications which are hereby repealed.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 8. Pharmacy Technicians

§801. Definition

Pharmacy Technician—personnel who assist in the practice of pharmacy under the direct and immediate supervision of a licensed Louisiana pharmacist and is qualified by the Louisiana Board of Pharmacy as a pharmacy technician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§803. Qualifications

A. To qualify as a Louisiana pharmacy technician a candidate shall meet the following conditions.

1. Age. Eighteen years of age.
2. Character. Good moral character and be nonimpaired.
3. Citizenship. Candidate shall be a citizen of the United States, or hold proof of lawful permanent residence (green card).
4. Education. High school graduate or equivalent and successfully complete a board-approved didactic pharmacy technician program.

5. Experience. Obtain the necessary on-site training hours in board-approved programs.

6. Examination. Successfully complete the board-approved pharmacy technician examination.

B. Exception. A licensed Louisiana pharmacist whose license has been denied, revoked, suspended or restricted for disciplinary reasons shall not be eligible to be a Louisiana pharmacy technician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§805. Education

A pharmacy technician applicant shall meet all the following minimal education standards. These minimal standards are to ensure the protection of the public's health, safety and welfare.

1. Didactic Program. The applicant must successfully complete a board-approved didactic pharmacy technician program and during this program may obtain structured on-site experience under an authorized on-site training work permit.

2. On-site Training. The applicant must successfully complete the board-approved on-site training pharmacy technician program. This program is an integral part of the permit process and training hours can only be credited after the completion of the Didactic Program.

a. Training Hours

i. A minimum of 200 training hours of structured on-site experience.

ii. A maximum of 40 hours per week.

iii. The pharmacy technician applicant shall within a 90-day period from date of completion of didactic program successfully complete an on-site training program and the pharmacy technician examination.

iv. Reapplication. A pharmacy technician applicant may only reapply after 180 days from date of completion of didactic program.

3. Completion. The didactic and on-site training programs must be successfully completed prior to applying to the board for the pharmacy technician examination.

4. Pharmacy Technician On-site Training Work Permit. An on-site training work permit listing the pharmacy technician applicant, the pharmacist-in-charge and the on-site training location (name and complete address), shall be issued by the Board of Pharmacy, in order for the pharmacy technician applicant to perform pharmacy technician functions, providing this work is performed only under the personal, direct and immediate supervision of a licensed Louisiana pharmacist and in a setting not to exceed a one-to-one on-duty ratio.

a. On-site Training Work Permit. The pharmacist-in-charge shall apply to the board for an on-site training work permit. The application shall contain the pharmacy technician applicant's name; the name and the license number of the pharmacist-in-charge; the name, complete address, and permit number of the pharmacy; and shall be signed and dated by the pharmacist-in-charge and the pharmacy technician applicant.

b. Scope of On-site Training Work Permit. On-site training work permits are issued for a specific site and specific

pharmacy technician applicant. Separate permits are required for each specific site.

c. Expiration. On-site training work permits shall expire 90 days from date of issue by the board or upon termination of employment of the pharmacy technician applicant or failure of any listed person or site to meet requirements.

d. Any licensed Louisiana pharmacist may be a supervising pharmacist for the pharmacy technician on-site training program provided that said pharmacist is not on probation.

e. Pharmacy technician on-site training may be authorized at any permitted Louisiana pharmacy not on probation.

f. The pharmacist-in-charge is responsible to provide to the board a properly executed affidavit of completion when the necessary on-site training is achieved.

g. Issuance of On-site Training Work Permits. The board shall reserve the right to refuse to issue or to recall on-site training work permits for due cause or if necessary requirements are not met.

h. On-site training work permit shall be on display in the pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§807. Pharmacy Technician Examination

Initial Application. After completion of the didactic and on-site training program the board shall furnish to the pharmacy technician applicant an application for a pharmacy technician examination upon request. An application for the pharmacy technician examination shall be completed and signed by the candidate, notarized, accompanied by the examination fee as established by the board, and submitted to the board office for processing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§809. Examination

A. The board of pharmacy technician examination shall consist of integrated subject disciplines as the board may deem appropriate.

B. Score. A minimum score of 75 must be obtained for an applicant to meet minimum examination requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§811. Pharmacy Technician Certificate

The board may issue a pharmacy technician certificate to an applicant successfully completing all board requirements.

1. Technician Certificate Duplication. In the event of a loss or destruction of a certificate, the board may issue a duplicate of the original certificate upon receipt of a notarized application and fee for reproduction.

2. Technician Certificate Display. The technician certificate shall be displayed in a conspicuous place in or near the prescription department in such a manner that said certificate can be seen by the public. The annual pharmacy

technician renewal shall be attached to the front of or posted next to the certificate.

3. Identification. Pharmacy technicians shall be identified by a name badge and "Pharmacy Technician" designation while working in the pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§813. Implementation

A. It is anticipated that this regulation will be promulgated no later than May 1, 1996.

B. Those persons previously completing a support staff training program and having worked a minimum of 200 hours as a support staff person in a Louisiana pharmacy under regulations §919 or §2535 as of May 1, 1996, or before, shall be considered to have met the requirements of the didactic program and the on-site technician training program required in this Chapter. An affidavit, signed by the pharmacist-in-charge and the support staff person, properly notarized and attesting to the necessary facts must accompany the application for the pharmacy technician examination in order to obtain this exemption.

C. All support staff persons must apply for and pass the pharmacy technician examination in order to obtain a pharmacy technician certificate.

D. Support staff persons will have until December 30, 1996, to meet the requirements and obtain a pharmacy technician certificate. After December 30, 1996, all persons practicing as pharmacy technicians must hold a current pharmacy technician certificate issued by the Louisiana Board of Pharmacy.

E. Pharmacy technician certificates issued prior to June 30, 1997, will be considered current until the first required renewal date of June 30, 1997. Thereafter, in order to remain current, each pharmacy technician must renew their certificate annually as required in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§815. Annual Pharmacy Technician Renewal

A. The board shall mail a renewal application to all pharmacy technicians holding a current renewal no later than May 1 of each year.

B. The properly completed renewal application and fee shall be submitted annually to the board 30 days prior to expiration which shall be June 30 of each calendar year.

C. Delinquent Technician Certificate. A certificate which is not renewed by July 15 of each year shall be null and void and the certificate holder shall not be in good standing as a pharmacy technician in the state of Louisiana.

D. Lapsed Certificate. A renewal application and all outstanding fees and penalties, to be fixed by the board, for a lapsed technician certificate may be referred to the board for consideration.

E. Renewal Fee. The annual renewal fee for certificate shall be determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§817. Address Change

A pharmacy technician holding a certificate in Louisiana has the responsibility to notify the board, in writing, within 10 days of any change of mailing and/or home address, giving old and new address and certificate number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§819. Employment Change

A pharmacy technician shall notify the board, in writing, within 10 days of a change in employment, listing technician name and certificate number, the name, address, and permit numbers of old and new employment pharmacies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§821. Duties

The pharmacy technician may perform certain functions and duties as assigned by the supervising pharmacist while under his/her personal, direct and immediate supervision.

Prohibitive Acts

a. The pharmacy technician shall not interpret the prescription.

b. The pharmacy technician shall not receive original oral, telephone, or facsimile prescription orders.

c. The pharmacy technician shall not compound high-risk preparations. Under written protocol the pharmacy technician may reconstitute and perform low-risk manipulation of sterile preparations limited to closed-system transfers.

d. The pharmacy technician shall not counsel patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§823. Pharmacist-Only Functions

A. Dispensing Responsibilities

1. The pharmacist shall interpret, evaluate, and implement all prescriptions: written, oral or otherwise.

2. The pharmacist shall review the completed prescription for accuracy and compliance before the prescription is released from the prescription department.

3. The pharmacist shall provide patient counseling and drug information as necessary.

B. Supervising Responsibilities

1. All tasks performed by pharmacy technicians in the pharmacy must be accomplished under the direct and immediate supervision and responsibility of a licensed Louisiana pharmacist.

2. Ratio. A ratio of no more than one pharmacy technician per supervising pharmacist on duty shall be maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§825. Impaired Pharmacy Technician

An impaired pharmacy technician is a pharmacy technician unable to perform duties with reasonable skills or safety necessary to protect the public because of:

1. chemical dependence—repeated alcohol and/or drug use culminating in a pattern of chemical need manifested by:

- a. alcoholism—a chronic, progressive disease which involves the use of alcohol to a degree of impeding functional competence of the permittee; or
 - b. drug abuse—improper or excessive nontherapeutic use of a drug to the detriment of the public and/or the individual; or
2. mental illness; or
 3. physical deterioration; or
 4. neurologic degeneration; or
 5. central nervous system disease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§827. Impaired Technician Reporting

A pharmacy technician or pharmacist who has knowledge that a pharmacy technician or pharmacist is impaired is responsible to report relevant confidential information to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§829. Revocation, Suspension or Probation

A. After due notice and opportunity for a hearing, the board may revoke, suspend, or place on probation a pharmacy technician certificate for any of the following causes:

1. When the pharmacy technician certificate or qualification is found to have been obtained by fraudulent means.
2. When the pharmacy technician has been convicted of felony or is found by the board to be guilty of gross immorality or impaired to such a degree as to render him unfit to complete technician duties.
3. When the pharmacy technician is found to have violated the pharmacy laws and regulations of the board.

B. Notice of Decision of Board; Appeal

1. If an applicant for any pharmacy technician certificate, or renewal thereof, is refused, or, if any certificate is suspended or revoked, the board shall notify the applicant in writing of its decision and the reasons therefor.

2. Any person to whom the board has refused to issue a pharmacy technician certificate, or whose certificate has been suspended or revoked, may appeal from the decision and order of the board to any court of competent jurisdiction, within 30 days after the refusal, suspension, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

§831. Injunction

The board may apply to a court of competent jurisdiction over the parties and subject matter, for a writ of injunction to restrain violations of the provisions of this Chapter. This injunction shall not be released upon bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 22:

Chapter 9. Pharmacy

§919. Pharmacy Support Staff and Supportive Personnel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 18:1380 (December 1992), effective April 1, 1993, repromulgated LR 19:1026 (August 1993), repealed LR 22:

Chapter 25. Hospital Pharmacy

§2535. Support Staff Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), repealed LR 22:

Any person may submit data, views or positions orally or in writing to the Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8E, Baton Rouge, LA 70808 or call (504)925-6496. Under the provisions of the Administrative Procedure Act, if a public hearing is necessary, it will be held at 9 a.m., Tuesday, February 27, 1996 in the Board Conference Room at the above address.

Howard B. Bolton
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacy Technician

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of the pharmacy technician regulation will cost approximately \$150,000 to the Board of Pharmacy for preparing and providing a didactic correspondence course for pharmacy technicians, developing, providing and administering a proper examination and issuing a certificate to successful candidates. In addition, it is anticipated that additional employees will be necessary for the board as well as computer software changes, computer hardware additions, additional office space, printing and postage.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The fees estimated and approved by the board for providing the services necessary in the implementation of the pharmacy technician program will increase the collections by the board by approximately \$150,000 the first year and approximately \$60,000 thereafter.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Pharmacy technicians are persons who may assist the pharmacist in the practice of pharmacy under the direct and immediate supervision of the pharmacist. It is estimated that there will be approximately 1,530 individuals who will apply for the pharmacy technician certificate, and then they will be qualified to perform assistant tasks for the pharmacist in the permitted pharmacies in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Support staff persons are presently performing these assistant functions and after December 30, 1996, all support staff persons must hold a pharmacy technician certificate. There should be no effect on competition or employment.

Howard B. Bolton
Executive Director
9601#016

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Pharmacy**

Pharmacy Practice (LAC 46:LIII.Chapters 9 and 11)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Pharmacy Law, R.S. 37:1178, the Louisiana Board of Pharmacy hereby gives notice to amend LAC 46:LIII.Chapter 9 (Pharmacy Practice) and to amend the present LAC 46:Chapter 9 by recodifying it as a new Chapter 11 (Pharmacies) with the sections pertaining to support staff deleted.

The full text of these proposed rules may be obtained by contacting the Office of the State Register, 1051 North Third Street, Baton Rouge, LA (504)342-5015 or by contacting the Louisiana Board of Pharmacy at the address below.

Any person may submit data, views or positions orally or in writing to the Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8E, Baton Rouge, LA 70808 or call (504)925-6496. Under the provisions of the Administrative Procedure Act, if a public hearing is necessary, it will be held at 9 a.m., Tuesday, February 27, 1996 in the board Conference Room at the above address.

Howard B. Bolton
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pharmacy Practice**

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

The only cost associated with the implementation of the proposed pharmacy practice regulation will be the cost of printing and distribution of the new regulation. These costs are estimated at \$2,500 and \$1000 for printing and postage.

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

This proposed regulation would have no effect on any revenue collections for this board or any state or local governmental entity.

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

There are no economic benefits to be gained by this regulation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Howard B. Bolton
Executive Director
9601#017

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Medicaid Estate Recovery

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is proposing to adopt the following rule as authorized by R.S. 46:153(G) and pursuant to Title XIX of the Social Security Act. This proposed rule is in accordance with the Administrative Procedure Act.

Previously, federal law and regulations did not require states to seek recovery for Medicaid payments made under the State Plan from the estates of individuals. However, the Omnibus Budget Reconciliation Act of 1993, Section 13612(a) amended Section 1917(b) of the Social Security Act (42 U.S.C. 1396o) thereby mandating that states seek recovery of Medicaid payments for certain services provided under the State Plan. In order to comply with this federal law and to avoid sanctions or penalties from the federal government the bureau is proposing to adopt the following rule. This proposed rule implements an estate recovery program to recover Medicaid payments made to Medicaid recipients as required by the Social Security Act and federal regulations contained in 42 CFR 433.36 (c)- (g). It is not possible to estimate the fiscal impact of this proposed rule due to the various unknown factors involved with this effort; for example, the number of Medicaid recipients receiving services from whom estate recovery is allowable under federal law and regulations and the monetary value of the services to be received by these recipients, whether their estate resources would be equal to the value of services received.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to implement the Medicaid Estate Recovery Program in accordance with the requirements of the Social Security Act and federal regulations. The Bureau of Health Services Financing shall seek recovery of Medicaid payments for nursing facility services, home and community-based services, and related hospital and prescription drug services from the estate of an individual who was 55 or older when such services were received.

I. Definitions

A. Estate. Shall be understood to be the gross estate of the deceased as determined for federal estate taxes.

B. Cost effectiveness. The process whereby the Medicaid agency balances and weighs that which it may reasonably

expect to recover, against the time and expense of recovery. Application of the provision will be deemed to be cost effective when the amount reasonably expected to be recovered exceeds the cost of recovery and the amount reasonably expected to be recovered is greater than \$500.

C. Undue Hardship. An undue hardship exists when application of the provision would result in placing an unreasonable burden on a surviving spouse and/or a dependent. An undue hardship may exist when:

1. the estate is the sole income producing asset of the surviving spouse and/or dependent, and income from the estate is limited;

2. recovery would necessitate the surviving spouse and/or dependent becoming eligible to receive public assistance, including but not limited to Medicaid;

3. any other compelling circumstances that would result in placing an unreasonable financial burden on the surviving spouse and/or dependent.

An undue hardship does not exist if the circumstances giving rise to the hardship were created by, or are the result of estate planning methods under which assets were sheltered or divested in order to avoid estate recovery.

D. Dependent. By dependent is meant any of the following individuals for whom the decedent provided more than one-half of his or her support during the immediate 12 months prior to the death of the decedent: the decedent's:

a. son, daughter, step-son, step-daughter or a descendent thereof;

b. brother or sister, whether by blood or marriage, or a descendent thereof;

c. father, mother, step-mother, step-father, or sibling or ancestor thereof;

d. son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the decedent.

II. General Provisions

A. Medicaid estate recovery is not a condition of eligibility. The applicant/recipient shall be informed at the time of application/redetermination that federal law and regulations mandate estate recovery action by the states and that medical assistance claims paid by the Bureau of Health Services Financing may be subject to estate recovery.

B. Recovery Limitations

1. Recovery can only be made after death of the individual's surviving spouse, if any, and only at the time when the individual has no surviving child under age 21, or a child blind or disabled as defined in Section 1614 of the Social Security Act.

2. Recovery from home property can only be made when a) there is no sibling of the individual residing in the home, who has resided there for at least one year immediately before the date of the individual's admission to the institution, and has resided there on a continuous basis since that time, and b) there is no son or daughter of the individual residing in the home, who resided there for at least two years immediately before the date of individual's admission to the institution, has resided there on a continuous basis since that time, and is able to establish that he/she provided care which permitted the individual to reside at home rather than in an institution.

C. Recovery may be waived in cases in which it is not cost-effective for the state to recover from the individual's estate.

D. Recovery Notice. Individuals from whom recovery for medical assistance will be sought by the Bureau of Health Services Financing will be given advance notice of the proposed action and the time frames in which they have the opportunity to apply for an undue hardship waiver.

The notice will be served on the executor or legally authorized representative of the individual's estate. If there is no executor or legally authorized representative, the notice will be sent to the family or the heirs. The notice shall also specify the following information:

1. the affected recipient's name, Social Security Number and recipient number;

2. the action the state intends to take;

3. the reason for the action;

4. the individual's right to a hearing;

5. the method by which the individual may obtain such a hearing;

6. the time periods involved in requesting a hearing or in exercising any procedural requirements under the Medicaid Estate Recovery Program;

7. the right to and procedure for applying for a hardship waiver;

8. the dates of service associated with the recovery action and the amount of the bureau's claim, i.e., amount to be recovered against the recipient's estate.

The notice will request that the following information be provided to bureau:

1. copies of all state and federal estate tax returns prepared and/or filed in connection with the succession of the decedent;

2. copies of all succession pleadings filed in connection with the succession of the decedent, including any judgement or judgments of possession;

3. in the event no state or federal estate tax return has been filed or prepared and/no succession has been judicially opened, the bureau is to be advised as to when such documents will be available and/or when the succession is expected to be opened.

III. Administrative Review of Agency Decisions

Any aggrieved party may request that the agency review and reconsider any or all aspects of the particular recovery matter in which they are involved. This request must be made within 20 days of the receipt of the notice of the agency's claim for recovery. If such a request is timely made, the agency shall review the matter and shall review and consider any facts or documentation presented or forwarded to it in connection therewith. In addition to this informal reconsideration, any aggrieved party shall have the administrative appeal rights available pursuant to the Louisiana Administrative Procedure Act.

Interested persons may submit written comments to the following address: Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA. He is responsible for responding to inquires regarding this proposed rule.

A public hearing will be held on this matter at 9:30 a.m., on Tuesday February 27, 1996 in the first floor Auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing. The deadline for the receipt of all comments is 4:30 p.m. on the day following the public hearing.

Bobby P. Jindal
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medicaid Estate Recovery Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that there will be no significant fiscal impact for state fiscal year 1995-96 from this proposed rule. At this time it is not feasible to estimate the fiscal impact of this proposed rule for state fiscal years 1997 and 1998 due to the lack of essential data to make accurate fiscal projections. Such needed data would include the amount of the Medicaid expenditures that will be made for persons who will be subject to this rule and the value of their estate resources which may be recoverable under this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that there will be no change in federal revenue collections for SFY 1995-96 and it is not feasible to project changes for state fiscal years 1997 and 1998.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Heirs to the estates of Medicaid recipients who received specific Medicaid services at age 55 or over will be affected by the recovery of Medicaid payments from these estates.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Thomas D. Collins
Director
9601#057

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

Food Stamp Verification of Eligibility—Waiver
(LAC 67:III.1931)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part I, Subpart 3, Food Stamps.

Pursuant to United States Department of Agriculture, Food and Consumer Service Waiver #950082, the agency had been given approval to waive Federal Regulation 7 CFR 273.2 (h)(2) which requires that the state agency deny an application for food stamps on the thirtieth day when the household has failed to submit required verification. Food Stamp Program policy will therefore be revised to allow the agency under certain circumstances to deny an application after a period of 10 days from the date of the request for verification. This action will allow for more consistent and efficient administration of the program as the 10-day period corresponds to the verification period for Aid to Families with Dependent Children.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter B. Application Processing

S1931. Verification of Eligibility

* * *

C. The agency will require verification of necessary information within 10 days. Failure to provide such verification may result in rejection of the application unless the household has requested additional time in which to obtain the verification or assistance in obtaining the verification.

If the case is closed due to failure to submit required verification and the verification is subsequently provided within the initial 30-day period, the application will be reactivated retroactively to the date of application. If the verification is provided in the second 30-day period, the application will be reactivated and benefits will be prorated from the date the missing verification is provided.

AUTHORITY NOTE: Promulgated in accordance with F.R. 46:3194 et seq., 7 CFR 273.2, 7 CFR 273.3.c.(1)(ii).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 7:265 (May 1981), amended by the Department of Social Services, Office of Family Support, LR 22:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on February 27, 1996 in the Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, 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 Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (504) 342-4120 (Voice and TDD).

Gloria Bryant-Banks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Food Stamp Verification of
Eligibility—Waiver**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Since this represents only a policy change to take action after 10 days instead of 30 days, the only implementation cost to state government will be the cost of publishing the rule and the printing of policy revision for staff. There is no cost to local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None.

Howard L. Prejean
Assistant Secretary
9601#026

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Board of Registration for Professional
Engineers and Land Surveyors**

Temporary Permits (LAC 46:LXI.309)

In accordance with R.S. 49:950 et seq., notice is hereby given that the Board of Registration for Professional Engineers and Land Surveyors intends to revise LAC 46:LXI.309 as follows:

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXI. Professional Engineers and Land Surveyors

Subpart 1. Rules

**Chapter 3. Requirements for Certification and
Registration of Individuals and Temporary
Permit to Practice Engineering (Reference
Chapter 11. Curricula, Chapter 13.
Experience, and Chapter 15. Examinations)**

§309. Temporary Permit to Practice Engineering

A. A person who is not a resident of, and has no place of business in Louisiana may be granted a written temporary permit to practice professional engineering when such practice does not exceed 120 consecutive days in any calendar year, provided such person is legally qualified by registration to practice engineering in his/her own state, territory, or possession of the United States, or the District of Columbia, in which the requirements and the qualifications for obtaining

a certificate of registration are not lower than those specified in this Chapter and provided further that before beginning such temporary practice in this state, the person shall have applied to the board, paid the prescribed fee, and received a temporary permit, and upon the conclusion of such work, he/she shall advise the board as to the period of time that he/she has practiced in the state under such temporary permit.

B. The authority for the executive secretary to issue a temporary permit can only be granted by the board at a regular meeting. Such a permit will be issued for a period of 60 consecutive days. The fee for a temporary permit shall be equal to the fee paid by an applicant applying for registration as a professional engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:112 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:

A copy of the revisions of the rules is available for review by the public at the Louisiana State Board of Registration for Professional Engineers and Land Surveyors Office, 10500 Coursey Boulevard, Suite 107, Baton Rouge, LA 70816. Interested persons may call the office at (504) 295-8522 to make arrangements to review the bylaws. Written comments will be accepted through February 18, 1996.

Paul L. Landry, P.E.
Executive Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Temporary Permits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no estimated effects on competition and employment.

Paul L. Landry, P.E.
Executive Secretary
9601#027

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

Use of Seals (LAC 46:LXI.1701)

In accordance with the R.S. 49:950 et seq., notice is hereby given that the Board of Registration for Professional Engineers and Land Surveyors intends to revise LAC 46:LXI.Chapter 17 as follows.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors

Subpart 1. Rules

Chapter 17. Use of Seals

§1701. Seal and Signature

A. ...

B. The registrant shall affix his seal, sign his name, and place the date of execution on all engineering and surveying documents that have been issued by the registrant to a client or any public or governmental agency as completed work. A facsimile signature is not acceptable. Preliminary documents, so marked in large bold letters, shall contain a statement that the documents are not to be used for construction, bidding, recordation, conveyance, sales, or as the basis for the issuance of a permit. Preliminary documents are not required to have the registrant's seal and signature affixed, but must bear the name and registration number of the registrant, and the firm's name, if applicable. No seal, signature or date shall be required in any of the following situations:

1. on any sewage facility project in which the estimated project cost of the sewage facility, plus installation but not including cost of fencing, does not exceed \$5,000, as calculated by agency engineers reviewing the project;
2. on any water facility project in which the estimated project cost of the facility, including lines, pumps, water treatment work and installation, does not exceed \$5,000, as calculated by agency engineers reviewing the project; provided that such project does not cause a change in treatment, chemical addition, or any other process affecting either the quality or quantity of water being produced;
3. on any project for the construction of individual/private water wells;
4. on any project involving both water and sewage facilities, provided that the estimated project cost of each facility does not exceed \$5,000, as calculated by agency engineers reviewing the project;
5. in-kind replacement of water or sewage facilities in which the estimated project cost of the replacement does not exceed \$5,000, as calculated by agency engineers reviewing the project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:112 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:

A copy of the revisions of the rule is available for review by the public at the Louisiana State Board of Registration for Professional Engineers and Land Surveyors Office, 10500 Coursey Boulevard, Suite 107, Baton Rouge, LA 70816. Interested persons may call the office at (504) 295-8522 to make arrangements to review the rules. Written comments will be accepted through February 16, 1996.

Paul L. Landry, P.E.
Executive Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Use of Seals

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no estimated effects on competition and employment.

Paul L. Landry, P.E.
Executive Secretary
9601#015

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Managed Prescription Drug Benefits

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to adopt the following rule:

WHEREAS the health and welfare of the employees of the state of Louisiana and of the public school systems within the state is crucial to the delivery of vital services to the citizens of the state; and

WHEREAS the State Employees Group Benefits Program provides health and accident benefits for approximately 76,300 active and retire employees of the state of Louisiana and many school boards across the state, with over 155,000 total covered individuals; and

WHEREAS the plan for delivery of and payment for health care services to members of the State Employees Group Benefits Program can impact upon the availability of services necessary to maintain the health and welfare of the covered employees and their dependents; and

WHEREAS the Board of Trustees of the State Employees Group Benefits Program contracted for a managed prescription drug benefit program implemented on January 1, 1996, in order to improve the plan for delivery of and payment for outpatient prescription drug benefits; and

WHEREAS it is necessary to amend the Plan Document of Benefits for the State Employees Group Benefits Program in connection with the managed prescription drug benefit program; and

WHEREAS it is necessary to amend the Plan Document of Benefits for the State Employees Group Benefits Program in order to make changes with regard to lifetime maximum benefits and annual restoration thereof; and

WHEREAS it is necessary to amend the Plan Document of Benefits for the State Employees Group Benefits Program in order to clarify certain benefit limitations and exclusions in light of recent litigation;

NOW THEREFORE, the Board of Trustees of the State Employees Group Benefits Program intends to adopt the following amendments to the Plan Document of Benefits.

Amendment Number 1

Amend the SCHEDULE OF BENEFITS on pages 4 and 5 of the Plan Document in the following particulars:

A. Amend the Lifetime Maximum and Automatic Annual Restoration provisions on page 4 read as follows:

"Lifetime Maximum for all benefits except Outpatient Prescription Drug Benefits on and after January 1, 1996, per Person. . . \$750,000*

Automatic Annual Restoration for all benefits except Outpatient Prescription Drug Benefits on and after January 1, 1996. . . \$ 4,000*

Lifetime Maximum for all Outpatient Prescription Drug Benefits on and after January 1, 1996, per person (no Automatic Annual Restoration). . . \$250,000"

B. Add a new footnote on page 4, as follows, and redesignate the other footnotes on pages 4 and 5 accordingly:

"*Lifetime Maximum in excess of \$750,000 may be accumulated pursuant to the automatic annual restoration."

C. Under "Deductibles" on page 4, amend the prescription drug deductible provision to read as follows:

"Prescription drugs (in addition to and separate from calendar year deductible). . . \$150

(Not subject to family unit maximum or annual stoploss)"

D. Under "Percentage Payable after Satisfaction of Applicable Deductibles" on page 5, amend the prescription drug provision to read as follows:

"Prescription Drugs (subject to a minimum copayment of \$3 per prescription and not to exceed the brand name and generic maximum allowable charges) . . .90 percent (network), 50 percent non-network, in state, 80 percent non-network, out-of-state****"

E. Amend the redesignated footnote "****" on pages 4 and 5 to read as follows:

"*** A PPO provider or network pharmacy will be paid (after deductibles) at 90 percent of negotiated fee.

a. If the needed medical service is available from a PPO provider in the area where the service is to be performed and the covered person chooses not to use the preferred provider, or if a covered person receives an eligible prescription drug from a non-network in-state pharmacy, benefits will be paid at 50 percent (after deductibles) of negotiated fee.

b. If the needed medical service is not available from a PPO provider in the area where the service is to be performed, or if a covered person receives an eligible prescription drug from a non-network out-of-state pharmacy, benefits will be paid at 80 percent (after deductibles) of negotiated fee."

F. Amend item 4 in redesignated footnote "****" on page 5 to read as follows:

"**** ...4) expenses for prescription drugs (never eligible for 100 percent reimbursement)."

Amendment Number 2

Amend Article 1, Section I, Subsection P to read as follows:

"P. The term *PPO* as used herein shall mean a Preferred Provider Organization. A PPO is a medical provider such as a hospital, doctor or clinic who has entered into a contractual agreement with the Program to provide medical services to covered persons at a reduced or discounted price. In return, the Program has agreed to reimburse the PPO at an increased level of benefits.

With reference to outpatient prescription drug benefits only, the term *Network Pharmacy* as used herein shall mean a pharmacy which participates in a network established and maintained by a third-party prescription benefits management firm with which the Program has contracted to provide and adjudicate prescription drug benefits."

Amendment Number 3

Amend Article 3, Section I, Subsection C, Paragraphs 1, 2, and 4, and add a new Paragraph 5, to read as follows:

"C. Benefits for Eligible Medical Expenses

When disease, illness, accident or injury requires the covered person to incur any of the eligible expenses defined herein, ...

1. 50 percent of the first \$5,000 of eligible expenses incurred with non-PPO providers in an area where PPO contracts are in force and can provide the needed medical service;

2. 80 percent of the first \$5,000 of eligible expenses incurred in areas where no PPO contracts are in place or where PPO providers cannot provide the needed medical service;

3. ...

4. except for prescription drugs, 100 percent of eligible expenses in excess of \$5,000 for the remainder of the calendar year subject to the maximum amount as specified in the Schedule of Benefits; and

5. the percentage payable for eligible outpatient prescription drug expenses shall be determined in accordance with the provisions of Article 3, Section XI."

Amendment Number 4

Amend Article 3, Section I, Subsection E, to read as follows:

"E. Restoration of Comprehensive Medical Benefits

For all Comprehensive Medical Benefits under Article 3, Section I, other than Outpatient Prescription Drug benefits on and after January 1, 1996, the automatic annual restoration amount as stated in the Schedule of Benefits shall be restored by the Plan on each January 1."

Amendment Number 5

Amend Article 3, Section I, Subsection F, Preamble and Paragraphs 8, 9, 10, and 11, and add a new Paragraphs 36 and 37, to read as follows:

"F. Eligible Expenses

The following shall be considered eligible expenses except when related to or in connection with non-covered procedures as listed in Section VIII of this Article. These eligible expenses shall be subject to applicable limitations of the Fee Schedule and the Schedule of Benefits, under Comprehensive Medical Benefits when prescribed by a physician and medically necessary for the treatment of a covered person:

* * *

8. Subject to the provisions of Article 3, Section XI, and the limitations and deductibles specified in the Schedule of Benefits, drugs and medicine approved by the Food and Drug Administration or its successor, requiring a prescription, dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a covered person as an inpatient hospital patient or as an outpatient surgical patient, including insulin, Retin-A dispensed for covered persons under the age of 26, vitamin B12 injections, and prescription potassium chloride, but not including items listed in Article 3, Section VIII(W);

9. Over the counter diabetic supplies, subject to the provisions of Article 3, Section XI, and the limitations and deductibles for prescription drugs specified in the Schedule of Benefits;

10. Surgical supplies and medical supplies as listed below:

- Catheters - External and Internal
- Cervical Collar
- IV Connectors
- IV Tubing
- Kidney Dialysis Supplies
- Leg Bags for Urinal Drainage
- Ostomy Supplies
- Prosthetic Socks
- Prosthetic Sheath
- Sling (Arm or Wrist)
- Suction Catheter for Oral Evacuation
- Surgical Shoe (Following Foot Surgery Only);

11. Intravenous injections, solutions, and eligible related intravenous supplies, except in conjunction with home health care services;

* * *

36. Oxygen and equipment necessary for its administration; and

37. Services and supplies included in an approved treatment plan pursuant to the Case Management provisions in Section IV of this Article."

Amendment Number 6

Amend Article 3, Section VI, Subsection E, Paragraph 2, relative to outpatient benefits under the Catastrophic Illness Endorsement by deleting subparagraph c, relative to drugs and medicines, in its entirety and redesignating subparagraphs d and e as c and d, respectively.

Amendment Number 7

Amend Article 3, Section VIII, Subsections W and KK to read as follows:

"VIII. Exceptions and Exclusions for All Medical Benefits

No benefits are provided under this contract for:

* * *

W. Appetite suppressant drugs, dietary supplements, topical forms of Minoxidil, Retin-A dispensed for covered persons over age 26, nutritional or parenteral therapy, vitamins and minerals, and drugs available over the counter;

* * *

KK. Expenses for services rendered by a dentist or oral surgeon and any ancillary or related services, except for covered dental surgical procedures (Article 3, Section V), dental procedures which fall under the guidelines of Article 3, Section I(F)(15), procedures necessitated as a result of or secondary to cancer, or oral and maxillofacial surgeries which are shown to the satisfaction of the program to be medically necessary, non-dental, non-cosmetic procedures;"

* * *

Amendment Number 8

Amend Article 3, Section X, Subsection B, Paragraph 2 to read as follows:

2. If a non-PPO provider is used in an area where there are PPO providers of the same service, then the plan member is reimbursed 50 percent of the eligible expenses. If there is no PPO provider of the same service in the area where the service is provided, then the plan member is reimbursed 80 percent of eligible expenses. If services are received from a PPO, then services are reimbursed at 90 percent of the PPO rate with payments made to the PPO provider. These are all made subject to deductibles to the PPO provider. There is contractual assignment to every PPO provider."

Amendment Number 9

Amend Article 3, by adding a new Section XI to read as follows:

"XI. Prescription Drug Benefits

Effective January 1, 1996, outpatient prescription drug benefits are adjudicated by a third-party prescription benefits management firm with whom the Program has contracted. In addition to all provisions, exclusions and limitations relative to prescription drugs set forth elsewhere in this Plan Document, the following shall apply to expenses incurred for outpatient prescription drugs:

A. Upon presentation of the Group Benefits Program identification card at a network pharmacy, the plan member shall be responsible for payment of 10 percent of eligible charges for the drug, with a minimum copayment of \$3 per prescription, provided, however, that in no event will a combination of payments made by the prescription benefits management firm and the plan member exceed the actual charge by the pharmacy for the drug.

B. In the event the plan member does not present the Group Benefits Program identification card to the network pharmacy at the time of purchase, the plan member shall be responsible for full payment for the drug and must then file a claim with the prescription benefits management firm for reimbursement, which shall be limited to the rates established for non-network pharmacies.

C. In the event the plan member obtains a prescription drug from an in-state non-network pharmacy, benefits shall be limited to 50 percent and benefits for prescription drugs obtained from an out-of-state non-network pharmacy shall be limited to 80 percent. In either event, a plan member must submit a claim to the prescription benefits management firm in order to receive benefits.

D. Regardless of where the prescription drug is obtained, eligible expenses for single-source brand name drugs shall be limited to the prescription benefits management firm's maximum allowable charge and eligible expenses for generic drugs and for brand name drugs for which a generic equivalent is manufactured shall be limited to the prescription benefits management firm's generic maximum allowable charge.

E. Prescription drug dispensing and refills shall be limited in accordance with protocols established by the prescription benefits management firm, including the following limitations:

- 1. up to a 34-day supply of acute drugs may be dispensed at one time;
- 2. up to a 90-day supply of maintenance drugs may be dispensed at one time; and
- 3. refills will be available only after 75 percent of drugs previously dispensed should have been consumed.

F. The Board of Trustees reserves the authority to administratively adopt prior authorization and/or case management procedures governing the terms and conditions under which expenses for certain drugs are considered eligible."

Amendment Number 10

Amend Article 4, Section II to read as follows:

"II. Deadline for Filing Claims

A properly submitted claim for benefits as a result of any disease, illness, accident or injury must be received by the State Employees Group Benefits Program, or for outpatient prescription drug benefits, by the prescription benefits management firm, by 4:30 p.m., close of business, on June 30 next following the end of the calendar year in which the medical expenses were incurred. When June 30 is a non-work day, the deadline is automatically extended to 4:30 p.m. of the next regular workday. Each expense shall constitute a separate claim."

Amendment Number 11

Amend Article 4 by deleting Section IV, relative to filing claims for prescription drugs, in its entirety and redesignating Sections V through XVIII as IV through XVII, respectively.

Amendment Number 12

Amend Article 5, Section IV by adding a new subsection C to read as follows:

"IV. Request for Review

A plan member, affected by an initial determination, may appeal the determinations in the following manner:

C. The foregoing notwithstanding, an appeal from the disallowance of a claim relating to outpatient prescription drug benefits may not be filed until all review and appeal procedures available through the prescription benefits management firm have been exhausted. The appeal must be filed within 90 days of the prescription benefits management firm's final determination, a copy of which must be included with the request for appeal."

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Friday, February 23, 1996.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Managed Prescription Drug Benefits**

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

Implementation costs of this rule change will directly affect the State Employees Group Benefits Program. According to the program's consulting actuary, The Segal Company it is anticipated that the first year savings associated with this rule change will be between \$2,316,938 to \$2,074,448.

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

Revenue collections of state and local governmental units will not be affected by this rule change.

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

The directly affected persons will be the plan members of the State Employees Group Benefits Program. Effective January 1, 1996 all prescription drug claims will be managed by a prescription benefits manager and all claims will be adjudicated on-line at the point of sale. In addition, an additional \$250,000 lifetime maximum benefit has been established for prescription drugs effective January 1, 1996. The medical benefits lifetime maximum will now be subject to an automatic restoration in the full amount of \$4,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James R. Plaisance
Executive Director
9601#059

Richard England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Treasury
Board of Trustees of the State
Employees' Retirement System**

Codification and Amendment of
Rules (LAC 58:I.Chapters 1-29)

The Department of the Treasury, Board of Trustees of the State Employees' Retirement System ("LASERS") advertises

its intent to amend its rules revising LAC 58:I.Chapters 1-29. These rule amendments will codify existing rules into the Louisiana Administrative Code and make other updates.

These rules comply with statutory law administered by LASERS and are enabled by LSA-R.S. 11:515.

The rules may be viewed in their entirety at the Louisiana Retirement Systems Building at the address below or at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA.

Interested persons may also submit written opinions, suggestions or data through February 29, 1996 to Kevin Torres, State Employees' Retirement System, 8401 United Plaza Boulevard, First Floor, Baton Rouge, LA 70809.

No preamble regarding these proposed rules is available.

James O. Wood
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Codification and Amendment of Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs or savings to state or local governmental units are anticipated to result from the proposed rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections of state or local governmental units is anticipated to result from implementation of the proposed rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Because most of the proposed rules are merely being repromulgated in a codified format, no costs or economic benefits to directly affected persons are anticipated to result from the proposed rule implementation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is anticipated to result from the implementation of the proposed rules.

James O. Wood
Executive Director
9601#031

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Treasury Board of Trustees of the Teachers' Retirement System

Retirees Returning to Work at Charter Schools (LAC 58:III)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of

Trustees of Teachers' Retirement System of Louisiana (TRSL) approved the following policy governing retired members of TRSL who return to work at a charter school.

Title 58

RETIREMENT

Part III. Teachers' Retirement System

Retirees Returning to Work at Charter Schools

A. Any retiree receiving a retirement benefit from Teachers Retirement System of Louisiana (TRSL), who subsequently returns to work at a school chartered under the provisions of R.S. 17:3971-3982, shall be governed by the return-to-work provisions contained in R.S. 11:707, 737, 738, 739, 780.1, 783(A) or 791, whichever is applicable.

B. Local school systems granting charters will be responsible for reporting to TRSL, in accordance with R.S. 11:707, the employment of any TRSL retiree by the charter school. Failure to report this information will result in penalties assessed in accordance with R.S. 11:737.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3971 - 3982 and R.S. 11:707, 737, 738, 739, 780.1, 783(A) and 791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of Teachers' Retirement System of Louisiana, LR 22:

Interested persons may comment in writing on the proposed rule until 4:30 p.m., March 31, 1996, at the following address: Graig A. Luscombe, Assistant Director, Teachers' Retirement System of Louisiana, Box 94123, Baton Rouge, LA 70804-9123.

James P. Hadley, Jr.
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Retirees Returning to Work at Charter Schools

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings to state or local governmental units as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units as a result of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to directly affected persons or nongovernmental groups. Retirees working at charter schools will be treated like all other retirees who return to work in the field of education.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment as a result of this rule.

James P. Hadley, Jr.
Director
9601#058

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Treasury
Housing Finance Agency**

**HOME Affordable Rental Housing Program
(LAC 16:II.105)**

In accordance with R.S. 49:51 et seq., the Louisiana Housing Finance Agency is proposing to adopt the following rule amending the regulations governing the criteria used to award HOME Funds to Affordable Rental Housing Projects.

The purpose of the amendment is to increase the categories in which the projects may be awarded points toward selection for the award of HOME Funds.

Title 16

COMMUNITY AFFAIRS

Part II. Housing Finance Agency

Chapter 1. HOME Investment Partnership Program

§105. Selection Criteria to Award HOME Funds for Affordable Rental Housing

Applications for HOME Funds will be rated in accordance with the selection criteria (Appendix IX) for which the applicant must initially indicate that the project qualifies.

Appendix IX

The applicant hereby requests priority consideration based upon the project satisfying one or more of the following conditions (minimum threshold of 100 points required):

Points

(A) Leverage Ratio for Each HOME Dollar	
Minimum Other Dollars	
\$1	5 _____
\$2	10 _____
\$3	15 _____
\$4	20 _____
\$5	25 _____
\$6	30 _____
\$7	35 _____
\$8	40 _____

(B) Project to Construct or Rehabilitate Substandard Housing Units to Minimum Quality Standards with Total funds Per Unit Not Exceeding:	
\$ 2,500	25 _____
\$ 5,000	20 _____
\$ 7,500	15 _____
\$10,000	10 _____
\$15,000	7 _____
\$20,000	5 _____
\$25,000	2 _____

(C) Project to Rehabilitate Housing Units of Historic or Architectural Significance 25 _____

(D) Project to Rehabilitate or Create Housing Units Serving Special Needs Groups

- (Check one or more):
- Elderly/Handicapped _____
 - Homeless _____
 - Physically Disabled _____
 - Mentally Disabled _____

- HIV/AIDS _____
- (i) 100 percent of units serve or 50 units serve special needs group 50 _____
- (ii) 50 percent or 25 units serve special needs group 25 _____
- (iii) 25 percent or 15 units serve special needs group 15 _____
- (E) Project Serves Large Families Percentage of Units having Four or more Bedrooms _____
- (i) 5 percent but less than 10 percent 5 _____
- (ii) 10 percent but less than 15 percent 10 _____
- (iii) 15 percent but less than 20 percent 15 _____
- (F) Project Promotes Cooperative Housing 25 _____
- (G) Project to Establish Lease-Purchase Turnkey Program _____
- (H) Project to Provide Supportive Services (attach description of supportive services to be provided and identify source of funding) 25 _____
- (I) Minority/Women Participation (check only one) * _____
- Managing general partner of applicant or applicant is at least 51 percent owned by one or more minority individuals 25 _____
- Managing general partner of applicant or applicant is at least 30 percent owned by one or more minority individuals 15 _____
- Managing general partner of applicant or applicant is at least 10 percent owned by one or more minority individuals 10 _____
- Managing general partner of applicant or applicant is at least 51 percent owned by one or more women individuals 25 _____
- Managing general partner of applicant or applicant is at least 30 percent owned by one or more women individuals 15 _____
- Managing general partner of applicant or applicant is at least 10 percent owned by one or more women individuals 10 _____

*Taxpayer must provide documentary evidence that managing general partner is either (i) ethnic minority or woman or (ii) owned by ethnic minority or women in a percentage which is at least 51 percent. Documentary evidence consists of (a) articles of partnership of owner, (b) identification of managing general partner, (c) certification of an individual serving as managing general partner that such individual is a woman or ethnic minority (including category of such ethnic minority), and (d) documentary proof if managing general partner is other than an individual that at least 51 percent of ownership interest of managing general partner consist of individuals executing certifications referred to in (c) above.

TOTAL _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:600.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Housing Finance Agency, LR 19:908 (July 1993), LR 21:959 (September 1995), amended LR 22:

Any interested person may submit written comments regarding the contents of the proposed rule to V. Jean Butler, President, Louisiana Housing Finance Agency, 200 Lafayette Street, Third Floor, Baton Rouge, LA 70802. All comments must be received no later than 4:30 p.m., February 19, 1996.

V. Jean Butler
President

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: HOME Affordable Housing Rental Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is not anticipated that this change will have measurable impact to state agency fiscal operations.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There should be no effect on revenue collections for state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Low and very low income large families will be indirectly affected by the increased number of three and four bedroom units and the creation of projects providing supportive services to tenants.
Nonprofit and for-profit developers of multi-family housing will be directly affected by the inclusion of additional selection criteria though no workload adjustments or additional paperwork will be required.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No significant effect of this proposed rule on competition and employment is anticipated.

V. Jean Butler
President
9601#061

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

**Commercial Fisherman's Sales Report Form
(LAC 76:VII.203)**

The secretary of the Department of Wildlife and Fisheries hereby expresses intent to amend the full implementation date of the Commercial Fisherman's Sales Report Forms from January 1, 1996 to January 1, 1998.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 2. General Provisions

§203. Commercial Fisherman's Sales Report Form

D. The effective date of this Section is January 1, 1998.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:345(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:82 (January 1992), repromulgated LR 18:198 (February 1992), amended LR 20:323 (March 1994), amended by the Office of Fisheries, LR 21:477 (May 1995), LR 22:

Interested persons may submit written comments on the proposed rule to the following address before February 28, 1996: Joseph Shepard, Programs Manager, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Joe L. Herring
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Commercial Fisherman's Sales Report Form**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs for fiscal year 95/96 are expected to be approximately \$10,400. The proposed action extending the implementation date to fiscal year 97/98 will delay an increase in cost until FY 97/98.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There should be no effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There should be no effect.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be no effect.

Fredrick J. Prejean, Sr.
Undersecretary
9601#072

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

Dealer Receipt Form (LAC 76:VII.201)

The secretary of the Department of Wildlife and Fisheries hereby expresses intent to amend the full implementation date of the Dealer Receipt Forms from January 1, 1996 to January 1, 1998.

**Title 76
WILDLIFE AND FISHERIES**

Part VII. Fish and Other Aquatic Life

Chapter 2. General Provisions

**§201. Commercial Fisherman's Sales Card; Dealer
Receipt Form**

* * *

F. Effective date of Subsections A and B of this Section is upon publication in the *Louisiana Register*. Effective date for Subsections C, D and E of this Section will be January 1, 1998.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:303.7 and 306.4(E).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:81 (January 1992), repromulgated LR 18:198 (February 1992), amended LR 20:323 (March 1994), amended by the Office of Fisheries, LR 21:477 (May 1995), LR 22:

Interested persons may submit written comments on the proposed rule to the following address before February 28, 1996: Joseph Shepard, Programs Manager, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Joe L. Herring
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Dealer Receipt Form**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs for fiscal year 95/96 are expected to be approximately \$534,701. The proposed action extending the implementation date to fiscal year 97/98 will delay an increase in cost until FY 97/98.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There should be no effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There should be no effect.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be no effect.

Fredrick J. Prejean, Sr.
Undersecretary
9601#073

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Eagle Lake Black Bass (LAC 76:VII.169)

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following rule on black bass

(*Micropterus spp.*) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana.

**Title 76
WILDLIFE AND FISHERIES**

Part VII. Fish and Other Aquatic Life

**Chapter 1. Freshwater Sports and Commercial Fishing
§169. Black Bass Regulations, Eagle Lake**

The size regulation for black bass (*Micropterus spp.*) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana is as follows:

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 14 inches total length on Eagle Lake, located east of the Mississippi River in Madison Parish, Louisiana. This rule will expire at midnight, December 31, 1998.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325(C), 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:909 (July 1993), amended LR 21:477 (May 1995), LR 22:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the amended rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, no later than 4:30 p.m., Monday, March 4, 1996.

Perry Gisclair
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Eagle Lake Black Bass**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using existing staff. Madison Parish Enforcement Agents are presently employed to patrol Eagle Lake as part of their duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule will effect no changes in estimated costs and/or economic benefits to directly affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no immediate effect on competition and employment in this state.

Fredrick J. Prejean, Sr.
Undersecretary
9601#071

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Freshwater Mussel Harvest (LAC 76:VII.161)

The secretary of the Department of Wildlife and Fisheries does hereby give notice of the intent to amend a rule to establish freshwater mussel harvest regulations.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§161. Freshwater Mussel Harvest

A. Permits

1. In addition to a commercial fishing license, all mussel harvesters must obtain a mussel harvester's permit issued by the department prior to initiation of harvesting. No person shall harvest or participate in the harvest of freshwater mussels unless that person is in possession of proper licenses and permits.

2. The secretary of the department shall have the authority to limit the number of mussel harvester permits, cease issuance of new permits, or close the season entirely if it is deemed necessary to protect the mussel resource.

3. In addition to a wholesale/retail dealer's license, all mussel buyers must obtain a mussel buyer's permit issued by the department. The buyer shall file a surety bond by a surety company licensed to do business in this state in the sum of \$5,000 with the department at the time of license purchase. Bond shall be forfeited if buyer fails to adhere to all rules and regulations and reporting requirements.

4. Mussel harvester and buyer permits shall not be issued to any applicant who has been convicted of any mussel-related offense in any state within the United States within the past five years.

B. Fees

1. An annual permit fee of \$100 for resident mussel fishermen and \$1,000 for nonresident mussel fishermen will accompany the permit application. These fees will be applicable for one calendar year. If the permit application is disapproved, the fees will be refunded to the applicant.

2. An annual permit fee of \$150 for resident mussel buyers and \$600 for nonresident mussel buyers will accompany the permit application. These fees will be applicable for one calendar year. If the permit application is disapproved, the fees will be refunded to the applicant.

C. Gear

1. Mussels shall be harvested by hand only, with or

without underwater breathing apparatus. All divers must display a proper dive flag. Mussel harvest activities shall not impede boating activities or navigation.

2. A mussel harvester on state waters, and in possession of mussel harvesting gear, must be properly licensed and permitted. All persons aboard any vessel possessing mussel harvesting gear in state waters must be properly licensed and permitted.

D. Species for Harvest

1. Only the following taxa may be legally harvested:

washboard	<i>Megaolonaia nervosa</i>
pimpleback	<i>Quadrula spp.</i>
three ridge	<i>Amblema plicata</i>
bleufer	<i>Potamilus (Proptera) purpuratus</i>
Asian clam	<i>Corbicula fluminea</i>

2. Only specimens equal to or larger than the following minimum sizes shall be harvested:

washboard	4 inches
three ridge and bleufer	3 inches
pimpleback	2 3/4 inches
Asian clam	no size limit

Minimum size will be measured by passing the specimen through a ring or appropriate circular measuring device so designed as to allow undersized mussels to pass through the opening. There is no allowance for undersized shell. All mussels must be sized (graded) immediately after each dive and undersized shell returned to the mussel bed before the harvester moves his boat or begins another dive. All sacked mussels shall be removed from the water daily during daylight hours only.

3. The zebra mussel (*Dreissena polymorpha*), an introduced nuisance aquatic species, has the potential to severely clog industrial and public water intakes, deplete nutrients and consume huge amounts of dissolved oxygen in state waterbodies, and potentially decimate endemic freshwater mussel populations. Therefore, the Department of Wildlife and Fisheries strongly encourages actions to prevent the spread of zebra mussels.

E. Timing of Harvest

1. Mussels may be harvested from May 20 through October 31 between official sunrise and official sunset; except that harvest of mussels will be closed on national holidays and Saturdays and Sundays of each week.

2. Possession of mussels between official sunset and official sunrise in any state waterbody is prohibited.

F. Areas Open to Harvest

1. Unless otherwise stated, all publicly owned water bottoms in Louisiana outside of officially recognized saltwater areas (R.S. 56:322(A) and 322(B)) are open to harvest.

2. Because of the presence of threatened or endangered species of mussels, mussel harvest and possession of mussels is prohibited in the following areas:

a. Amite River and any tributary within one-half mile of the main channel of the Amite River from the junction with Bayou Manchac to the Mississippi state line;

b. all of Rapides and Grant Parishes, including all boundary waters of both parishes, except the main channel of the Red River;

c. Bayou Bartholomew and any tributary within one-half mile of the main channel of Bayou Bartholomew in

Morehouse Parish, from the Arkansas-Louisiana state line to its confluence with the Ouachita River;

d. Rodney Lake (Tensas Parish).

3. Other areas closed to commercial mussel harvest include:

a. Tensas National Wildlife Refuge, including all border waters.

b. Cocodrie Bayou National Wildlife Refuge including all border waters.

c. Fort Polk Military Reservation.

d. Peason Ridge Military Reservation.

e. Bayou Macon and any tributary within one-half mile of Bayou Macon from La. Highway 2 north to the Louisiana/Arkansas state line.

f. Lake Bruin

g. Additional areas may be closed by the secretary of the department if deemed necessary to protect local mussel populations.

h. Permits issued by the Wildlife Division are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou Wildlife Management Areas (WMA's). Commercial fishing is prohibited on Salvador and Ouachita WMA's.

G. Reporting

1. Commercial mussel buyers must compute and pay a severance tax of 5 percent of the revenue derived from the sale of whole freshwater mussels on forms furnished by the Department of Wildlife and Fisheries (R.S. 56:450(A) and (C) and 56:451 and 452). Mussel buyers will ensure that severance tax forms are filled out completely prior to submission to the department; failure to do so will result in a Class 3 violation and revocation of mussel buyers permits. Buyers must retain such receipts for inspection by the department for a period of not less than two years. Written notification of changes and reporting requirements sent by the department to commercial buyers shall become part of the buyer's permit and must be maintained by the buyer along with the permit. Shipping bills of lading must also accompany severance tax receipts and payments each month. All severance tax report forms and payments must be received by the department no later than the fifteenth day of the month following the month of severance.

2. Harvesters are required to submit monthly reports on forms furnished by the department. These reports are due no later than the fifteenth day of the month following the month of harvest. Failure to report will result in a Class 3 violation and revocation of the mussel harvesters permits.

3. Mussel buyers must contact the department either in the region where they will be conducting buying operations, or at the department's toll-free telephone number, and provide information as to which site these operations are to be set up. This notification is to be made on the day previous to setting up these operations. The buyer must also notify the department within 24 hours when buying activities at that location have been completed. Mussel buyers may not conduct buying activities outside of designated and/or approved sites.

4. Mussel buyers are limited to setting up buying operations at department approved sites in or nearby to these cities:

- a. Bogalusa
- b. Columbia
- c. Coushatta
- d. Delhi
- e. Kinder
- f. Ferriday
- g. Leesville
- h. Livingston
- i. Minden
- j. Port Barre
- k. Ramah
- l. Simmesport
- m. Tioga

Additional buyer's sites may be set up at department discretion to facilitate harvest.

H. Special Restrictions

1. Meats shall not be used or sold for human consumption.

2. Mussels shall be transferred whole (unopened with meat) from the collection site directly to an in-state buyer for processing. Whole mussels may not be taken out of state. The harvest of dead shell is strictly prohibited.

3. Buyer must open mussels and render meats unsuitable for human consumption in state, then dispose of meats as per Department of Environmental Quality regulations for disposal of solid waste.

4. Mussel buyers in the act of transporting mussels in-state must have legibly printed letters stating "MUSSELS" no less than 4 inches in height on both sides of all transport vehicles and vessels.

5. Mussels or shells collected outside of Louisiana by a resident or nonresident mussel harvester shall not be sold in Louisiana. Mussel buyers shall not purchase or possess mussels or shells taken from waters outside of Louisiana.

1. Penalties. Failure to abide by the above rules shall result in revocation of permit and forfeiture of future permits for a five-year period after which issuance or denial of a permit will be at the discretion of the secretary of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:450.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 19:510 (April 1993), amended LR 21:193 (February 1995), LR 22:

Interested persons may submit written comments on the proposed rule to Bennie Fontenot, Jr., Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Friday, March 1, 1996.

Joe L. Herring
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Freshwater Mussel Harvest**

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

The amended rule will have no implementation costs. Enforcement of the proposed rule and administration of permits will be carried out using existing staff.

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

Estimates of revenues generated by sales of license and permits have been previously generated with publication of the latest amended rule (LR 21:193, February 1995). Additional areas closed to mussel harvest could decrease severance tax revenues on a short-term basis by approximately 5 percent.

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

A small number of mussel harvesters may be directly affected by the proposed action. Closure of additional state waterbodies to mussel harvesting activities may cause some individuals who have concentrated their efforts in those closed areas to redirect their efforts elsewhere. Costs associated with searching for new harvesting areas may increase by an indeterminate amount under the proposed action. No other additional changes are anticipated in workload adjustments or additional paperwork from the proposed action. Those individuals who may experience increases in costs due to additional state waterbody closures may also experience a decrease in short-term income due to the increase in costs associated with searching for new harvest areas.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant changes in competition and employment in the public or private sector is anticipated by the proposed action.

Fredrick J. Prejean, Sr.
Undersecretary
9601#070

David W. Hood
Senior Fiscal Analyst

XXIII.13140	Amended	Sep 927	
XXIII.13144	Adopted	Sep 928	
XXIII.13157	Amended	Sep 929	
XXV.14113,14135	Amended	Sep 930	
XXV.14153	Amended	Jul 671	
XXIX.1511	Amended	Jun 548	
XXXIX.20101	Amended	Sep 930	
XXXIX.20101	Repromulgated	Oct 1069	
XXXIX.20301	Amended	Jul 671	
XXXIX.Chapter 209	Adopted	Jul 670	
XXXIX.21101	Adopted	Dec 1328	
10	I.201	Amended	Oct 1069
	I.309	Adopted	Nov 1217
	I.501	Adopted	Nov 1215
	I.527	Adopted	Nov 1219
	III.545	Amended	Jul 675
	VII.301-343	Amended	Oct 1069
	VII.Chapter 5	Amended	Oct 1070
	XV.1133	Repealed	Nov 1219
13	I.201	Adopted	Mar 258
16	II.101,105	Amended	Sep 959
	III.501-515	Amended	Sep 950
19	VII.Subpart 5	Adopted	Jul 672
22	III.5301	Adopted	Jun 566
28	I.105	Amended	Jun 550
	I.903	Amended	Sep 934
	I.906	Amended	Nov 1220
	I.913	Amended	Aug 780
	I.915	Amended	Feb 163
	I.915	Amended	Mar 259
	I.917	Amended	Jul 676
	I.919	Amended	Jun 552
	I.929	Adopted	Mar 260
	I.943	Amended	May 463
	I.952	Adopted	Feb 167
	I.1515	Amended	Mar 259
	I.1521	Amended	Jul 676
	I.1523	Amended	Feb 168
	I.1523	Amended	May 464
	I.1527	Amended	Jul 677
	I.1709	Amended	Dec 1329
	I.1710	Adopted	Jun 549
	IX.103,105,301-327	Amended	Feb 168

31	II.601,603,605	Adopted	Mar 262
33	I.Chapter 3	Adopted	Jun 555
	I.3931	Amended	Sep 943
	III.111	Amended	Oct 1081
	III.217	Amended	Aug 781
	III.223	Amended	Jan 22
	III.223	Amended	Aug 782
	III.223	Amended	Sep 942
	III.223	Amended	Nov 1236
	III.223	Repromulgated	Oct 1079
	III.504	Amended	Dec 1332
	III.505	Amended	Jul 678
	III.509	Amended	Feb 170
	III.615	Amended	Jul 681
	III.701	Amended	Oct 1081

**CUMULATIVE ADMINISTRATIVE CODE UPDATE
January - December, 1995**

LAC Title	Part.Section	Effect	Location LR 21 Month Page
4	VII.Chapter 9	Amended	Aug 801
	VII.929,931	Repealed	Oct 1082
	VII.957	Adopted	Sep 945
7	XV.Chapter 99	Adopted	Jan 17
	XV.9921	Amended	Jul 669
	XXIII.13139	Amended	Jul 668
	XXIII.13123	Amended	Sep 928

	III.907	Repealed	Sep 935	43	I.101*	Adopted	Feb 182
	III.1101,1109	Amended	Oct 1081		I.Chapter 7	Amended	Aug 835
	III.1303	Amended	Oct 1081		I.Chapter 15	Amended	Sep 956
	III.Chapter 19	Adopted	Nov 1224		1.1901	Repromulgated	Mar 273
	III.2103	Amended	Nov 1223		1.Chap.19-29**	Adopted	Apr 397
	III.2103	Repromulgated	Dec 1333		1.Chap.21-31	Repromulgated	May 471
	III.2116	Amended	Sep 941		XI.133	Amended	Aug 824
	III.2117	Amended	Jul 681		XIII.Chap.1-29	Amended	Aug 821
	III.2117	Amended	Dec 1330		XIII.1112	Adopted	Aug 821
	III.2120	Amended	Jan 23		XIII.2718	Adopted	Aug 823
	III.2120	Repealed	Jul 683		XIII.2929,2933,2937	Repealed	Aug 824
	III.2121	Amended	Dec 1330		XIII.2936	Adopted	Aug 824
	III.2133	Amended	Jun 552		XIII.Chapter 31	Amended	Aug 826
	III.2147-2151	Adopted	Apr 380		XIII.3111	Repromulgated	Sep 955
	III.2153	Adopted	Sep 936		XIII.Chapter 33	Adopted	Aug 828
	III.2201,2203,2205	Repealed	Jul 681		XV.5423	Amended	Oct 1083
	III.2511	Amended	Oct 1081		XIX.701-707	Amended	Nov 1249
	III.Chapter 31	Amended	Mar 263		XIX.Chapter 29	Amended	Oct 1085
	III.3113	Amended	Aug 781		XIX.3101-3105	Amended	Oct 1083
	III.3125	Amended	Jul 682				
	III.3140	Repromulgated	Apr 379	46	XXI.317	Amended	Sep 931
	III.3261-3266	Amended	Apr 371		XXI.513,515,517	Adopted	Jan 21
	III.3265,3266	Repromulgated	May 464		XXI.611	Adopted	Sep 932
	III.3267,3268	Adopted	Apr 377		XXI.1101	Adopted	Jun 548
	III.3301	Amended	Jul 682		XXV.119	Amended	Feb 174
	III.5105	Amended	Apr 370		XXIX.Chapter 5	Adopted	Nov 1214
	III.5112,5115	Amended	Dec 1331		XXXIII.105	Adopted	Jun 571
	III.Chapter 60	Amended	Apr 370		XXXIII.301	Amended	Jun 567
	V.Chapters 1-49	Amended	Mar 266		XXXIII.306	Amended	Jun 571
	V.Chapters 1-49	Amended	Sep 944		XXXIII.310	Adopted	Jun 573
	V.303	Amended	Jun 564		XXXIII.502	Amended	Jun 569
	V.Chapter 7	Amended	Jun 564		XXXIII.706	Amended	Jun 570
	V.Chapters 11-51	Amended	Mar 267		XXXIII.Chapter 12	Amended	Jun 572
	V.Chapter 301	Amended	Aug 814		XXXIII.Chapter 16	Amended	Jun 569
	V.1519,Chapter 22	Amended	Dec 1334		XXXVII.701	Amended	Nov 1237
	IX.711	Amended	Sep 945		XXXVII.709	Repromulgated	Feb 175
	IX.1123	Amended	Jul 683		XXXVII.1101,1103	Amended	Nov 1237
	IX.1309,1319	Amended	Aug 798		XLV.125	Amended	May 467
	IX.Chapter 23	Adopted	Sep 945		XLV.125-131	Amended	Nov 1238
	XIII.1305	Repromulgated	Aug 796		XLV.411	Adopted	May 467
	XIII.1309,1313	Amended	Aug 797		XLVII.901	Amended	Nov 1244
	XIII.1311	Repromulgated	Aug 797		XLVII.937	Amended	Jul 684
	XV.341	Adopted	Jun 554		XLVII.937	Amended	Jul 684
	XV.Ch 25, Apndx A	Amended	Sep 944		XLVII.3331	Amended	Mar 271
	XV.550,777	Amended	Jun 554		XLVII.3349	Amended	Jun 574
	XV.1401-1420	Amended	Jan 24		XLVII.3349,3351	Amended	Aug 804
	XV.2051	Amended	Jun 555		XLVII.3356	Amended	Mar 267
	XV.2510,2512	Amended	Aug 791		XLVII.3356	Repromulgated	Aug 804
	XV.2513	Adopted	Aug 792		XLVII.Chapter 34	Adopted	Mar 269
					XLVII.3539	Amended	Aug 803
					XLVII.3542	Adopted	Aug 803
34	I.Chapters 3-27	Amended	Jun 566		XLIX.701	Repromulgated	Feb 175
					XLIX.1601,1603	Adopted	Oct 1082
37	III.505	Amended	Apr 393		LI.101-105,109	Repromulgated	Nov 1239
					LI.107	Amended	Nov 1239
40	I.1106	Amended	Mar 272		LI.111	Adopted	Nov 1240
	I.1113	Amended	Aug 814		LI.301,Chapter 5	Amended	Nov 1240
	I.1123-1129	Adopted	Jan 36		LI.701	Repromulgated	Nov 1242
	I.1131	Adopted	Mar 272		LIV.Chap.1,3,5	Amended	Apr 394
	XI.Chapter 24	Committee Report	Feb 235		LIV.Chapters 1,3	Amended	Nov 1243
	XVII.Chapters 1-49	Amend/Repeal	Dec 1339		LV.Chapters 1-9	Amended	Dec 1348
					LVII.731	Adopted	Jun 582
42	I.1789	Amended	May 472		LX.705	Amended	May 465
	XI.Chapter 24	Amended	Jun 582		LXI.Chapter 27	Amended	Dec 1353
	XIII.109	Amended	Jul 703		LXIII.Chapter 21	Adopted	Dec 1335
	XIII.Chapters 17-23	Amended	Jul 702		LXV.Chapter 1	Amended	Feb 159
	XIII.Chapters 25-45	Adopted	Jul 702		LXV.Chapters 3,5	Repealed	Feb 162

	LXVI.Chapter 12	Adopted	Feb 178
	LXVII.705	Repealed	Nov 1220
	LXVII.2101-2105	Amended	May 461
	LXVII.2107	Repealed	May 461
	LXVII.4707	Amended	May 460
	LXVII.4707	Repromulgated	Sep 932
	LXXXV.501	Amended	Nov 1244
	LXVII.10305	Amended	Nov 1220
48	I.Chapter 18	Adopted	Apr 401
	I.2339-2345	Amended	May 469
	I.2347	Amended	Jul 700
	I.2432-2436	Adopted	May 471
	I.2440,2442	Adopted	Jul 701
	I.Chapter 41	Amended	Nov 1256
	I.Chapter 89	Adopted	Nov 1260
	I.Chapter 91	Adopted	Feb 177
	I.Chapter 93	Adopted	Feb 177
	I.12501-12503	Repeal/Reprom.	Aug 806
	III.901	Adopted	May 468
	IX.107	Repromulgated	Aug 805
	IX.Chapter 1	Amended	Jul 685
	IX.Chapter 9	Adopted	Jul 694
55	III.129-141	Adopted	Feb 182
	III.701	Adopted	Feb 184
	IX.113	Amended	Jul 701
	IX.1549-1551	Repealed	Jul 701
	IX.1553-1611	Repealed	Jul 702
58	Part III.	Adopted	May 473
	Part III.	Amended	Nov 1266
	Part III.	Amended	Nov 1267
61	I.4301	Amended	Sep 957
	I.4373	Adopted	Feb 185
	I.4408	Amended	Apr 401
	V.Chapters 3-31	Amended	Feb 186
67	I.101	Amended	Jun 589
	I.103,105,107	Amended	Aug 838
	III.201	Amended	Mar 273
	III.201	Amended	Sep 958
	III.Chapter 19	Amended	Feb 186
	III.1981	Adopted	Sep 958
	III.4701,4702	Amended	Apr 402
	III.4702	Amended	Aug 837
	V.203	Adopted	Aug 836
	V.401	Adopted	Dec 1353
	V.1103	Amended	Jun 583
	VII.101	Repromulgated	Feb 189
	VII.101	Repromulgated	Feb 191
	VII.101	Amended	May 473
	VII.101	Amended	Aug 837
	VII.303,313	Amended	Jun 589
	VII.1127,1129	Amended	Nov 1251
	VII.1301	Amended	Aug 838
	VII.Chapter 17	Adopted	Jun 583
	VII.1901-1927	Adopted	Nov 1252
70	III.Chapter 3	Amended	Jun 590
	III.1701-1705	Adopted	Jul 706
71	I.Subpart 2	Adopted	May 474
73	III.301	Amended	Jul 706

76	III.109	Adopted	Nov 1268
	III.323	Adopted	Feb 194
	V.107	Amended	Dec 1355
	V.115	Adopted	Dec 1356
	VII.161	Amended	Feb 193
	VII.165	Amended	Sep 960
	VII.169	Amended	May 477
	VII.177	Adopted	Sep 961
	VII.179	Adopted	Sep 960
	VII.201	Amended	May 477
	VII.203	Amended	May 477
	VII.335	Amended	Nov 1267
	VII.343	Amended	Jan 37
	VII.513	Adopted	Jul 707
	VII.903	Amended	Jun 594

* incorrect codification--see §1901, March 1995

** incorrect codification--see Chap.21-29, May 1995

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Department of Environmental Quality Office of Air Quality and Radiation Protection Air Quality Division

Permit Procedures Implementation (LAC 33:III.507)

On September 12, 1995, the United States Environmental Protection Agency (EPA) granted final full approval to the Louisiana Operating Permits Program under Title V of the federal Clean Air Act Amendments of 1990 and 40 CFR Part 70. That approval rendered effective certain provisions of LAC 33:III.Chapter 5, Permit Procedures, in particular Section 507, Part 70 Operating Permits Program. Implementation of the operating permits program will require permit applications to be submitted by all major sources of regulated air pollutants in the state. Several questions regarding implementation of the program have been raised, and are being addressed by this notice.

Permitting of Research and Development (R&D) Facilities

Section 501.B.7 of Chapter 5 provides that a research and development facility may be considered a separate source provided that the facility has a different two-digit Standard Industrial Classification (SIC) code from, and is not a support facility of, the source with which it is co-located. Recent EPA guidance, July 10, 1995, clarifies that EPA expects R&D facilities will generally be exempt from Part 70 requirements as independent, nonmajor sources. Proposed EPA revisions to Part 70, August 31, 1995, further clarify that R&D facilities by definition shall be treated as belonging to a separate industrial classification. The Office of Air Quality and Radiation Protection concurs with the EPA regarding classification of R&D facilities. Under §501.B.7, such facilities will be considered as belonging to a distinct

industrial classification consistent with federal guidance, and as such may qualify as a separate facility from the co-located source.

Speciation of Hazardous Air Pollutant Emissions from Combustion Sources

Chapter 5, at §517.D.3, requires that permit applications contain information regarding regulated air pollutants, including the rate of emissions of each pollutant in tons per year and the composition and description of the air pollutants being emitted from each point and as fugitive emissions. Questions have been raised with regard to the level of detail of emissions data required under this Section for the emissions of hazardous air pollutants (toxics) from combustion sources burning virgin fossil fuels. In implementing §517.D.3, DEQ generally expects that emissions information provided will be based upon the most comprehensive and accurate data reasonably available. Emissions estimates are typically generated from nationally available emission factors or are extrapolated from source testing. In the case of hazardous air pollutant emissions from combustion sources burning virgin fossil fuels, currently available emission factors do not provide a reliable and comprehensive prediction of emissions. Various emission profiles are in conflict and yield widely varying estimates of the type and quantity of pollutants emitted. For some methods of combustion, no emission factors are readily available. Development of site-specific emission factors for these combustion sources by each applicant would require extensive testing and analysis, usually at a high cost relative to the expected level of emissions. During the development of the Louisiana air toxics program, DEQ recognized that addressing hazardous air pollutants from such sources in the absence of reliable emissions data would impose an unreasonable burden, and therefore exempted sources burning virgin fossil fuel from the requirements of that program. Further, it is anticipated that toxic emissions from small sources burning virgin fossil fuels are usually of a level which is considered insignificant under §501.B.5, and would therefore qualify for an exemption from permitting requirements upon approval of the permitting authority.

Because comprehensive and reliable emission factors are not currently available for quantifying hazardous air pollutants from natural gas combustion sources, and because extensive source testing and development of emission factors by each applicant would impose unreasonable burdens, initial Title V permit applications will generally not be required to contain speciation and quantification of toxics from such combustion sources. Emissions of volatile organic compounds and other criteria pollutants from such sources should be reported in the permit application. The department may request that the applicant provide additional information or speciation of emissions in reviewing the application.

A comprehensive research project jointly sponsored by the U.S. Department of Energy, EPA, the Gas Research Institute, Lawrence Livermore Laboratories, and others is currently underway to develop a uniform and reliable set of emission factors addressing hazardous air pollutant emissions from combustion sources. That study is expected to be complete within the next three years. DEQ will require a full speciation and quantification of hazardous air pollutant emissions from

combustion sources at the time of permit renewal when nationally accepted factors are available.

Emissions Data for 112(r) Pollutants, Nontoxics, and Non-VOCs

Questions have also been raised regarding the emissions data needed to satisfy §517.D.3 for pollutants regulated under the Accident Prevention Program mandated by Section 112(r) of the federal Clean Air Act, but not specifically regulated under any other air program.

Some 112(r) compounds, such as pentane and butane, are not listed as hazardous air pollutants under Section 112(b) of the Act or under LAC 33:III. Chapter 51, but are generically regulated as volatile organic compounds (VOC) under title I of the Act. Under Chapter 5, emissions of 112(r) pollutants which are also VOC, but which are not toxic air pollutants under Chapter 51, should be listed and quantified in the permit application as nontoxic VOC. The §517.D.3 requirement to provide the composition and description of these pollutants should be met by listing the primary components of the VOC stream (for example; VOC 5 tpy, consisting primarily of pentane and butane). Quantification of the speciated VOC components will not generally be required.

Some 112(r) pollutants, such as methane and ethane, are not listed as toxic air pollutants under Chapter 51 and are also not regulated as VOC. These compounds are generally considered air contaminants under Louisiana law and are subject to §517.D.3 requirements. The Office of Air Quality and Radiation Protection has taken under consideration a request to list these pollutants as insignificant under Chapter 5, thus exempting them from permitting requirements. At this time, these compounds should be included with "other" pollutants in the permit application, quantified to the extent that data is reasonably available, and described by primary components (for example; methane 10 tpy). Sources emitting less than five tons per year may qualify for an exemption under §501.B.6.

Permitting Requirements for Minor Sources

Only those sources designated as Part 70 sources are required to obtain operating permits under the Louisiana Part 70 Operating Permits Program (LAC 33:III.507). LAC 33:III.507.A.1 includes a list of those sources which are designated Part 70 sources. DEQ has received many questions with regard to the wording of this list for minor sources subject to a federal NSPS or NESHAP standard. DEQ would like to clarify that the applicability of a federal NSPS or NESHAP standard to a minor source does not in and of itself trigger the requirement to obtain a permit under §507. Only if EPA designates by rule that minor sources subject to a particular NSPS or NESHAP must obtain an operating permit does the designation under §507.A.1.b, or c, apply. At this time EPA has deferred the Part 70 permitting requirements for such minor sources, and is undertaking rulemaking to extend that deferral for most minor or area sources. DEQ will implement Part 70 requirements for minor sources in accordance with final rulemaking by EPA.

James H. Brent
Administrator

9601#077

POTPOURRI

**Department of Insurance
Commissioner of Insurance**

**Automobile Insurance Plain Language—Regulation 54
Hearing**

Notice is hereby given that the Commissioner of Insurance, in accordance with the provisions of LRS 49:968H(2), will conduct a hearing on suggested revisions to proposed Regulation 54—Automobile Insurance Standard Policy Provisions. The Notice of Intent was published in the October 1995 issue of the *Louisiana Register* (Volume 21, Number 10) under the caption "Automobile Insurance Plain Language Regulation 54".

The hearing is scheduled for 9:30 a.m., Wednesday, March 6, 1996 in the Plaza Hearing Room of the Department of Insurance, 950 North Fifth Street, Baton Rouge, LA. For more information you may contact C. Noël Wertz, Senior Attorney, Box 94214, Baton Rouge, LA 70804-9214 or telephone (504) 342-1252.

James H. "Jim" Brown
Commissioner

9601#078

**POTPOURRI
Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

The Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, LA R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	Well Name	Well No.	Serial Number
ARBCO Inc.	Galbraith	Martin Lumber Co SWD	003	134885
ARBCO Inc.	Galbraith	Martin Lumber Company	001	213898
ARBCO Inc.	San Miguel Creek	Daisy Canton	001	174525
Aztec Prod. Co.	Bayou San Miguel	Callon Agent E	001	149130
Aztec Prod. Co.	Bayou San Miguel	Hicks et al	001	149358
Aztec Prod. Co.	Bayou San Miguel	Callon Agent E	002	150548
Aztec Prod. Co.	Bayou San Miguel	Hick et al	002	150577

Aztec Prod. Co.	Bayou San Miguel	Callon Agent E	003	201147
Aztec Prod. Co.	Converse	Olin B	001	071252
Aztec Prod. Co.	Converse	Olin C	001	072666
Aztec Prod. Co.	Converse	Olin G	001	076894
Aztec Prod. Co.	Converse	Olin G SWD	002	096129
Aztec Prod. Co.	Converse	Olin C	002	101177
Aztec Prod. Co.	Converse	VUA;Doster	001	118736
Aztec Prod. Co.	Converse	Olin B	002	120600
Aztec Prod. Co.	Converse	Olin C	003	121562
Aztec Prod. Co.	Converse	Olin B	003	203128
Aztec Prod. Co.	Converse	Olin C SWD	001	971611
Aztec Prod. Co.	Pendleton-Many	H M Stewart	007	182528
Aztec Prod. Co.	Pendleton-Many	H M Stewart	001	199267
Aztec Prod. Co.	Pendleton-Many	H M Stewart	002	201356
Aztec Prod. Co.	Pendleton-Many	International Paper Co	001	202588
Aztec Prod. Co.	Pendleton-Many	International Paper Co	002	203924
Aztec Prod. Co.	Pendleton-Many	First National Family Fdn	001	206215
Aztec Prod. Co.	Pendleton-Many	H M Stewart	003	207160
Aztec Prod. Co.	Pendleton-Many	H M Stewart	004	207865
Aztec Prod. Co.	Pendleton-Many	International Paper Co	003	208220
Aztec Prod. Co.	Zwolle	J O Kimbrell Jr	002	191926
Aztec Prod. Co.	Zwolle	J O Kimbrell Jr	001	191986
Aztec Prod. Co.	Zwolle	J O Kimbrell Jr	003	193664
Aztec Prod. Co.	Zwolle	J O Kimbrell Jr	004	195749
Aztec Prod. Co.	Zwolle	J O Kimbrell Jr	005	197080
Aztec Prod. Co.	Zwolle	J O Kimbrell Jr	006	198174

Aztec Prod. Co.	Zwolle	J O Kimbrell Jr	007	198175
Aztec Prod. Co.	Zwolle	S L Ezernack et al	001	199266
Aztec Prod. Co.	Zwolle	Clifton Garcia	001	202879
Aztec Prod. Co.	Zwolle	Sonat Minerals	001	213789
B. G. Oil Company	Grogan	W G Arnold	001	203049
B. G. Oil Company	Grogan	W G Arnold	002	203050
B. G. Oil Company	Grogan	W G Arnold	003	203051
B. G. Oil Company	Grogan	W G Arnold	004	203052
F. A. Callery, Inc.	Bayou Segnette	City of New Orleans	001	083959
Jeff Dalton	Tullos-Urania	SSM-TDP I-J C Maxwell Heirs	002	178675
Jeff Dalton	Tullos-Urania	SSM-TDP-I-J C Maxwell Heirs	004	178677
Jeff Dalton	Tullos-Urania	SSM-TDP-I-J C Maxwell Heirs	006	178679
Jeff Dalton	Tullos-Urania	SSM-TDP I-J C Maxwell Heirs	007	178680
Jeff Dalton	Tullos-Urania	SSM-TDP I-J C Maxwell Heirs	008	178681
Jeff Dalton	Tullos-Urania	SSM-TDP I-J C Maxwell	010	178683
Jeff Dalton	Tullos-Urania	SSM-TDP I-J C Maxwell	014	179025
Jeff Dalton	Tullos-Urania	SSM-TDP I-J C Maxwell	016	179128
Jeff Dalton	Tullos-Urania	J C Maxwell SWD	003	151223
Jeff Dalton	Tullos-Urania	J C Maxwell Heirs SWD	002	970761
Jeff Dalton	Tullos-Urania	J C Maxwell Heirs SWD	012	971433
Divi Oil and Gas Inc.	Big Creek	Ray Crawford	001	192638
Divi Oil and Gas Inc.	Big Creek	Bunch	001	194382
Divi Oil and Gas Inc.	Big Creek	Bunch	002	194383

Divi Oil and Gas Inc.	Big Creek	Ray Crawford	002	198903
Divi Oil and Gas Inc.	Lake Marydale	Kemp Fisher J	001	099439
Divi Oil and Gas Inc.	Lake Marydale	Hanson MacDonald Fisher Lbr	001	138431
Divi Oil and Gas Inc.	Lake Marydale	Fisher Lumber Co	001	206647
Divi Oil and Gas Inc.	Lake Marydale	Fisher Lumber Co	003	207093
Divi Oil and Gas Inc.	Lake Marydale	Exchange - Fisher Lbr Corp	001	208286
Divi Oil and Gas Inc.	Lake Marydale	Fisher Lumber Co A	002	208738
Divi Oil and Gas Inc.	Lake Marydale	Callon - Fisher Lbr Co	001	208892
Eason Oil Company	Wildcat	Canal Assets Inc	001	099887
Endsley Oil Company	Caddo-Pine Island	Pearl Hobbs	001	038529
Endsley Oil Company	Caddo-Pine Island	Hobbs	A-2	038720
Endsley Oil Company	Caddo-Pine Island	Hobbs	A-1	038721
Endsley Oil Company	Caddo-Pine Island	Pearl Hobbs	003	038722
Endsley Oil Company	Caddo-Pine Island	Hobbs	A-4	038723
Endsley Oil Company	Caddo-Pine Island	Hobbs	A-3	038724
Endsley Oil Company	Caddo-Pine Island	Pearl Hobbs	005	039262
Endsley Oil Company	Caddo-Pine Island	Hobbs	A-6	039484
Endsley Oil Company	Caddo-Pine Island	S W Gamm	001	040739
Endsley Oil Company	Caddo-Pine Island	S W Gamm	002	041689
Endsley Oil Company	Caddo-Pine Island	Pearl Hobbs	008	043503
Endsley Oil Company	Caddo-Pine Island	Pearl Hobbs	009	043963
Endsley Oil Company	Caddo-Pine Island	Hobbs	A-7	047589
Endsley Oil Company	Caddo-Pine Island	Hobbs	A-8	049442

Endsley Oil Company	Caddo-Pine Island	Hobbs	A-9	049973
Endsley Oil Company	Caddo-Pine Island	Gamm B	001	050007
Endsley Oil Company	Caddo-Pine Island	Gamm B	002	051613
Endsley Oil Company	Caddo-Pine Island	Lambert	001	053365
Endsley Oil Company	Caddo-Pine Island	Dickerson Heirs	001	054058
Endsley Oil Company	Caddo-Pine Island	Gray	001	055454
Endsley Oil Company	Caddo-Pine Island	Gamm B	003	055609
Endsley Oil Company	Caddo-Pine Island	Hunt	001	055753
Endsley Oil Company	Caddo-Pine Island	Shapiro	001	074877
Endsley Oil Company	Caddo-Pine Island	Gamm A	C-2	074878
Endsley Oil Company	Caddo-Pine Island	Gamm A	C-1	074879
Endsley Oil Company	Caddo-Pine Island	Gamm B	005	113316
Endsley Oil Company	Caddo-Pine Island	Gamm B	004	113317
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	011	175349
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	001	178400
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	002	178401
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	003	178402
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	004	178403
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	012	180042
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	013	180043
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	005	182389
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	006	182390
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	007	182391
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	008	182392
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	009	182393
Endsley Oil Company	Caddo-Pine Island	Queen City Realty	010	182394

Endsley Oil Company	Caddo-Pine Island	Hobbs SWD	001	970294
Endsley Oil Company	Caddo-Pine Island	Queen City Realty SWD	001	971079
Energy Reserves Group	Wildcat Bayou	M S Nelson "B"	001	070008
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	003	051297
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	002	054918
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	001	054919
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	005	055765
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	006	055766
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	004	055767
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	013	060077
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	006	089686
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	001	091618
Gulfstream of LA, Inc.	Greenwood-Waskom	Herold	001	094859
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	006	095957
Gulfstream of LA, Inc.	Greenwood-Waskom	Herold	002	098359
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	003	099295
Gulfstream of LA, Inc.	Greenwood-Waskom	Herold	003	099857
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	007	100036
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	004	101771
Gulfstream of LA, Inc.	Greenwood-Waskom	Herold	004	102294
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	008	102970
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	013	104420
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	012	104421
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	007	104739
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	008	105299
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	009	105470

Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	010	105542
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	005	105565
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson	009	106068
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	007	106693
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams B	001	106694
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	006	106695
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams B	006	108066
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams B	002	108155
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	003	108935
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams B	003	109834
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams B	007	110040
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	005	110382
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams B	004	111525
Gulfstream of LA, Inc.	Greenwood-Waskom	Choyce	001	111621
Gulfstream of LA, Inc.	Greenwood-Waskom	Choyce	002	111622
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	009	111694
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	010	117612
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	011	117720
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	012	117872
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams B	005	118053
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	001	128104
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	002	128385
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	005	129820
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	001	131562
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	014	131759
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	015	131760

Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	016	133464
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	003	133515
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	004	133570
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	002	133834
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	007	137511
Gulfstream of LA, Inc.	Greenwood-Waskom	Mitchell A	008	137645
Gulfstream of LA, Inc.	Greenwood-Waskom	Elizabeth Williams G SWD	001	174162
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A	011	177437
Gulfstream of LA, Inc.	Greenwood-Waskom	Johnson-Swanson SWD	001	194376
Gulfstream of LA, Inc.	Greenwood-Waskom	Myra Mitchell D	008	108636
Gulfstream of LA, Inc.	Greenwood-Waskom	Herold	005	216405
Gulfstream of LA, Inc.	Greenwood-Waskom	Abney A SWD	001	970508
Gulfstream of LA, Inc.	Longwood	Hammack A	001	054361
Gulfstream of LA, Inc.	Longwood	Hammack A	002	054438
Gulfstream of LA, Inc.	Longwood	Moneyham	B-1	067864
Gulfstream of LA, Inc.	Longwood	Moneyham	B-2	069262
Gulfstream of LA, Inc.	Longwood	Robert B Cushman	002	142831
Gulfstream of LA, Inc.	Longwood	Hammack	001	184589
Gulfstream of LA, Inc.	Longwood	Hammack	002	184603
Gulfstream of LA, Inc.	Longwood	Hammack A	003	186498
Gulfstream of LA, Inc.	Longwood	HOSS RA SUX; Texaco Fee	001	206938
Gulfstream of LA, Inc.	Longwood	Herold etal	002	215194
Gulfstream of LA, Inc.	Longwood	Hunter	001	216012
Gulfstream of LA, Inc.	Longwood	Johnson G	001	216050
Gulfstream of LA, Inc.	Longwood	Johnson G	002	216782

Gulfstream of LA, Inc.	Longwood	Hammack B	004	217053
Gulfstream of LA, Inc.	Longwood	Hammack W	001	217060
Gulfstream of LA, Inc.	Longwood	Johnson G	005	217159
Gulfstream of LA, Inc.	Longwood	Elizabeth Williams Mitchell	001	217282
Gulfstream of LA, Inc.	Longwood	Elizabeth Williams Mitchell	003	217533
George Haddad et al	Caddo-Pine Island	Richardson	001	168858
Mrs. D. G. Hamilton	Brunett	G H Cooper	001	174159
Mrs. D. G. Hamilton	Caddo-Pine Island	Browne	001	199307
Mrs. D. G. Hamilton	Caddo-Pine Island	Browne	002	200021
Mrs. D. G. Hamilton	Iowa	FY 1 RA SUA;Fred Denison	001	190747
Mrs. D. G. Hamilton	South Jena	Coleman-White	001	169383
Mrs. D. G. Hamilton	New Quarters	Chicago Mill & Lumber Co	002	183567
Mrs. D. G. Hamilton	Redoak Lake	Rush et al	002	180304
Mrs. D. G. Hamilton	Red River-Bull Bayou	Jenkins Estate A	001	179955
Mrs. D. G. Hamilton	Red River-Bull Bayou	Jenkins Estate A	1-D	181039
Mrs. D. G. Hamilton	Red River-Bull Bayou	LAF RA SUEE;Blow	001	195107
Mrs. D. G. Hamilton	Wildcat	Rush et al	001	179306
Harwell & Fry	Colgrade	Monroe Jordan	002	091740
Horizon Expl. & Dev. Co. Inc.	Woodlawn	VUC; Walker	002	190289
Longville Prod. Co. Inc.	Port Barre	Sibille A	001	029779
Longville Prod. Co. Inc.	Port Barre	Sibille A	003	047006
Longville Prod. Co. Inc.	Valentine	Warren Harang	001	212865

Longville Prod. Co. Inc.	Valentine	Warren Harang	002	212993
Longville Prod. Co. Inc.	Valentine	Warren Harang	003	213022
Longville Prod. Co. Inc.	Valentine	Warren Harang	004	213222
Longville Prod. Co. Inc.	Valentine	Warren Harang	005	213451
Longville Prod. Co. Inc.	Valentine	Warren Harang	006	213575
Lynal, Inc.	Wildcat	Cameron Meadows Land Co.	001	138522
Marine Cont. & Supply Co., Inc.	Bayou Couba	Waterford Oil Co	B-1	085846
W. B. McCarter, Jr. Inc. et al	Bayou Rambio	Harry Bourg	001	139047
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Ernest A. Burguières, III
Commissioner

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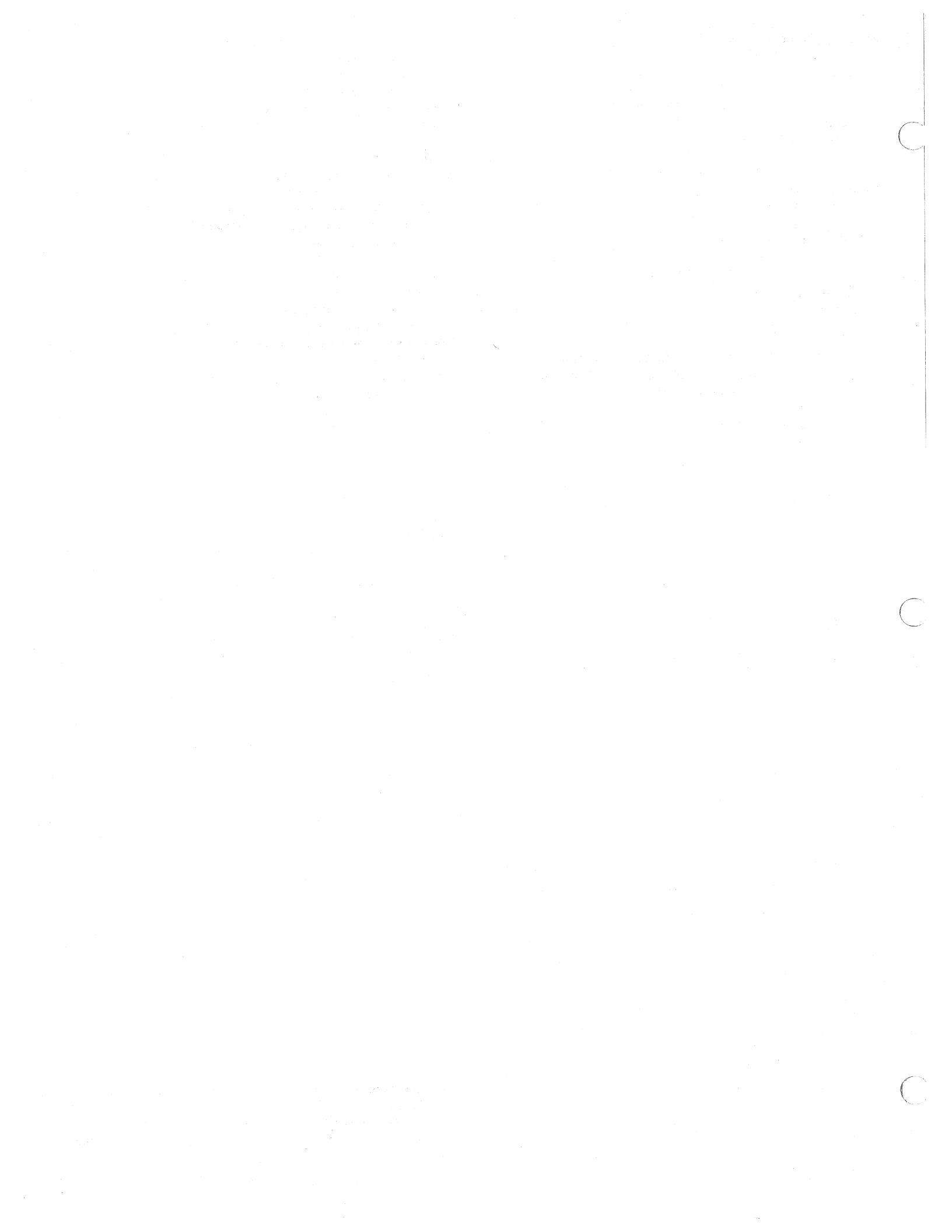
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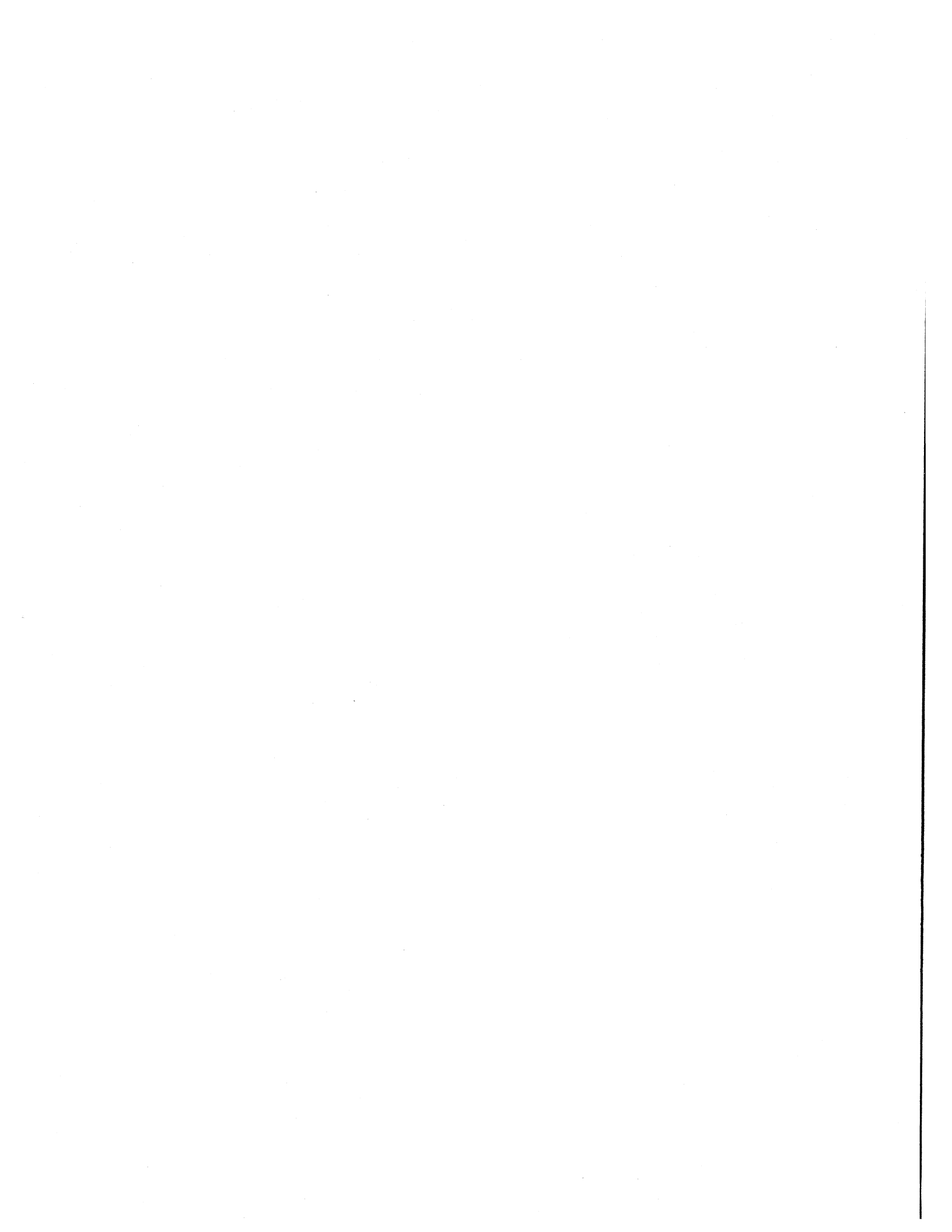
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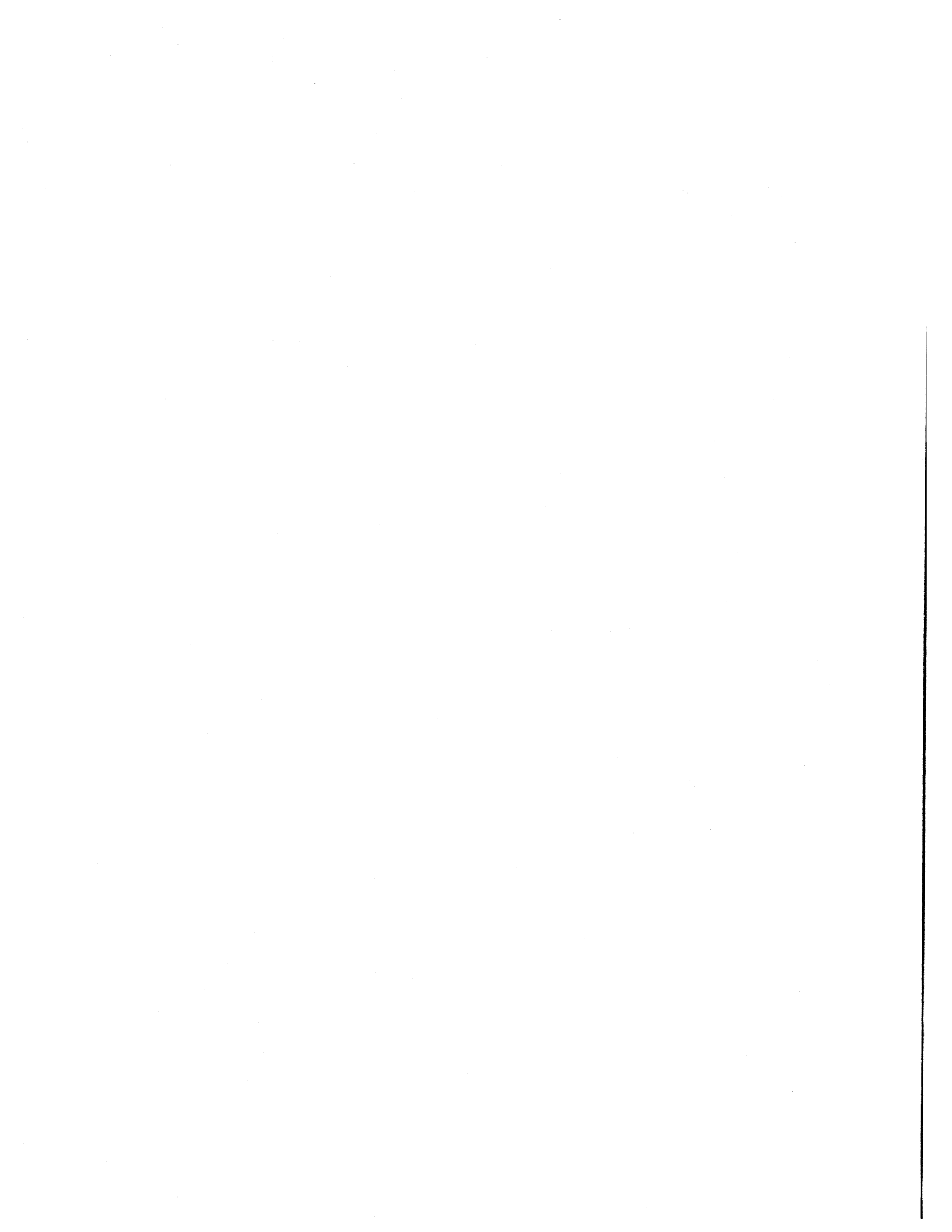
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R—Rule









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