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Emergency Rules

DECLARATION OF EMERGENCY Department of Agriculture Horticulture Commission

The Horticulture Commission, convened in regular session on January 6, 1982, determined that the provisions of Act 621 of 1981, which became effective on January 1, 1982, have created a burden on the economic welfare of certain citizens of this State who are desirous of licenses to engage in the profession of horticulture. Under the provisions of Act 621 of 1981, no examinations for licensure in the various phases of the practice of horticulture may be administered until such time as the Horticulture Commission fulfills the obligations imposed upon it in Act 621 of 1981 respecting the setting of dates for examinations, the establishment of fees for examinations, and the deadline for submission of applications. The most recent examinations given under the provisions of Act 127 of 1965, the controlling statute prior to the effective date of Act 621 of 1981, were administered early in October 1980. Since that time numerous citizens have applied to the Horticulture Commission to take examinations for licensure in various phases of the practice of horticulture.

Therefore, in order to meet the needs of the applicant citizens without further unreasonable delay, the Horticulture Commission adopted the following Rules on an emergency basis:

RULES

1. Examinations for Retail Florist
 - A. Examinations for licensure in the profession of retail florist shall be given by the Commission at least once during each quarter but may be given more frequently.
 - B. Examinations will be given from time to time in all major metropolitan areas of the state.
 - C. The Commission shall publish the date of each examination in the issue of the *Louisiana Register* immediately preceding the examination date and will disseminate information concerning scheduled examinations to all interested applicants. The first examinations for retail florist under this emergency rule will be given in Baton Rouge during the period February 22, 1982, through February 26, 1982, beginning at 9 a.m. and 2 p.m. each day.
 - D. Applications for examination for retail florist must be filed in the Commission office in Baton Rouge no later than 4:30 p.m. on the fifteenth day preceding the scheduled examination date.
 - E. Any applicant for licensure as a retail florist who successfully completes either the design phase or the written phase of the examination but does not successfully complete both phases will not be required to submit to re-examination in the phase which was satisfactorily completed. In such cases, the applicant may apply to re-take only that portion of the examination which was not satisfactorily completed.

2. Examinations for Landscape Architect

- A. Examinations for licensure in the profession of landscape architect will be given by the Commission on the date selected for administration of the examination nationally by the landscape architects' national organization.

- B. The Commission will publish the date selected for national administration of the examination in a prior issue of the *Louisiana Register* and will disseminate information concerning the scheduled examination date to all interested applicants.

3. Examinations for Arborist, Horticulturist, Wholesale Florist, and Landscape Contractor

- A. Examinations for arborist, wholesale florist, horticulturist, and landscape contractors will be administered at the State Office of the Commission in Baton Rouge or the Regional Offices of the Department of Agriculture upon request. Interested applicants may apply to the Commission office in Baton Rouge or to any Regional Office.

4. Fees for Examinations

- A. The fee for examination for licensure as a retail florist will be \$100.

- B. The fee for re-examination in the written phase of the examination for retail florist will be \$25.

- C. The fee for re-examination in the design phase of the examination for retail florist will be \$75.

- D. The fee for examination for licensure as a landscape architect will be \$150.

- E. The fee for examination for licensure as arborist, wholesale florist, horticulturist, or landscape contractor will be \$35.

5. Minimum Performance Levels

- A. The minimum performance level for satisfactory completion of all examinations, except the examination for landscape architect, will be 75 percent.

- B. The minimum performance level for satisfactory completion of the examination for landscape architect will be established by the Council of Landscape Architecture Registration Board.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

AMENDMENT

LAC 11-6:53.5

Permitted medication may be administered to a horse in training during a race meeting only by a licensed veterinarian or a licensed trainer, or under their personal orders, except that all medication given hypodermically must be done by a licensed veterinarian. The following non-steroidal, anti-inflammatory medications may be used in training; cannot be administered within 24 hours of the race; and the maximum analytical test levels are established as:

Pre-Race Blood and Urine Levels	and	Post-Race Blood and Urine Levels
Phenylbutazone	2.0 micrograms/ml.	165 micrograms/ml.*
Oxyphenbutazone	2.0 micrograms/ml.	165 micrograms/ml.*

* (combined total of drug and/or metabolite)

These provisions control, other provisions of these rules, to the contrary notwithstanding.

Any test levels in excess of the above maximum analytical test levels shall be considered as prima facie evidence that there has been a violation of the rules dealing with medication.

The stewards shall direct the taking of a blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn as provided pursuant to LAC 11-6:23.35 which shall be delivered to the state chemist for testing.

J. Melton Garrett
Chairman

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

The Louisiana Department of Health and Human Resources is extending the Emergency Rule promulgated in the October, 1981, issue of the *Louisiana Register* announcing that the Department had applied for Block Grant federal funding for the Low-Income Energy Assistance Program under Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981.

In response to comments received regarding the Notice of Intent published in the December, 1981, issue of the *Louisiana Register*, the Department of Health and Human Resources finds it necessary to extend the Emergency Rule in order to afford interested persons an opportunity for oral and written presentation of their views concerning the Low-Income Energy Assistance Program in a public hearing forum. (See Potpourri Section.)

The extension of the Emergency Rule will allow the Department of Health and Human Resources to continue administering the Low-Income Energy Assistance Program until Final Rules are adopted and will ensure continued federal funding of the program to avoid creating undue hardship for the citizens of Louisiana who will participate in the program.

The Low-Income Energy Block Grant will assist eligible households including AFDC, SSI, Food Stamps, VA and other low income households to meet the rising costs of home energy. Eligible households are those with liquid assets such as cash on hand, checking and savings accounts, stocks, bonds and credit shares, valued at \$1,500 or less for a single person household and \$3,000 for a multi-person household. Additionally, total monthly income shall not be more than \$309 for a single person household and \$505 for a multi-person household during February, 1982. For the month of August, the total allowable monthly income is subject to change in accordance with the percentage increase effective July 1, 1982, for Supplementary Security Income and Social Security Administration recipients. Finally, eligible households will be paying for a heating and/or cooling utility or paying rent which includes an amount for utilities.

Applications for assistance will be accepted from February 1, 1982, through February 26, 1982, for the heating assistance program and from August 2, 1982, through August 31, 1982, for the cooling assistance program. All payments will be made for the months of February and August, 1982. The exact payment will be dependent on Louisiana's total allocation. It is estimated that payments will range from \$40 to \$60.

George A. Fischer
Secretary

Rules

RULES Department of Agriculture State Entomologist

The State Entomologist, pursuant to the authority contained in LSA 3:1654 and in accordance with Notice of Intent published on December 20, 1981, adopted the following amendments to the Sweet Potato Weevil Quarantine and Regulation at a public hearing held at 2 p.m., Wednesday, January 6, 1982:

Section III, entitled "Quarantine Areas, of the Sweet Potato Weevil Quarantine and Regulation was amended and reenacted to read as follows:

III. Quarantine Areas

1. Under the authority of LSA 3:1654, the State Entomologist shall annually, no later than November 30 of each year, publish in the *Louisiana Register* a list of all areas of Louisiana and the nation which are under quarantine for the control of the sweet potato weevil.

2. All areas contained on the State Entomologist's annual listing of quarantined areas shall remain under quarantine for a period of one year following the date of publication, except as provided in Paragraph 3 hereof.

3. The State Entomologist may, at his discretion, remove the quarantine from any specific area included in his annual quarantine listing when it is proven to his satisfaction that the sweet potato weevil is no longer present in the area from which the quarantine is to be removed. Whenever the State Entomologist removes a quarantine prior to the expiration of one year following publication of the annual quarantine listing, he shall publish a report of his action in the *Louisiana Register*.

4. The State Entomologist may, at his discretion, supplement his annual quarantine listing whenever the sweet potato weevil is detected in any area which is not under quarantine by publication of a supplement to his listing. The quarantine placed on any area by such supplemental listing shall expire at the same time as the quarantines contained in his annual quarantine listing.

5. Upon publication of the State Entomologist's annual quarantine listing, all previously published annual and supplementary quarantine listings shall automatically expire.

6. Upon the adoption of this Rule, the State Entomologist shall publish in the next issue of the *Louisiana Register* a list of all areas quarantined for control of the sweet potato weevil during 1982, which initial list shall remain in effect only until publication of the annual quarantine listing required in Paragraph 1 hereof.

Bob Odom
Commissioner

COMMITTEE REPORT

Department of Commerce Board of Certified Public Accountants House of Representatives Committee on Commerce

Honorable David C. Treen
Governor, State of Louisiana
State Capitol Building
Baton Rouge, Louisiana 70804

Dear Governor Treen:

This letter certifies the action disapproving the Proposed Rule 17.7 of the State Board of Certified Public Accountants of Louisiana by the Subcommittee on Executive Agency Oversight and Review of the House Committee on Commerce today at a public hearing. The rule was published in the November 20, 1981, issue of the *Louisiana Register*, page 592. The Subcommittee acted in accordance with the Administrative Procedure Law generally, and specifically with R.S. 49:968.

A copy of the disapproved proposed rule is attached; see Attachment I. The members of the Subcommittee, acting on behalf of the full House Committee on Commerce (R.S. 49:968(D))

and the House of Representatives (R.S. 49:968(E)), disapproved the proposed rule in question by a favorable 4-to-0 vote. With respect to the disapproved Rule 17.7 the Subcommittee determined the following:

1. The rule would add a new rule, designated as 17.7 under LAC 11-9:17 Causes for Nonissuance, Suspension, Revocations or Restrictions; Reinstatements (R.S. 37:84).

2. Present law requires a hearing to suspend or revoke a certificate or license for cause.

3. The proposed rule would allow the State Board of Certified Public Accountants of Louisiana to suspend or revoke a certificate or license **without a hearing** for certain stipulated offenses.

4. The proposed rule would permit to deny certification or licensure to an accountant for conviction of a felony which may have no bearing on the performance of the profession of accountancy.

5. The proposed rule is not reasonable in that it would cause suspension or revocation of a certificate or license and allow the individual accountant only the recourse for a hearing through appeals (without an initial hearing) costing the person time, loss of income and undue loss of professional standing and reputation.

6. The use of the term "fraud" in Proposed Rule 17.7(2) is not defined in the agency's rules generally and is not defined in the Louisiana Criminal Code.

7. The Board does not offer sufficient procedure to ascertain correctly the nature and disposition of a conviction or a plea of guilty or *nolo contendere*.

8. The Subcommittee suggested that the Board reconsider the Proposed Rule and allow the individual accountant to waive his right to a hearing for a pending suspension or revocation.

Under the provisions of R.S. 49:968, you have five days in which to consider the action of the Subcommittee and act on it. Attached as Attachment II is a statement of your action; please return it to the House Committee on Commerce.

Eddie Doucet
Chairman, Subcommittee on
Executive Agency Oversight and
Review, House Committee on Commerce

ATTACHMENT I

15.2.6 An annual filing fee to be set by the Board, based on the total number of partners and/or shareholders in the firm who are not licensed to practice in Louisiana but not to exceed \$15 per partner/shareholder with a maximum of \$2,500 per firm, shall be paid by each firm that files in accordance with the provisions of Rule 15.2.3 above.

15.2.7 A filing fee, calculated in the same manner as the most recent annual filing fee provided in Rule 15.2.6 and prorated for the number of complete months remaining in the year, shall be paid by each firm that files in accordance with the provisions of Rule 15.2.4 above and that did not pay an annual filing fee for the immediately preceding filing period.

17.7 Any of the above provisions notwithstanding, the Board may suspend or revoke a certificate and/or license without a hearing for the following causes:

(1) Conviction of a felony or entry of a plea of guilty or *nolo contendere* to a felony charge under the laws of the United States or of any state;

(2) Conviction of any crime or entry of a plea of guilty or *nolo contendere* to any criminal charge an element of which is fraud or which arises out of such individual's practice of public accounting.

(3) The refusal of the licensing authority of another state to issue or renew a license, permit or certificate to practice public

accounting in that state, or the revocation or suspension of or other restriction imposed on a license, permit or certificate issued by such licensing authority.

Interested persons may submit written comments on the proposed rules through December 7, 1981, to Mrs. Mildred M. McGaha, Executive Director, State Board of Certified Public Accountants of Louisiana, 310 Masonic Temple Building, 333 St. Charles Street, New Orleans, Louisiana 70130.

Bill W. Smith, Secretary
State Board of Certified
Public Accountants of Louisiana *

ATTACHMENT II

Action by Governor David C. Treen

RE: Disapproval of Proposed Rule 17.7 Adopted by the State Board of Certified Public Accountants of Louisiana

I approve the action of the House Committee on Commerce, Subcommittee on Executive Agency Oversight and Review with respect to the Proposed Rule 17.7 as adopted by the State Board of Certified Public Accountants of Louisiana.

David C. Treen
Governor

RULE

Department of Culture, Recreation and Tourism Office of the Secretary

GUIDELINES FOR ACT 455 OF THE MATCHING FUNDS PROGRAM Administered by the Office of Tourism

1. Any non-profit organization desiring funds for a specific tourist promotion project must first be recognized by the local governing body as "a Tourist Promotional Agency or Agencies" in an area authorized to receive this money. For a city or town this would be done by ordinance; for a parish by resolution of the governing police jury or city parish government.

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

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

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

5. All geographic areas not within organized Economic Development Districts shall apply under the existing requirements of the Act and guidelines, directly to the Louisiana Tourist Development Commission by April 1 of each year.

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

7. The Louisiana Tourist Development Commission, as provided in the Act creating the Matching Funds Program, shall make final recommendation for the approval of the application for funds for any and all programs submitted, then the Matching Funds Committee of Commissioners of the Louisiana Tourist Development Commission, and if so desired, the secretary of the Department of Culture, Recreation and Tourism, will then make the final decision on the approval of applications. Following this approval, notice to proceed will be provided to the Tourist Promotions Agency. Those projects disapproved will also be notified and reason for disapproval will be given.

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

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

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

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

12. Due to limited funds the L.T.D.C. encourages applications geared to increasing tourism through advertising and promotional projects, i.e., brochures, posters, print and electronic media, etc. Construction and capitol improvement projects are discouraged due to the limited nature of these funds. It is also not the intent of these funds to underwrite or subsidize administrative or collateral costs of events, etc.

A P P L I C A T I O N
ACT 455 MATCHING FUNDS PROGRAM
LOUISIANA OFFICE OF TOURISM

FISCAL YEAR 19__ - 19__

1. APPLICANT

a. Name _____

b. Address _____

c. Telephone _____

2. NAME OF PROJECT _____

PROJECT DIRECTOR _____

3. LOCATION _____

PROJECT WILL BE LOCATED IN:

TOWN _____ PARISH _____

4. PROPOSED PROJECT DURATION (approximate starting and ending dates)

FROM _____, 19__ TO _____, 19__

5. APPLICATION TYPE:

TOWN OR CITY _____

PARISH _____

OTHER (specify) _____

6. ARE YOU REQUESTING OR RECEIVING ADDITIONAL GRANTS (public or private) FOR THE PROJECT?

_____ YES _____ NO If yes, please specify (use additional sheets if necessary).

RULES

Board of Elementary and Secondary Education

Rule 3.01.80(a)

The Board adopted the Guidelines for Textbook Adoption, Pursuant to Act 872, 1981 R.S. as amended by the Textbook and Media Committee as follows:

Guidelines for Textbook Adoption

Pursuant to Act 872, 1981 R.S.

(Amendment to BESE Policy 3.01.80)

Annually, the first State textbook adoption hearings shall be held within the first two weeks of January, at which time the names of the State committee members will be made public. After receiving the names of the members at the first meeting, the publishers will mail their samples to the committee members and will have no personal contact with the committee members.

Copies of basal textbooks being considered for adoption shall be placed in cooperating public libraries in those cities named in Act 872 (New Orleans, Baton Rouge, Shreveport, Monroe, Alexandria, Lake Charles, Lafayette and Houma) with the addition of Natchitoches. Public libraries must be contacted initially for use of their facilities for public display, and if they are unable to accommodate the display, then the State Department of Education may select an alternate site, including, for Baton Rouge, the Textbook Division Library, State Department of Education. Alternate sites must be advertised.

All oral objections to textbooks under consideration may be made at the second hearing of the adoption committees and shall not exceed five minutes per person, per publisher, per subject and shall be limited to those objections that have been previously filed in writing at least five working days prior to the second hearing in order to facilitate scheduling of time.

At least one-third of each textbook adoption committee shall be non-educator parents of children who are enrolled in schools or school programs that received funds for state approved textbooks.

The adoption of reading and science textbooks shall be held as scheduled for 1981-82 and the various systems and parishes shall be given the option to purchase or order either program either year, or both years. From 1981-82 on, for future adoptions, science shall be separated from reading to enable the parishes more realistically to implement programs within available funds. Science will be placed in the 1982-83 cycle and a moratorium on all adoptions will be placed on that year. The previous 1982-83 cycle will be advanced to 1983-84, etc. (See adoption cycle.)

Time Schedule for Textbook Adoptions (Six-year cycle of adoptions)

The Textbook and Media Advisory Council may review the cycle every year in order that any needed changes can be made and recommended to the Board. The adoption schedule is as follows:

STATE TEXTBOOK ADOPTION CYCLE

1981-82	Aerospace Education Driver Education Drug Abuse Education (new material only) Health and First Aid Physical Education Reading Safety Education Science Special Education
1982-83	No adoption

1983-84	Art Career Education Guidance Handwriting Industrial Arts Mathematics Trade and Industrial Education Special Education
1984-85	Agriculture Business Education Distributive Education Foreign Language Home Economics Music Music-Instrumental and Vocal Special Education
1985-86	Black Studies Free Enterprise Louisiana Studies Social Studies Special Education
1986-87	Language and Composition Language and Composition - Dictionaries Language and Composition - English Language and Composition - Journalism Language and Composition - Speech Language and Composition - Spelling Literature Special Education
1987-88	Reading Special Education
1988-89	Driver Education Drug Abuse Education Health and First Aid Physical Education Safety Education Science Special Education

Any person wishing to protest or challenge only textbook adoption procedures must make these wishes known to the State Board of Elementary and Secondary Education in writing within ten working days following the conclusion of the second hearing of the Textbook Adoption Committee.

A policy shall be established to require local education agencies to make a formal adoption of textbooks to be used within their systems within 12 months from the date of the formal textbook adoption by the State Board of Elementary and Secondary Education, and that a list of materials adopted by the LEAs be furnished to the State Department of Education, Bureau of Materials of Instruction and Textbooks, within 90 days following the local adoption.

Any person who wishes to request information or make an objection to textbooks under consideration by the Textbook Adoption Committee must be a legal resident of Louisiana.

James V. Soileau
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the following policies in the Aid to Families with Dependent Children (AFDC) Program. These policies are mandated by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) and 45 CFR 205, 206, 233, 234.

I. EARNED INCOME DISREGARDS AND FOUR MONTH LIMIT

Each individual in the assistance unit who has earned income is entitled to a standard deduction, to a deduction for child care and to the earned income exemption. The deductions from earned shall be applied in the following order:

- (1) Standard deduction
- (2) Child care deduction
- (3) Earned income exception

No other deductions are allowed.

A. Standard Deduction:

Maximum allowable deduction is \$75. This amount is reduced if employed less than full-time or less than a full month.

B. Child Care:

Maximum deduction allowed is determined by the number of hours the wage earner is actually engaged in employment.

Maximum allowed shall be \$1 per hour employment per child or incapacitated individual up to \$160 per month each.

Verified amount actually paid by the wage earner up to the maximum shall be deducted.

C. Earned Income Exemption:

EIE applied for FOUR consecutive months ONLY.

AFDC recipient shall not be entitled to this deduction again until after the expiration of 12 CONSECUTIVE months during which he was not included in any AFDC certification.

II. RESOURCE LIMIT

\$1,000 per assistance unit.

Exclusions are:

- a) Home
- b) Equity value up to \$1,200 in one power-driven land conveyance.

Equity value is fair market value less encumbrances.

III. LUMP SUM PAYMENT

Lump sum payments received by any members of the income unit shall be considered as income to the AFDC assistance unit unless the income is excluded.

The lump sum payment will be divided by the need standard for the appropriate size income unit.

The assistance unit will be ineligible for the whole number of months that the pro-rated incomes meet their need. Remaining income, after this computation, will be considered as income received in the first month following the period of ineligibility regardless of whether the income is available.

IV. EARNED INCOME CREDIT

EIC shall be considered as income which is potentially available to clients who have earned income; therefore, all clients who have earned income shall be required to file an IRS Form W-5 with an employer to receive advance EIC.

EIC shall be budgeted as earned income.

If the client who has earned income refuses to file an IRS Form W-5 and apply for EIC, the cases shall be rejected or closed because need cannot be established.

V. STEPPARENT LIABILITY

Income of a stepparent residing in home shall be considered in determining eligibility.

VI. STRIKERS

AFDC benefits cannot be paid to families in which the caretaker relative or stepparent is participating in a strike on the last

day of the month and, if any other member of the household is participating in a strike, his or her needs cannot be considered in computing the AFDC benefits.

VII. DEPENDENT CHILD AGE LIMIT

Under 16 year of age.

16-18 years of age either exempt from WIN/Work Registration or registered for employment/participating in the WIN Program.

18-19 years, if a full-time student in a secondary school or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19.

VIII. UNBORN CHILD COVERAGE

Unborn children will no longer be eligible for AFDC.

Pregnant woman who has completed fifth month of pregnancy may be certified if otherwise eligible (unborn is not eligible).

IX. PAYMENTS BELOW \$10

AFDC grant payments in an amount of less than \$10 will be prohibited but the AFDC family will remain eligible for Medicaid.

X. ADJUSTMENTS FOR INCORRECT PAYMENTS

All AFDC losses regardless of reason for overpayment will be subject to collection either by recoupment or recovery.

Recipients who failed to timely report a change in earned income will not be given the benefit of the earned income deductions and exemptions in the computation of overpayments/ineligible payments.

XI. ALIEN ELIGIBILITY FOR AFDC

Legally admitted aliens who apply for benefits for the first time after September 30, 1981, shall have the income and resources of their sponsor and the sponsor's legal spouse (if residing in the home) considered available for their support for a period of three years after their entry into the U.S.

XII. TRAINING ALLOWANCE

The \$28 allowance to meet the cost of training connected expenses shall no longer be allowed for future training in lieu of employment.

XIII. INCOME LIMIT ON 150 PERCENT OF NEED STANDARD

At application, redetermination or any time there is a change in circumstances, the household must meet a pre-test of eligibility based on need. In this pre-test, gross income from employment plus profit from self-employment plus countable unearned income must be less than 150 percent of the appropriate need standard.

XIV. WORK OR WORK REGISTRATION REQUIREMENTS FOR AFDC RECIPIENTS

All AFDC children age 16 to 19 will be required to work or register for work unless attending school full-time. Caretaker relatives and parents will be required to work or register unless personally caring for a child under age 6 with only brief and occasional absences from the child. The caretaker relative under age 21 in a training course which will be completed within two years will be required to register for work and accept employment if available.

XV. RETROSPECTIVE BUDGETING/MONTHLY REPORTING

The amount of assistance for:

- (a) AFDC recipients who have earned income
- (b) AFDC recipients who have stepparent's income
- (c) AFDC recipients who have voluntary contributions
- (d) AFDC recipients who have unemployment compensation

- (e) AFDC recipients whose grant amount is less than \$10
- (f) AFDC recipients who were certified as a result of loss of earned income not due to incapacity

- (g) AFDC recipients previously included in retrospective budgeting and monthly reporting

(h) All other AFDC recipients who will be phased into the monthly reporting and retrospective budgeting requirements mandated by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35)

will be used on the actual income or circumstances which existed in the second prior month. These AFDC recipients will be required to submit monthly reports of household circumstances including verification of income to the local Office of Family Security. If the AFDC payee is also head of the household for Food Stamp benefits, the household's food stamp eligibility and benefits will be based on the monthly report of the household's circumstances as based on Section 108B of the Omnibus Budget Reconciliation Act of 1981 and pursuant to the AFDC programs Retrospective Budgeting/Monthly Reporting policies (Retrospective Handbook).

Please note: AFDC categorically eligible Medicaid recipients are subject to termination of Medicaid benefits for failure to submit monthly reports.

The monthly reports shall be submitted to the local Office of Family Security by the tenth day of each month or the next working day if the tenth is a holiday or weekend. Failure to submit a completed report, including verification each month may result in suspension or closure of the case.

This is subject to the Court Order issued in French vs. Fischer, U.S. District Court, Eastern District Louisiana.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security effective January 20, 1982, has redefined the definition of Physician's services by adding clarifying language, in order to track the language of Federal Regulation (vol. 43, number 190, Federal Register, page 45224, September 29, 1978, as amended by volume 45, number 72, Federal Register, page 24888, April 11, 1980) and to make policy consistent within the program. In the following definition words in italics have been added to the current language: Physician's services whether furnished in the office, the recipient's home, a hospital, a skilled nursing facility, or elsewhere, means services provided — within the scope of practice of medicine or osteopathy as defined by State law; and *by or under the personal direction and supervision of an individual licensed under State law to practice medicine or osteopathy.*

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has adopted the policies as described below in the Food Stamp Program. These policy changes are mandated by Federal Regulations as published in the Federal Register, Volume 46, No. 172, pages 44712 through 44727, Friday, September 4, 1981, in accordance with the 1981 Omnibus Reconciliation Act.

I. Household Concept

The definition of household has been partially changed. The definition includes a group of individuals who live together and customarily purchase food and prepare meals together for home consumption, except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is 60 years of age or older.

In no event shall separate household status be granted to children living with parents unless at least one parent is 60 years of age or older, parents less than 60 years of age living with children, or a boarder. Boarder status, in addition to other restrictions, shall not be granted to children living with parents if both parents are under age 60.

II. Strikers

For food stamp purposes, a striker is defined as anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee engaged in a lockout, however, is not deemed to be a striker.

Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible prior to the strike. If the household is eligible for food stamps immediately prior to such strike, however, such household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

If the household were eligible or participating prior to the strike action, benefits shall be calculated by using the household's income as it stood immediately prior to the strike. That is, the household's regular monthly earned income attributable to the job on which the strike occurred would be deemed to remain the same after the strike as if the household member were still working. If other changes occur, (for example, a change in household size, changes in income from strike benefits or from other, nonstrike-related employment) household benefits shall be adjusted using normal procedures.

Strikers shall be subject to the work registration requirement unless otherwise exempt.

III. Income Eligibility Standards

A. The income eligibility standards for the Food Stamp Program shall be as follows:

(1) Gross Income — (All households except those specified in (2) below.) The income eligibility standards for the contiguous 48 states and the District of Columbia, Guam, Puerto Rico and the Virgin Islands shall be 130 percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 states and the District of Columbia.

(2) Net Income — For households which contain a member who is 60 years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, the net income eligibility standards for the Food Stamp Program shall be as follows: The income eligibility standards for the contiguous 48 states and the District of Columbia, Guam, Puerto Rico and the Virgin Islands shall be the Office of Management and Budget's (OMB) nonfarm income poverty guideline for the 48 states and the District of Columbia.

(3) The income eligibility limits, as described in this paragraph, are revised each July 1, to reflect OMB's annual adjustment to the nonfarm poverty guidelines for the 48 states and the District of Columbia, for Alaska, and for Hawaii.

B. Income eligibility standard for Louisiana is as follows:

Household Size	Gross Monthly Income	Net Monthly Income
1	\$ 467	\$ 360
2	617	475
3	766	590
4	916	705
5	1,065	820
6	1,215	935
7	1,364	1,050
8	1,514	1,165
Each Additional Person	+ 150	+ 155

IV. Earned Income Deduction — The earned income deduction is 18 percent of gross earned income.

V. Initial Month's Benefits — A household's benefit level for the initial month of certification will be based on the day of the month it applies for benefits. Using a 30-day calendar or fiscal month, households shall receive benefits prorated from the day of application to the end of the month. A household applying on the thirty-first of a month will be treated as though they applied on the thirtieth of the month. Initial month means either the first month for which an allotment is issued to a household, or the first month for which an allotment is issued to a household following any period of more than a month during which the household was not certified for participation in the Food Stamp Program. If the prorated allotment results in an amount of \$1, \$3, or \$5, the allotment shall be rounded to \$2, \$4, or \$6 respectively.

VI. Income Eligibility and Benefit Level — For households containing a member age 60 or over or who receives SSI under Title XVI of the Social Security Act or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, income eligibility shall be based on net income.

For all other households, income eligibility shall be based on gross income.

All eligible one and two-person households shall receive a minimum monthly allotment of \$10 except when proration of initial month's benefits occurs. All eligible households whose benefits are prorated to \$1, \$3, or \$5, and eligible households with three or more members which are entitled to \$1, \$3, and \$5, allotments shall receive allotments of \$2, \$4, and \$6, respectively to correspond with current coupon denominations. For those eligible households with three or more members, which are entitled to no benefits, the eligibility worker shall deny the household's participation, on the grounds that its net income exceeds the level below which benefits are issued.

The level of benefits for all eligible households shall be based upon net monthly income.

VII. Expedited Service — Households certified after the fifteenth of the month under the expedited processing standards shall be certified the initial month which prorated benefits and for the subsequent month with full benefits.

VIII. Recertification of Supplemental Security Income Households — Supplemental Security Income households which have received a food stamp notice of expiration shall be entitled to make a timely application for food stamp recertification at the SSA office.

IX. Thrifty Food Plan

A. Effective April 1, 1982, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the Consumer Price Index for all Urban Consumers (CPI-U) for the cost of food, for the 15 months ending on December 31, 1981.

B. Effective July 1, 1983, the Thrifty Food plan amounts shall be adjusted to the nearest dollar amount to reflect changes in

the CPI-U for the cost of food, for the 15 months ending March 31, 1983.

C. Effective October 1, 1984, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPU-U for the cost of food, for the 15 months ending June 30, 1984.

D. Effective October 1, 1985, and each October 1 thereafter, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPI-U for the cost of food, for the 12 months ending on the preceding June 30.

X. Adjustment of Standard Deduction

A. Effective July 1, 1983, the standard deductions shall be adjusted to reflect changes in the Consumer Price Index for all urban consumers (CPI-U) for items other than food and the homeownership component of shelter costs for the 15 months ending March 31, 1983.

B. Effective October 1, 1984, the standard deductions shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership component of shelter costs for the 15 months ending June 30, 1984.

C. Effective October 1, 1985, and each October 1 thereafter, the standard deductions shall be adjusted to reflect changes in the CPI-U for items other than food and the homeownership component of shelter costs for the 12 months ending the previous June 30.

D. These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest \$5 increment.

XI. Adjustment of Shelter Deduction

A. Effective July 1, 1983, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the 15 months ending March 31, 1983.

B. Effective October 1, 1984, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI-U for the 15 months ending June 30, 1984.

C. Effective October 1, 1985, and each October 1 thereafter, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs) fuel, and utilities components of the CPI-U for the 12 months ending the preceding June 30.

D. These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest \$5 increment.

XII. Outreach — The Outreach Program will be discontinued but program informational material will continue to be available.

XIII. Monthly Reporting and Retrospective Budgeting — in addition to the above criteria, if an Aid to Families with Dependent Children (AFDC) payee is also head of household for food stamp benefits, the household's food stamp eligibility and benefits will be based on the monthly report of the household's circumstances as based on Section 107 and Section 108B of the Omnibus Reconciliation Act of 1981 and pursuant to the AFDC program's Retrospective Budgeting/Monthly Reporting policies (Retrospective Handbook).

In the case of Public Assistance Food Stamp Households (Type 3), this is subject to the Court Order issued in French vs. Fischer U.S. District Court, Eastern District La.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the following policy related to limitations on Long Term Care facility costs.

Reasonable cost limits are established as follows:

(1) Salaries — Allowable costs for salaries are limited to the maximum amount allowed by State Civil Service for the appropriate job requirements. This limit shall include salary and the value of other fringe benefits which are provided to state employees. Allowable salaries may be less than this limit based on the employee's actual duties. Refer to the Department of Civil Service Wage and Classification Plan.

(2) Dues and Related Travel Expenses — Travel expenses are allowable only as related to the administration of the facility and patient care. Out-of-state travel is allowable only as approved by OFS and only to the extent that costs are of direct benefit to patients or for the prudent operation of the facility. Out-of-town travel within the state is allowable only for the licensing requirements, continuing education, and administrative costs directly related to patient care. Compensation for such travel is limited to that allowable for state employees, both for mileage and per diem expenses. The Division of Administration publishes this criteria, and it is also published in the *Louisiana Register*. Vehicle expenses are allowable only as charged to the license number of vehicles which are established for facility use.

Dues are not an allowable cost.

(3) Insurance — Insurance rates must be reasonable. To assure reasonableness, evidence of competitive pricing must be available. Allowable cost is limited to the lowest of three bids for the coverage obtained. To be allowable, policies must be available for review by auditors and only ordinary and necessary coverage will be included.

(4) Interest — Interest is limited to that which can be specifically related to the purchase of an asset or is necessary for the operation of the facility. Working capital notes must be documented. Cash flow statements are to be supported by accounting records.

Generally, necessary and proper interest on both current and capital indebtedness is an allowable cost.

"Necessary" requires that interest: be incurred on a loan made to satisfy a financial need of the provider related to patient care

AND be reduced by investment income. "Proper" requires that interest: be incurred at a rate not in excess of what a prudent borrower would have to pay

AND be paid to a lender not related through control or ownership or personal relationship, to the provider. Exceptions are allowable only in accordance with HIM-15, Paragraph 218.2.

Mortgage interest is allowable only if it meets the above criteria. If mortgage interest is disallowed, the equity base must be adjusted.

(5) Motor Vehicle — The allowable depreciation and interest expense is limited to the state-wide average list price of a new standard size auto or van expensed over 36 months at the prevailing new auto interest rate charged by lending institutions. Lease costs are limited to charges over 36 months by bank related leasing companies or actual lease costs, whichever is less. The state-wide averages will be revised annually by DHHR - OFS. Taxes, tags, titles and insurance charges for the vehicle may be expensed in the year paid.

All vehicles must be related to patient care. It is recognized that some vehicles may be driven to and from the facility by full-time employees who are subject to call. The following types of vehicles are specifically disallowed: Recreational vehicles, pickup

trucks equipped for camping, motorized homes, airplanes and boats.

(6) Management Fees and Central Office Overhead — Contracts for management services must specify exactly what services are covered by the fee. The cost allocation plan for the management firm must also be available for review and audit by DHHR. The charges by a related management firm are limited to actual cost which shall not exceed what the service would cost from unrelated management companies. Related management companies will be required to file a cost report and be subject to audit by DHHR.

(7) Director's Fees — Director's fees are not an allowable cost.

(8) Owner's Compensation — All types of owner's compensation limits are based on the following criteria:

a. The position filled by the owner is normal to the industry.

b. The salary paid to the owner is in line with employee's salaries for similar positions limited as shown in Item 1.

c. Verification that the owner does perform the service for which he is being compensated. Example: Owner's wife is Director of Nursing. Wife must meet criteria described in a and b above and show evidence of her current licensure. Signed time sheets must support that actual work is performed.

(9) Rent — a. Rental payments between related parties are limited to actual cost and may not exceed (b) below.

b. Rent paid to unrelated parties will be subject to the following:

i. Facility lease shall be limited to an average of leases approved for the prior three years with each lease brought current by the Composite Construction Cost Index prior to being included in the average.

ii. Sub-lease costs will be reimbursed at the original lease cost with an approved certificate of need.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has suspended effective January 20, 1982, the following drug for the Maximum Allowable Cost (MAC) list: Dicloxacillin Sodium, Oral Capsule, 250mg.

This action was required as a result of telegram received from the chairman of The Pharmaceutical Reimbursement Board of Health Care Financing Administration (HCFA). The federal government is removing this drug because "of the potential lack of product availability in the marketplace."

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, (OFS) has adopted patient liability for the

month of entry to a long term care facility. Income (patient liability as determined by the OFS Parish Office) shall be applied in computing the OFS payment to the long term care facility beginning with the first day the applicant or recipient is determined categorically and medically eligible, or date of admission if later. OFS will pay the long term care facility the per diem rate less the recipient's per diem applicable income for the number of eligible days.

This rule is being adopted to bring policy into compliance with Federal Regulation CFR:42: CFR 435.733.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Health Services and Environmental Quality

I. Statement of Purpose, Scope, Applicability of Policy

Public Health Service Act, Section 1001, Sub-Part A, Part 59.5a5 Title 42 Code of Federal Regulations requires the collection of fees from either a third party responsible for the medical care of a recipient of services or from the recipient of family planning service.

No charge for services will be made to any person from a low-income family except to the extent that charges can be filed to a third party (including a government agency) which is authorized or is under legal obligation to pay such charge. Charges are to be made to persons whose incomes exceed the levels set forth in Section 59.2(e) of the regulations, and must be in accordance with a schedule submitted and approved as part of the project plan. Such a schedule should be based on ability to pay, which is generally determined by income. On the basis of the sliding scale, persons not covered by a third-party source are classified as "full pay" (pay 100 percent of the charges), "partial pay" (pay 1 to 99 percent of the charges), and "no pay". Charges must be made for services to such persons to the extent that payment will be made by a third party which is authorized or under legal obligation to pay such charges, and efforts must be made to obtain such third-party payments. Charges should be made in a manner that will not constitute a barrier to services. No patient should be denied services because of inability to pay.

In compliance with the regulation the Department of Health and Human Resources, Office of Health Services and Environmental Quality Family Planning Program has adopted uniform policies, rules and fee schedules for persons receiving family planning services in all of its units and service sites providing services under its auspices either directly or by contract. Fees will be based on cost and adjusted according to the ability of the recipient to pay.

II. Fees

A. Fee Policy

All persons seen for family planning services at an Office of Health Services and Environmental Quality health unit or at a site providing family planning services by contract with Office of Health Services and Environmental Quality shall be assessed a fee for each chargeable service. Chargeable services are those defined as chargeable under Medicaid, regardless of the source of payment.

All patients whose gross family income is above 150 percent poverty as determined by the U.S. Community Services Administration as indicated on the fee adjustment schedule shall

pay a fee for each service provided. Fees and adjustments to fees are to be established by the fee clerk at the time patient is registered for service.

Inasmuch as each person not clearly eligible for Medicaid or Title XX supported services must be screened to determine Title XX eligibility, guidelines for the Title XX program will be adhered to for the determination of gross monthly income and family size. Family size, gross income and dependents are defined according to Title XX service definitions.

Patients shall be charged a fee for each service, regardless of which service is provided, in the same manner in which Medicaid is charged. No fee shall be charged for failed or cancelled appointments.

Minors seen without the consent and knowledge of parents or legal guardians will be considered as separate family units and will be charged according to the minor's own income whether the source is allowance or earnings.

All patients shall be asked to pay their fees at the time of service delivery. However, when patients do not pay at the time of the visit, they shall be billed on a regular basis, preferably monthly, but no less frequently than quarterly.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Health Services and Environmental Quality

The Department of Health and Human Resources, Office of Health Services and Environmental Quality hereby amends the State Sanitary Code, Chapter VIII (Water Supplies, Cold Storage and Ice Plants), Paragraph 8:1, Definitions. The amendment adds to the existing definition of the federal National Interim Primary Drinking Water (NIPDW) Regulations, the amendment to the federal NIPDW Regulations pertaining to trihalomethanes as published in the Federal Register on November 29, 1979 and March 11, 1980. Paragraph 8:1, Definitions, cites wherein the Federal Register the NIPDW Regulations may be found and is not a substantive definition of the regulations. The NIPDW Regulations are referred to in other provisions of Chapter VIII. The effect of this amendment on other provisions is only in paragraph 8.2.5 and that effect is to adopt the federal trihalomethane drinking water quality standard as a part of the State's standards for community water systems serving 75,000 or more individuals and, after November 29, 1983, for community water systems serving 10,000 to 74,999 individuals.

The existing definition reads - National Interim Primary Drinking Water Regulations: Regulations promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of P.L. 93-523, the "Safe Drinking Water Act," and as published in the Federal Register of December 24, 1975, pages 59,566 through 59,574, and July 9, 1976, pages 28,402 through 28,409.

The revised definition reads - National Interim Primary Drinking Water Regulations - Regulations (40CFR141) promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of P.L. 93-523, the "Safe Drinking Water Act," and as published in the Federal Register of December 24, 1975, pages 59,566 through 59,574, and July 9, 1976, pages 28,402 through 28,409, November 29, 1979, pages 68,624 through 68,707, and March 11, 1980, pages 15,542 through 15,547.

As a result of the length of Chapter VIII, copies of the Chapter may be secured from the Office of Health Services and Environmental Quality, Policy, Planning and Evaluation, 325 Loyola Avenue - Room 515, Box 60630, New Orleans, LA 70160.

George Fischer
Secretary

RULE

Department of Health and Human Resources Office of Human Development

In compliance with Act Number 429 of the 1981 Louisiana Legislature the Department of Health and Human Resources, Office of Human Development, hereby adopts the following rules relative to the Adoption Program.

(1) Within ninety days after and termination of all parental rights or abandonment, or voluntary surrender to a child-caring agency, any child whose parents rights have been so terminated and who has not been placed either in a private family home for the specific purpose of effecting an adoption or with a relative who expresses an intent to care for the child until majority, shall be registered with the Louisiana Adoption Resource Exchange. Upon request, the Department of Health and Human Resources, Office of Human Development, shall provide the forms necessary to effect said registration to all private child-caring agencies. Private child-caring agencies will be requested to include a recent 3" x 5" black and white photograph of each child registered.

(2) The Department of Health and Human Resources, Office of Human Development, will maintain a list of the children registered with the Louisiana Adoption Resource Exchange. The listing will be updated no less often than quarterly and will be made available to all licensed child placement agencies in Louisiana. The listing will include a photograph of each child, but will not include the surname of the child or otherwise reveal the identities of the blood parents of the child.

(3) As an effort to effect permanent placements by matching potential adoptive parents with available children, the Department of Health and Human Resources, Office of Human Development, may under established guidelines, utilize media presentations for those children determined to be difficult to place. Subject to confidentiality requirements, and the guidelines listed below, such presentations may include newspaper, radio and television features depicting particular children, describing the adoption process, and explaining how persons interested in adoption may obtain information.

GUIDELINES FOR MEDIA RECRUITMENT

a. The Department of Health and Human Resources, Office of Human Development, may utilize media presentations involving children who are available for adoption to recruit homes for specific children and to recruit homes for general categories of children who are difficult to place. The children involved are those whose parents are dead, who were abandoned by their parents or in cases where parental rights have been terminated according to state laws. All children will be available for adoption or for a subsidized adoption program. The types of children considered by the agency as "hard to place" in adoptive homes include:

- (1) sibling groups
 - (2) black males (not infants)
 - (3) adolescents (over age 10) of any race or sex
 - (4) children with handicapping (mental or physical) conditions.
- Most of these children have unique situations or have other extraordinary circumstances which led to their placement in this category.

b. Media recruitment can be used only after a child has been registered with the Louisiana Adoption Resource Exchange (LARE) and every possible effort has been made to find a permanent home for him regionally and statewide, through public and private agencies.

c. The child will be helped to understand to the best of his ability that he is available for adoption and that media recruitment may help in finding an adoptive home for him and other children in similar circumstances. No child will be forced to participate in media recruitment.

d. Media recruitment shall be subject to Louisiana Confidentiality Statutes (R.S. 46:65) as interpreted by the Department of Health and Human Resources, Office of General Counsel. No identifying information concerning the child or his biological parents can be revealed. The social circumstances of the child and his birth parents must be considered in determining appropriate media resources for the child. Media recruitment may not be used within a Region where a child's background and circumstances are generally known to the public and could result in embarrassment and humiliation to the child or his biological parents.

e. The child be videotaped or photographed in comfortable surroundings while engaged in casual conversation and/or an activity which interests him and reflects his usual level of functioning and ability to interact with other people. The accompanying narrative would give descriptive information about the child's hobbies, interests and abilities and his expressed desires for an adoptive home.

f. Regional Homefinders and Adoption Specialists shall be designated to coordinate media recruitment for their Region with the Consultation of the Office of Human Development State Office and the Department of Health and Human Resources, Public Information Office.

g. Only free media resources will be used for publicizing recruitment efforts, such as public service announcements, special programming and news programs. The production of these presentations will be accomplished either by Department of Health and Human Resources or by the media resource and supervised by Department of Health and Human Resources.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development, has adopted a manual of rules, policies and procedures for the administration of the Division of Blind Services mandated by Act 692 of 1979.

The Department of the State Register has determined that the manual would be unduly cumbersome to publish, and has therefore omitted its publication in accordance with R.S. 49:954.1C. Copies of the manual may be reviewed between the hours of 8 a.m. to 5 p.m., Monday through Friday, at the state office and all area offices of the Division of Blind Services.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources has adopted an Operations Manual for the administration of the Rehabilitation Program.

The following policy changes will be implemented to accord compliance with Section 222(D) and 1615(D) of the Social Security Act:

1. Section 304

Occupational tools will be limited to \$150

2. Section 306.3

Maximum transportation - \$77 per month

3. Section 404.1

Eligibility criteria will now include an order or selection for services by priority groups as follows:

a. Severely disabled - severely handicapped individuals.

b. Individuals referred under Third Party Agreements (signed agreements between Division of Rehabilitation Services and other agencies/organizations).

c. Public safety officers who become disabled in the line of duty (police officers, probation/parole agents, etc.)

d. Individuals with dependents other than themselves.

e. Individuals with dependents other than themselves.

f. Non-severely disabled, but employed or unemployed individuals.

g. All other individuals not fitting categories "a" through "f".

4. Section 405.7

Economic need criteria is now applicable to recipients of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

5. Section 405.7

Full maintenance, maximum allowance - \$110 (also applicable to New Orleans area).

6. Section 405.7

If maximum maintenance of \$110 is given, no transportation cost will be allowed.

7. Section 405.7

Definite interpretation of length of college training. All college credits obtained before entering program will count towards maximum allowed.

8. Section 407

Is deleted. (Vocational Rehabilitation Trust Fund for services to SSI and SSDI recipients was abolished by federal legislation.)

9. Section 512

Out-of-state training will be limited to those training institutions listed in this section

George A. Fischer
Secretary

RULES

Department of Health and Human Resources Office of the Secretary

The Louisiana Department of Health and Human Resources (DHHR) hereby adopts rules implementing Block Grant Federal funding in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981. Effective October 1, 1981, this Public Law consolidated many categorically funded health

and social services programs administered by DHHR into five Block Grants for federal funding purposes. DHHR will administer these programs under Block Grant federal funding in accordance with guidelines set forth in Public Law 97-35 and within the federal allocation for the State of Louisiana.

The five Block Grants administered by DHHR and the administering Offices are as follows:

1. Alcohol and Drug Abuse and Mental Health Service - Office of Mental Health and Substance Abuse.

2. Maternal and Child Health Service - Office of Health Services and Environmental Quality

3. Preventive Health and Health Services - Office of Health Services and Environmental Quality

4. Low-Income Energy Assistance - Office of Family Security

5. Title XX Social Services - Office of Human Development

Alcohol and Drug Abuse
and Mental Health Services

Office of Mental Health
and Substance Abuse (OMHSA)

The programs included in this Block Grant were formerly authorized under the Community Mental Health Centers Act, the Mental Health Systems Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, and the Drug Abuse Prevention and Treatment Act.

Maternal and Child
Health Services

Office of Health Services and
Environmental Quality (OHSEQ)

The Maternal and Child Health Block Grant includes Maternity Services, Child Health Services, Eye Anomalies Program Services, Communicative Disorders Services, Handicapped Children's Services, Supplemental Security Income - Disabled Children's Program and the following special projects: Adolescent Parenthood Project, Dental Care Project, Lead Based Paint Poisoning Prevention, Neonatal Intensive Care Project and the Family Planning Discrete Project.

Preventive Health and Health Services
Office of Health Services and
Environmental Quality (OHSEQ)

Programs included in this Block Grant are Fluoridation, Rodent Control, Health Education/Risk Reduction, Emergency Medical Services, Hypertension, Retail Food Sanitation, Food and Drug Control, Venereal Disease Control, Epidemiology, Tuberculosis Control, Influenza, and services to rape victims and for rape prevention.

Title XX Social Services

Office of Human Development (OHD)

The State's share of allotted funds under this Block Grant will be used in accordance with the Comprehensive Annual Services Program (CASP) Plan for 1981-82 and to support the activities formerly funded by a separate Title XX Training allotment to the State.

The types of social service activities to be supported by Title XX funds and the categories of individuals to be served remain unchanged. The types of training activities to be supported now under the Block Grant will include (a) in-service training in program administration and service delivery for agency and contracted provider staff and (b) professional education in graduate schools of social welfare for agency employees and individuals preparing for agency employment.

George A. Fischer
Secretary

RULE

Department of Natural Resources Office of Conservation

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Chapter 7 of Title 30 of the Revised Statutes of 1950, entitled the Natural Resources and Energy Act of 1973, after due notice having been given and all legal delays observed, and after public hearing held under Docket Number PL 81-290 in Baton Rouge, Louisiana, on the seventeenth day of December, 1981, the following regulation is amended, reenacted and adopted by the Commissioner of Conservation as being reasonably necessary to govern and control matters involving the provisions of the Natural Resources and Energy Act of 1973.

Regulation No. 1 - Definitions - The words and terms defined herein shall have the following meanings when used in these Regulations. All other words and terms so used and not herein defined shall have their usual meanings unless specially defined in Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950.

Act or Chapter: shall mean the Natural Resources and Energy Act of 1973, being Act 16 of the Extraordinary Session of 1973, now Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950, as amended after 1950.

Commissioner: shall mean the Commissioner of Conservation of the State of Louisiana who shall be the Commissioner of Conservation within the Department of Natural Resources.

Excess Capacity of Intrastate Gas Pipelines: shall mean that part of the capability of a pipeline system to transport intrastate natural gas from point to point along its line in excess of the immediate needs of the pipeline company or its subsidiaries or its parent or the subsidiary companies of its parents. In determining excess capacity, the Commissioner may disregard existing contracts for the transportation or sale of intrastate natural gas to the extent they are not then being performed or fulfilled. Excess capacity of intrastate pipelines may also be created as a result of intrastate natural gas delivery curtailment orders of the Commissioner in the implementation of the allocation, rationing and conservation measures governing the enduse of intrastate natural gas provided for in the Act.

Facility: shall mean any component of a pipeline or pipeline system except:

(1) Auxiliary Installations. Installations which are merely auxiliary or appurtenant to an existing transmission pipeline system and which are installed only for the purpose of obtaining more efficient or more economical operation of authorized transmission facilities, such as: gas cleaning and treating equipment; heaters; cooling and dehydration equipment; residual refining equipment; water pumping treating and cooling production compressors; measurement equipment; pressure or flow regulation or control equipment; electrical and communication equipment and buildings.

(2) Replacement of Facilities. Facilities which constitute the replacement of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable: Provided, that such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: Provided further, that such replacement shall have substantially equivalent designed delivery capacity as the particular facilities being replaced.

(3) New Delivery Points. Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas, coal or lignite to an existing customer.

(4) Taps. Taps on existing transporter pipelines which are installed solely for the purpose of enabling a purchaser or transporter to take delivery of gas, coal, or lignite from a producer.

Gas: shall mean any gas derived from or composed of hydrocarbons, including synthetic gas which is produced from coal, lignite, or petroleum coke and the heat content of which synthetic gas does not exceed 800 BTUs per standard cubic foot.

Interested Parties: shall mean those persons who have a direct interest in the subject matter for which an application is filed as such persons are specified in these regulations.

Intrastate Coal Slurry Pipeline: shall mean a pipeline located and operated in the State of Louisiana for the transportation of coal or lignite from within or outside state limits or any mixture of substances which includes coal or lignite, in any form, but does not include producer owned producing and gathering lines and facilities located within the mine limits associated and used in connection therewith, provided such lines and facilities are not used for hire in the transportation of coal or lignite for others.

Intrastate Coal Slurry Transporter: shall mean any person owning or operating an intrastate coal slurry pipeline.

Intrastate Natural Gas: shall mean that gas produced, transported, and utilized wholly within the State of Louisiana, through the use of intrastate pipelines where such use of interstate pipelines is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission under the Natural Gas Act or rules and regulations promulgated by the Federal Energy Regulatory Commission thereunder, and gas, wherever produced, which is or may be transported into this state and delivered to an intrastate pipeline in this state to be used or consumed wholly within this state.

Intrastate Natural Gas Pipeline: shall mean a pipeline which is located and operated wholly within the State of Louisiana, which does not extend beyond the boundaries of the State of Louisiana, and which is not merely a local branch of an interstate pipeline system but does not include producer owned producing and gathering lines and facilities associated and used in connection therewith, provided such lines and facilities are not used for hire in the transportation of natural gas for others, except as provided in R.S. 30:607.

Intrastate Natural Gas Transporter: shall mean any person owning or operating an intrastate natural gas pipeline pipeline.

Natural Gas Company: shall mean a person engaged in the sale of intrastate natural gas beyond the wellhead.

Person: shall mean any natural person, corporation, political subdivision, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

Rules of Procedure: shall be the rules of procedure promulgated by the Commissioner and which are stated to be applicable to the Act.

Sale of Intrastate Natural Gas at the Wellhead: shall mean the first transfer for value by the producer of such gas whether at the wellhead, a central gathering facility, or at the tailgate of a gas processing plant.

R. T. Sutton
Commissioner

RULE

Department of Public Safety Office of State Fire Marshal

As Fire Marshal for the State of Louisiana I hereby adopt the following administrative ruling with regard to emergency generators for health care facilities:

L.A.C. 17-4:18 Emergency Generators
for Health Care Facilities

1. In addition to the requirements of the Life Safety Code

as set forth in previous regulations, all health care facilities shall comply with the following:

Sub-paragraph A. An approved motor driven generator shall be provided to supply electric current to the emergency system. This generator shall be of sufficient power and kilowattage to insure the illumination of emergency lighting and other facilities.

Sub-paragraph B. If the source of fuel for the motor generator is gasoline, diesel, kerosene or other fuels that are supplied independent of the public utilities, a secondary source of fuel will not be necessary.

Sub-paragraph C. If the fuel be natural, gas or other fuel supplied by the public utilities, piped to the power unit, then a secondary source of fuel shall be provided such as gasoline, kerosene, etc.

Sub-paragraph D. A sufficient amount of secondary fuel shall be maintained to insure the operation of the power plant for at least two days or 48 hours.

2. If the emergency generating system requires a secondary source of fuel, storage of that secondary source of fuel shall meet the following requirements:

A. If the power plant requires more than 15 gallons of secondary fuel for its operation, then the tanks shall be an approved type and shall be properly vented, buried, and protected from corrosion in accordance with the flammable and combustible liquid code, National Fire Protection Association Pamphlet 30, 1981 edition.

B. It shall be located as remote as possible from the building it is to serve or other improvements thereby.

C. If less than a 15 gallon supply is required for a two day operation of the plant, then this may be held in a tank attached to the unit.

D. The generator shall not be located in the confines of the health care facility unless it is separated by fire resistant partitions; and it shall not be located in the boiler room unless the boiler room is separated from the health care facility by two hour fire resistant construction.

Carrol L. Herring
State Fire Marshal

RULE

Department of Public Safety Office of State Fire Marshal

The Fire Marshal for the State of Louisiana does hereby adopt the following administrative ruling with regard to mobile homes.

L.A.C. 17-4:7. Standards for Mobile Homes

L.A.C. 17-4:7.4. Definitions

In the regulations which follow, unless contract otherwise requires:

(a) "Act" means the National Manufactured Home Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 USC 5401 et seq.).

(b) "Add-on" means any structure (except a structure designed or produced as an integral part of a manufactured home) which when attached to the basic home unit, increases the area, either living or storage, of the manufactured home.

(c) "Alteration" means the replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer or distributor but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system. It includes any modification made in the home which may affect the compliance of the home with the standards, but it does not include

the repair or replacement of a component or appliance requiring connection to an electrical receptacle, where the replaced item is of the same configuration and rating as the one being replaced. It also does not include an addition of an appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

(d) "Certification Label" see "label".

(e) "Certification Report" means the report prepared by an IPIA (see definition (y) (2)) for each manufactured home manufacturing plant under 24 C.F.R. Section 3282-362 (b) (2) in which the IPIA provides a complete description of the initial comprehensive inspection of the plant, an evaluation of the quality assurance program, under the approved quality assurance manual, and the identity of the DAPIA (See definition (y) (1)) which approved the designs and quality assurance manual used in the plant. Where appropriate under 24 C.F.R. Section 3282-362 (b) (5), the certification report may be made by a DAPIA.

(f) "Component" means any part, material or appliance which is built in as an integral part of the manufactured home during the manufacturing process.

(g) "Cost Information" means information submitted by a manufacturer under Section 607 of the Act with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such terms includes both the manufacturer's cost and the cost to retail purchasers.

(h) "Date of Manufacture" means the date on which the label required by 24 C.F.R. Section 3282-205 (c) is affixed to the home.

(i) "Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease home for purposes other than resale.

(j) "Defect" means a failure to comply with an applicable Federal manufactured housing safety and construction standard that renders the home or any part or component thereof not fit for the ordinary use for which it was intended, but does not result in an unreasonable risk of injury or death to occupants of the affected manufactured home. See related definitions of "imminent safety hazard" (definition p), "noncompliance," (definition w), and "serious defect" (definition ee).

(k) "Design" means drawings, specifications, sketches and the related engineering calculations, test and data in support of the configurations, structures and systems to be incorporated in homes manufactured in a plant.

(l) "Director" means the Director of the United States Office of Manufactured Housing and Construction Standards.

(m) "Distributor" means any person engaged in the sale and distribution of manufactured housing for resale.

(n) "Failure to Conform" means an imminent safety hazard related to the standards, a serious defect, or noncompliance and is used as a substitute for all of those terms.

(o) "HUD" means the United States Department of Housing and Urban Development.

(p) "Imminent Safety Hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable Federal manufactured housing construction or safety standard. See related definitions of "defect" (definition j), "noncompliance," (definition w) and "serious defect" (definition ee).

(q) "Joint Monitoring Team" means a monitoring inspection team composed of personnel provided by the various State Administrative Agencies, or its contract agent, operating under a

contract with HUD for the purpose of monitoring, or otherwise aiding in the enforcement of the Federal standards.

(r) "Label" or "certification label" means the approved form of certification by the manufacturer that, under 24 C.F.R., Section 3282-362 (c) (2) (i), is permanently affixed to each transportable section of each home manufactured for sale to a purchaser in the United States.

(s) "Manufacturer" means any person engaged in manufacturing or assembling manufactured housing, including any person engaged in importing homes for resale.

(t) "Manufactured housing" means a structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or, when erected on site, 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this Subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States code 5401, *et seq.*

(u) "Manufactured Housing Construction" means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety.

(v) "Manufactured Housing Safety" means the performance of a manufactured home in such a manner that the public is protected against unreasonable risk of the occurrence of accidents due to the design or construction of such home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(w) "Noncompliance" means a failure of a home to comply with a Federal manufactured housing construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard. See related definition of "Defect" (definition j), "imminent safety hazard" (definition p), and "serious defect" (definition ee).

(x) "Owner" means any person purchasing a home from any other person after the first purchase of the home, in good faith, for purposes other than resale.

(y) "Primary Inspection Agency" (PIA) means a State or private organization that has been accepted by the Secretary in accordance with the requirements of Subpart H of the Manufactured Homes and Procedural Regulation. There are two types of PLIA:

(1) Design Approval PIA (DAPIA), which evaluates and approves or disapproves manufactured home designs and quality control procedures and

(2) Production Inspection PIA (IPIA), which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and provides ongoing surveillance of the manufacturing process. Organizations may act as one or both of these types.

(z) "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

(aa) "Quality Assurance Manual" means a manual, prepared by each manufacturer for its manufacturing plants and approved by a DAPIA which contains: a statement of the manufacturer's quality assurance program, a chart of the organization showing, by position, all personnel accountable for quality assurance, a list of tests and test equipment required, a station-by-station description of the manufacturing process, a list of inspec-

tions required at each station, and a list by title of personnel in the manufacturer's organization to be held responsible for each inspection. Where necessary, the quality assurance manual used in a particular plant shall contain information specific to that plant.

(bb) "To Red Tag" means to affix a notice to a home which has been found to contain an imminent safety hazard or a failure to conform with any applicable standard. A "red tag," is the notice so affixed to the manufactured home.

(cc) "Secretary" means the Secretary of the United States Department of Housing and Urban Development.

(dd) "Secretary's Agent" means a party operating as an independent contractor under a contract with HUD.

(ee) "Serious Defect" means any failure to comply with an applicable Federal manufactured housing construction and safety standard that renders the home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected home.

(ff) "Standards" means the Federal manufactured housing construction and safety standards promulgated under Section 604 of the Act, 42 U.S.C. 5403, as part 280 of these regulations.

(gg) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(hh) "State Administrative Agency" (SAA) means an agency of a State which has been approved or conditionally approved to carry out the State plan for enforcement of the standards pursuant to Section 623 of the Act, 42 U.S.C. 5422, and Subpart G. of the Federal Manufactured Homes Procedural and Enforcement Regulations.

(ii) "State Plan Application" means the application of a State organization which is submitted to the Secretary for approval as a State Administrative Agency under Subpart G of the Federal Manufactured Homes Procedural and Enforcement Regulation.

(jj) "System" means a set or arrangement of materials or components related or connected as to form an operating entity, i.e., heating, ventilating and air-conditioning systems, and evaporative coolers.

(kk) "Title I" means Title I of the National Housing Act, 12 U.S.C. 1701, which authorizes HUD to insure loans made for the purchase of manufactured homes that are certified as meeting HUD requirements for dwelling quality and safety.

(ll) "United States District Courts" means the Federal District Courts of the United States and the United States Courts of the commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

L.A.C. 17-4:7.5. Inspections

The Uniform Standards Code for Mobile Homes, La. R.S. 51:911.32 allows employees and personnel under contract to the State Fire Marshal to enter, at a reasonable time, any factory, warehouse or establishment, in which manufactured houses are manufactured, stored or held for sale, for the purpose of ascertaining whether the requirements or the Federal manufactured housing construction and safety standards have been and are being met.

L.A.C. 17-4:7.6. Handling of Consumer Complaints

All complaints concerning units constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be handled in compliance with Subpart I of the regulation established pursuant to the Act.

a. Upon receipt of a consumer complaint or other information indicating the possible existence of a failure to conform or imminent safety hazard, the State Fire Marshal will review the complaint or information to determine where the home was manufactured and if a problem exists. All complaints shall be referred to the manufacturer or dealer if a problem is indicated. When there is

information to indicate that homes with the same failure to conform, or imminent safety hazard, may have been manufactured in more than one state, the complaint will simultaneously be forwarded to HUD and the home manufacturer.

b. Where the complaint is forwarded to the manufacturer, the manufacturer will be requested, in writing, to investigate the complaint within 20 days of receipt of the complaint and make a report to the State Fire Marshal. In the event that it appears from the complaint that an imminent safety hazard exists, the State Fire Marshal will simultaneously contact the manufacturer by telephone and make its own investigation in addition to forwarding the complaint in writing, in an effort to expedite investigation and any necessary correction by the manufacturer.

c. Where the manufacturer has determined and reports that no imminent safety hazard, serious defect, defect, or noncompliance exists and the State Fire Marshal is able to concur from all available information, we will consider the complaint closed and so inform the manufacturer and complainants; however, if the State Fire Marshal is unable to concur with the manufacturer's report it will make an investigation and within 10 days of receipt of the manufacturer's report shall inform the manufacturer of the results of the investigation. If it is found that the manufacturer's report was correct the State Fire Marshal will consider the matter closed.

d. Where, upon investigation, the SFM determines, however, that an imminent safety hazard, serious defect, defect or noncompliance may exist, it will notify the manufacturer and request the manufacturer to take necessary action. Where the manufacturer does not take action after notification by the State Fire Marshal and it appears that an imminent safety hazard or serious defect may exist, the State Fire Marshal will inform the manufacturer of its opinion and simultaneously forward to HUD documentation of the factual basis upon which such opinion was made, for administrative determination by HUD, pursuant to 24 C.F.R. Section 3282.407 (a). Where the manufacturer does not take action after notification by the State Fire Marshal and it appears that a defect or noncompliance may exist, the Board will so notify the manufacturer. The notice shall be sent to the manufacturer by certified mail and will include:

1. The preliminary determination by the State Fire Marshal.
2. The factual basis for the determination.
3. The date on which the determination was made.
4. The identifying criteria of the manufactured homes known to be affected.

5. Notice to the manufacturer that a hearing or presentation of views may be requested pursuant to 24 C.F.R. Part 3282, Subpart D, to establish that there is no such defect or noncompliance.

6. Notice to the manufacturer that the preliminary determination of defect or noncompliance shall become final unless the manufacturer responds within 15 days after receipt of such notice and requests a hearing or presentation of views to rebut the State Fire Marshal's determination.

7. Notice to the manufacturer that any information upon which the determination has been based, such as test results, records of inspection, etc., shall be available for inspection by the manufacturer.

e. Where the manufacturer requests a hearing or presentation of views, one shall be promptly provided in accordance with the procedures outlined in the *Administrative Procedures Act*. La. R.S. 49:951 et seq.

f. Where the manufacturer fails to respond to the notice of preliminary determination or if the State Fire Marshal's Board of Review decides that the views and evidence presented by the manufacturer is insufficient to rebut the preliminary determination, the SFM may make a final determination that a defect or noncompliance exists and will notify the manufacturer to make a notification and submit a plan in accordance with 24 C.F.R. Section

3282.409. Within 10 days after receipt of the notice of final determination, the manufacturer may appeal to the Secretary of the United States Department of Housing and Urban Development.

g. The manufacturer's plan for notification and correction, including contents of notice, time for implementation and completion of actions and reports, shall be made in accordance with the provisions of 24 C.F.R. Section 3282.409 through 3282.413. When the manufactured home is in the hands of a distributor or dealer, it shall be handled in accordance with 24 C.F.R. Section 3282.414.

h. The State Fire Marshal shall be responsible through oversight and remedial actions that the provisions of 24 C.F.R. Part 3282, Subpart I, are carried out and may make inspections of any manufacturer corrections to assure compliance with 24 C.F.R. Part 3282, Subpart I.

L.A.C. 17-4:7.7. Notification and Corrections Procedure

A. Manufacturer's Determination

When a consumer complaint is referred to the manufacturer and the manufacturer determines that an imminent safety hazard, serious defect, defect or noncompliance may exist and the manufacturer does not correct the imminent safety hazard or failure to conform within 30 days of the date on which the manufacturer determined the existence of an imminent safety hazard or failure to conform, the manufacturer shall prepare and submit a plan as provided for in 24 C.F.R. Section 3282.409, to the State Fire Marshal.

B. Notification

The plan, including a copy of the Notice as required by 24 C.F.R. Section 3284.410, shall be submitted to the State Fire Marshal by the manufacturer and shall provide for notification by mail, to the first purchaser (not including any dealer or distributor of the affected manufacturer) of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and any subsequent purchaser to whom any warranty provided by the manufacturer or required by Federal or State Law has been transferred, to the extent feasible; by mail to any other person who is a registered owner of each manufactured home containing an imminent safety hazard, serious defect, defect or noncompliance and whose name has been returned to the manufacturer under the procedure of Record of Purchasers as provided for under 24 C.F.R. Section 3282.410.

By mail or other expeditious means to the dealers or distributors to whom such manufactured home was delivered. In the event the manufactured home has an imminent safety hazard or serious defect the notification shall be forwarded by certified mail, if mailed.

C. Review

The State Fire Marshal will review the plan submitted by the manufacturer, including the contents of the notice, and either approve the plan as submitted or make modifications to the plan for compliance with the requirements of 24 C.F.R. Section 3282.409 and notify the manufacturer of the approval or modification. The manufacturer may contest the modification within five days of the approval of the plan or modification.

If the State Fire Marshal does not accept the manufacturer's position as to the modification it shall act as follows:

(1) If the manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as the State Fire Marshal contends, the State Fire Marshal shall refer the matter to the Secretary for determination under 24 C.F.R. 3282.407 (a).

The formal notification requirements which would result from any determination by the manufacturer under 24 C.F.R. Section 3282.404 may be waived by the SFM that would otherwise approve the plan upon receipt of satisfactory assurances from the manufacturer that:

RULE

Department of Transportation and Development Office of the General Counsel

Qualified Products Lists

Qualified products listings and the evaluation of materials for these lists are administered by the Traffic Services Section and the Materials Section within the Department of Transportation and Development.

Qualified products listings are basically developed for those materials and items requiring source approval, performance evaluation, in-service evaluation, long term testing, or other conditions not conducive to normal sampling and testing of materials received at the point of delivery. Prospective sources of supply should be aware that those samples required for evaluation must be furnished at no cost to the Department, and that results of tests and evaluations may be published and made available for public distribution by the Department. Testing and evaluation time varies depending upon the specific item; some items require considerable time for testing and evaluation. The qualified products listings are in two general areas, i.e. Traffic Control Devices and Construction Materials. Examples of such lists are, as follows:

(A) Traffic Control Devices:

- Traffic Signal Controllers
- Flashing Switches for Beacons
- Signal and Pedestrian Heads
- Signal lenses
- Disconnect Hangers and Leads
- Coordination Units
- Pre-emption Units
- Loop Amplifiers
- Flashers for Controllers
- Conflict Monitors
- Load Cells
- Controller Cabinets
- Pull Boxes
- Pedestal Bases

(B) Construction Materials:

- Admixtures for Portland Cement Concrete
- Elastomeric Bridge Bearing Pads
- Polyurethane Polymer Joint Sealers
- Portland Cements and Portland Pozzolan Cements
- Raised Pavement Markers
- Paint - Inorganic Zinc Primers and Topcoats
- Reflective Sheetings
- Cantilever Type Load Transmission Devices
- Plastic Filter Cloth
- Anti-Stripping Additives
- Metallic Detection Tapes and Wires
- Cold Galvanizing Repair Compounds
- Asphalt Mix Release Agents
- Paint, Activated Epoxy Primers and Topcoats
- Form Release Agents
- Paints, High Build Water Borne Traffic
- PVC Extended Coal Tar Joint Sealers
- Elastomeric Railroad Grade Crossings
- Three Coat Organic Zinc Paint Systems
- Aggregates
- Flexible Plastic Gaskets and Sealants for Culvert Pipe
- Performed Elastomeric Compression Joint Sealers
- Lubricant Adhesives
- Mineral Fillers for Asphaltic concrete
- Paint - Organic Zinc Primers and Topcoats
- Special Surface Finishes for Concrete
- Barricade Warning Lights
- Preformed Closed Cell Polyethylene Joint Fillers

(1) The manufacturer has identified all possibly affected manufactured homes which have been sold to purchasers, dealers and distributors;

(2) The manufacturer has corrected, at the manufacturer's expense, all affected manufactured homes; and

(3) The repairs, in the SFM's judgment, are adequate to remove the imminent safety hazard or failure to conform.

L.A.C. 17-4:7.8. Oversight

Oversight by the State Fire Marshal pursuant to 24 C.F.R. Section 3282.405 and 3282.407, the State Fire Marshal will:

(a) Review plans submitted by manufacturers.

(b) Modify plans submitted by manufacturers where necessary for compliance with 24 C.F.R. Section 3282.409.

(c) Notify the manufacturer of any modifications or necessary corrections.

(d) Approve plans submitted by manufacturers that comply with the requirements of 24 C.F.R. Section 3282.409.

(e) Refer to the Secretary of HUD any matter where:

1. The manufacturer contends that the manufactured home contains a defect rather than an imminent safety hazard or serious defect as determined by the State Fire Marshal.

2. The manufacturer contends the number of manufactured homes affected is different from that determined by the State Fire Marshal.

3. The manufacturer contends the contents of the notice or the correction are different from what the State Fire Marshal has determined.

4. The manufacturer and the State Fire Marshal agree that an imminent safety hazard or serious defect exists.

(f) Determine from records or otherwise that the time elements for implementation of the manufacturer's plan, as outlined in 24 C.F.R. Section 3282.412, are carried out.

(g) Determine from records or otherwise that required correction of defects have been made by the manufacturer.

(h) Determine from records or otherwise that the manufacturer has complied with the requirements outlined in 24 C.F.R. Section 3282.404 (e) where the State Fire Marshal has waived the formal notification requirements that would result from any determination by a manufacturer to provide notification as outlined in 24 C.F.R. Section 3282.404.

(i) Review reports submitted to it by manufacturers, DAPIA and IPIA to determine that the requirements outlined in 24 C.F.R. Part 3282, Subpart I are being complied with.

(j) Review manufacturer records for incorrect determinations, inadequate repairs or failure to make required repairs.

L.A.C. 17-4:7.9. Amendments

In amending these regulations, the State Fire Marshal shall follow the procedure specified in La. R.S. 49:951 et seq. Administrative Procedures Act and any amendments thereto.

L.A.C. 17-4:7.10. Appeals

Notwithstanding the provisions of 24 C.F.R. Section 3282-152 (f) (2) and (g) (2) relating to the conclusive effect of a final determination, any party, in a proceeding held at a SAA under this section, including specifically the owners of affected manufactured homes, States in which affected homes are located, consumer groups representing affected owners and manufacturers (but limited to parties with similar substantial interest) may appeal to the Secretary in writing any final determination by an SAA which is adverse to the interest of that party. This appeal on the record shall be made within 30 days of the date on which the final determination was made by the SAA.

L.A.C. 17-4:7.11 Label Fees

Nineteen dollars for each label(s) for each manufactured home manufactured on or after June 15, 1976.

Carrol L. Herring
State Fire Marshal

Self-leveling Levels
Silicon Additives for Asphalt Cement
Rapid Setting Patching Materials for Concrete
Manhole Steps
Soil Sterilants
All Purpose Blasting Sands
Epoxy Resin Systems for Concrete
Hydrated Limes and Quicklimes
Traffic Paints

Paul J. Hardy
Secretary

RULE

Department of the Treasury Board of Trustees State Employees Group Benefits Program

Unless otherwise exempted by Section 1311 of Public Law 93-222 (Health Maintenance Organization Act of 1973), any health maintenance organization or other prepaid medical plan seeking to solicit the membership of employees of the State, its agencies or political subdivisions, shall be subject to the regulations and requirements as set forth below.

For purposes of these regulations the term "HMO" is defined as any legal entity which provides, either directly or through arrangements with providers or other persons, health care services, or arranges for the provision of such services to enrollees on the basis of a fixed prepaid sum.

GENERAL INFORMATION

The HMO shall furnish the following information:

(1) A list of the names and official positions of all members of the board of directors and the principal officers of the organization, which list shall contain a full disclosure of the extent and nature of any contractual or financial arrangements between them and the State, or any of its agencies or political subdivisions;

(2) If the HMO is sponsored by another organization, the foregoing information relative to the directors and principal officers of the sponsoring organization or parent company;

(3) Any changes in (1) or (2) above which may take place for the duration of the contract between the HMO and the State;

(4) A current balance sheet or income/expense statement;

(5) Evidence of protection for members in the event of insolvency or medical catastrophe; which evidence may be a demonstration of the HMO's capacity to produce a cash flow sufficient to cover normal operating expenses for a minimum of 90 days, or a contractual agreement with a third-party insurer indicating such protection; and which evidence shall be updated on an annual basis;

(6) A copy of the form of each booklet or certificate of coverage to be issued to the members, and any changes or amendments as may be made from time to time;

(7) A description of the proposed method of marketing the HMO benefits, including marketing material to be used and a list of current premium charges;

(8) An accurate comparison of benefits offered by the HMO and the State Employees Group Benefits Plan.

(9) A statement describing the HMO's service area;

(10) A description of complaint procedures the HMO utilizes for resolving grievances between a member and the HMO or any provider of services;

(11) If the HMO is a group or staff model, a description of

the medical care facilities to include;

(a) location;

(b) hours of operation;

(c) provisions for after-hours emergency services;

(d) on-site facilities such as x-ray, laboratory, pharmacy, etc.;

(12) For all models, a list of participating physicians, to include the area of practice or speciality of each;

(13) A statement indicating which person or persons are responsible for final medical adjudication of questioned claims.

The State of Louisiana shall have the right during the existence of the contract to audit from time-to-time such fiscal records of the HMO as may pertain to the financial security of State employees enrolled as members.

If, for any reason, a provider fails or is unable to render services it has agreed to provide through a contract with the HMO, the HMO shall agree to pay benefits for services equivalent to those set for in its contract with the State while an individual continues to be a member.

The Board of Trustees of the State Employees Group Benefits Program shall not be held liable for claims for damages relating to any treatment rendered or arranged for by the HMO.

The HMO shall agree to hold the Board of Trustees of the State Employees Group Benefits Program harmless from all claims for damages relating to any act or omission by the HMO, including any claims relating to failure of the HMO to provide services as specified in its contract with the State of Louisiana due to financial hardship or insolvency.

INITIAL ENROLLMENT AND EFFECTIVE DATE

(1) The initial enrollment period shall be that 90 day period immediately following the approval of an HMO program. The initial effective date shall be the first day of the month next following the completion of this enrollment period.

(2) The State shall furnish the HMO with a list of agency personnel officers and their addresses to facilitate agency contact.

(3) The State shall provide a letter of introduction by the Executive Director to the personnel officers encouraging their cooperation with the HMO in scheduling meetings and making the offer to eligible employees.

(4) The State shall permit the HMO to use its enrollment form to enroll employees who are currently members of the State Employees Group Benefits Program.

(5) The HMO shall use the State Employees Group Benefits Enrollment Document if the employee is not a member of the State Plan at the time he elects HMO membership.

(6) All documents shall be processed at the State Employees Group Benefits office, including data entry into the billing and eligibility system.

(7) The HMO shall secure any information it may need which is not on the enrollment document independently of the State Employees Group Benefits Program.

COMPUTER INTERFACING

(1) The State shall provide the HMO with a monthly exception tape, detailing by agency: additions, deletions, and changes.

(2) The HMO shall maintain all billing records by agency billing codes as established by the State Employees Group Benefits Program.

(3) The HMO shall furnish utilization reports on a monthly basis, the format of which as shall be mutually agreed on by the State and the HMO.

PREMIUM BILLING AND TRANSFER

(1) The HMO shall bill membership fees in a regular monthly invoice, detailed by agency billing codes as established by the State Employees Group Benefits Program.

(2) The State shall transfer the reconciled membership

fees to the HMO by the fifteenth of each month for the previous month's billing. Remittance will be itemized by agency.

(3) The State shall retain a monthly administrative fee for each individual contract, which fee shall be negotiated prior to the initial effective date of the master contract between the State and the HMO. Adjustment of the administrative fee will be made no more often than once a year and only on the annual re-enrollment date.

RATES

(1) The HMO shall charge membership fees that are divisible by a number as shall be set forth in the contract.

(2) Rates shall be guaranteed for no less than a 12 month period following initial enrollment and thereafter shall be increased no more often than once a year and only on the annual re-enrollment date, unless otherwise approved by the Board of Trustees 90 days prior to the effective date of such increase.

(3) Notice of premium adjustments shall be given the State at least 90 days prior to the proposed effective date of such adjustment.

(4) Membership fees shall not be adjusted based on the utilization of health care services by State employees or their dependents. Rate adjustments shall be reflected in similar adjustments for other groups enrolled in the HMO service area.

(5) The HMO shall use a three-rate structure, with classifications compatible with those used by the State Employees Group Benefits Program.

ELIGIBILITY

(1) The HMO shall maintain identical eligibility regulations as the State Employees Group Benefits Program with the exception of sponsored adult dependents, who need not be eligible for membership.

(2) The HMO shall enroll new employees who choose membership during their initial period of eligibility for an effective date that is compatible with the eligibility requirements of the State Program.

(3) The HMO shall provide for continuation of membership for surviving spouses and dependents of deceased employees who are HMO members at the time of death.

PRE-EXISTING CONDITIONS

(1) The HMO shall impose no limits on coverage for pre-existing conditions for State employees electing membership during their initial period of eligibility.

(2) If a State employee fails to elect HMO membership for himself or his dependents during his initial period of eligibility, the HMO shall impose limitations on coverage for pre-existing conditions as a requirement for membership, in accordance with the existing regulations of the State Employees Group Benefits Program.

TRANSFERS AND TERMINATIONS

(1) The HMO shall hold an annual re-enrollment each November for an effective date of January 1 for employees electing to enter or leave HMO membership. This shall include both active and retired employees.

(2) The HMO shall participate in any other open enrollments as shall be mandated by legislative action, if such action involves the HMO's service area.

(3) Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall be allowed only during the annual re-enrollment period, for an effective date of January 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO service area, with an effective date of the first of the month following transfer.

(4) The HMO shall provide benefits up to but not beyond date of discharge in the event a member or his dependents are hospital confined at the time his membership terminates.

(5) The HMO shall allow individual conversions for a 30 day period following the end of the month during which an employee terminates his group membership. The conversion may be an individual HMO membership or fully-insured health contract, but shall be offered without regard to existing medical conditions and at the then-current rate for all other similar conversions. Termination of the group contract does not constitute individual termination for purpose of conversion.

(6) No individual membership shall be terminated by the HMO except for the following reasons:

a. termination of the group contract
b. termination of a member's employment with the State
c. an employee's moving his domicile out of the HMO service area
d. failure of the individual to make required copayments to an HMO provider

e. statements made by an individual on applying for membership which are material and knowingly false relative to the eligibility of himself or any dependent; or, if applicable, relative to the health status of himself or any dependent

f. refusal of a member to cooperate with an HMO provider to such a degree as to render a satisfactory physician-patient relationship impossible.

(i) Should the member refuse to accept procedures or courses of treatment recommended by an HMO physician, the physician shall use his best efforts to render all necessary and appropriate professional services in a manner compatible with the member's wishes insofar as this can be done consistent with the physician's judgement as to the requirements of proper medical practice.

(ii) Should the member continue to refuse to cooperate with the provider, and the physician believes that no acceptable professional alternative exists, such member shall be so advised, and if upon being so advised, the member still refuses to follow the recommended treatment or procedure, then the HMO shall have the right to terminate that individual's membership.

(iii) Should the HMO elect to terminate or not renew the member's coverage due to the above provision, the HMO shall notify the employee in writing no less than 30 days prior to the termination date.

(iv) The employee shall have the right to appeal such termination of coverage to the Benefits Committee of the Board of Trustees, which committee shall refer its recommendation to the Board for final decision.

NONDUPLICATION OF COVERAGE

(1) If a husband and wife are both State employees and both are eligible for family coverage under the State Employees Group Benefits Program, both must elect membership in the HMO or the State Program. Neither split contracts nor dual membership shall be allowed.

(2) If a husband and wife are both State employees and have elected single coverage, each may choose membership in either the HMO or the State Program.

(3) Regardless of any provision of the State Employees Group Benefits Program contract to the contrary, the following apply to any State employee or dependent enrolled in an HMO:

a. The person shall neither be a member of the State Program nor a qualified dependent covered under the State Program.

b. No benefits will be payable under the State Program with respect to charges for services and supplies furnished while the person is enrolled in the HMO.

BENEFIT STRUCTURE

(1) The HMO shall provide basic and supplemental comprehensive health maintenance services which State employees and their dependents might reasonably require to be maintained in

good health, without regard to the frequency or extent of services furnished to any particular enrollee except for allowable exclusions and limitations as noted herein.

(2) Basic comprehensive health maintenance services shall include, but need not be limited to:

- a. Provisions for in-area emergency health care services which shall be available 24 hours a day, seven days a week and which shall be provided by physicians or other licensed medical personnel;
- b. Coverage for out-of-area emergency services.
- c. Preventive health services such as immunizations, routine physical examinations, and diagnostic studies;
- d. In-patient hospital care, to include semi-private accommodations and other ancillary services for at least 120 days per confinement, restorable after 90 days following discharge;
- e. In-patient physician services, for the period of time as specified in (d) above;
- f. Out-patient health services

(3) Supplemental comprehensive health maintenance services shall include, but need not be limited to benefits for:

- a. Out-patient prescription medication
- b. Private-duty nursing prescribed by a physician
- c. Emergency ambulance services
- d. Durable medical equipment
- e. Prosthetic appliances
- f. Reasonable extension of in-patient hospital and physician services beyond the minimum requirement of the basic coverage

(4) The HMO may impose reasonable limitations on and/or exclusions from such services as cosmetic surgery, dental treatment, custodial care, experimental procedures, home health care, services not medically necessary, personal convenience items, luxury accommodations, and services not rendered or prescribed by HMO physicians (except for out-of-area emergency care).

(5) The HMO may exclude from coverage those items as are normally and routinely considered excludable under group health coverage such as injuries or disease covered by workmen's compensation laws or veteran's benefits; self-inflicted injuries or those sustained as a result of war or civil disobedience.

(6) Treatment for mental and nervous disorders, and alcohol or other substance abuse may not be excluded, but may be limited. Coverage shall be provided to include at least:

- a. In-Patient - hospital benefits and physicians services for a minimum of 30 days per year;
- b. Out-patient - physician services covered at least 50 percent for a minimum of 15 visits per year at no less than \$40 per visit.

(7) Basic comprehensive health maintenance services shall have no lifetime maximum. Reasonable copayments may be placed on out-patient services and out-of-area services, but in no instance shall the copayment exceed 25 percent of the value of the service rendered.

(8) Supplemental comprehensive health maintenance services shall not be limited to less than \$250,000 in benefits available for the lifetime of a member and may contain provision for a deductible, not to exceed \$100 per member per calendar year, with no more than three deductibles required per family. After satisfying the deductible, the member shall be eligible for payment of not less than 80 percent of covered charges (except as provided in (6) above), up to \$5,000 per calendar year. Thereafter, 100 percent of eligible charges shall be covered for that member for the balance of the calendar year.

DISCLOSURE

(1) The HMO shall issue to each employee a description of benefits to which he is entitled under the contract between the HMO and the State of Louisiana.

(2) The evidence of coverage shall contain a clear, concise and complete statement of:

- a. The health care services and the insurance or other benefits, if any, to which the member is entitled;
- b. Any exclusions or limitations on the services as benefits to be provided, including any deductibles and/or copayment provisions;
- c. Where and in what manner information is available as how services, including emergency and out-of-area services, may be obtained;
- d. The HMO's method for resolving enrollee complaints;
- e. Conditions of eligibility for employees and their dependents;
- f. Conditions under which an individual's membership may be terminated.

James D. McElveen
Executive Director

RULE

Department of the Treasury Board of Trustees State Employees Group Benefits Program

Open Enrollment Periods for School Boards Receiving Reimbursement from the State of Louisiana

Reimbursements will be made to employees and retirees of school systems with private carriers who are enrolled for coverage in an open enrollment period only under the following circumstances:

1. Eligible employees and retirees may be enrolled in the life insurance program of the school board on the first day of any month upon submission of a statement of health and approval thereof by the company insuring the life program for the school system.
2. Eligible employees and retirees of the school system may enroll in the health insurance program on the first day of any month subject to the following pre-existing condition stipulation:
A physical injury or sickness will be considered a Pre-Existing Condition if treatment was received or if drugs were prescribed or taken, during the 12 consecutive month period immediately preceding the effective date of coverage. No benefits will be payable for a Pre-Existing Condition until the covered person has been a participant in the plan for 24 consecutive months.

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT Department of Agriculture

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:2302, relative to the authority of the Commissioner of Agriculture to deal with contagious and infectious diseases of honey bees, notice is hereby given that the Commissioner of Agriculture, through the State Entomologist, will enact rules and regulations governing the administration of the Apiary Program, including, but not limited to, the following: movement of beekeeping equipment, colonies, nuclei or comb packages; movement or shipment of combless packages and/or queens and used combless package cages; authority of agents to enter premises; applications for inspections; shipment or movement of restricted articles; issuance and use of certificate permits in Louisiana; shipment or movement of restricted articles from any quarantined area except under special permits; eradication measures; levy of assessments; and penalties.

Interested persons may secure a copy of the full text of the proposed rules and regulations by writing to Dr. John Impson, Assistant Commissioner for Agriculture and Environmental Sciences, Box 44456, Baton Rouge, Louisiana 70804 or in person at the office of the State Entomologist, 9181 Interline Boulevard, Baton Rouge, Louisiana.

The public hearing for consideration of the proposed rules and regulations will be conducted at 7 p.m., on February 8, 1982, at 12055 Airline Highway, Baton Rouge, Louisiana.

Written comments will be accepted by Dr. Impson up to and including February 5, 1982, or may be presented in person at the hearing. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the said public hearing.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Apiary

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No anticipated increase (decrease) in agency costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS: (Summary)
No anticipated effect on revenue collections by the agency.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Simplified procedure will make it easier for an apiarist to secure permits; scheduling changes will result in the conduct of inspections at more convenient times for the apiarists.

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

No anticipated effect on competition and employment in the private sector; most apiaries are family operations.

John Compton
Deputy Commissioner of Agriculture

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture Livestock Sanitary Board

Notice is hereby given that due to severe weather conditions, the Livestock Sanitary Board cancelled the public hearing scheduled for January 14, 1982 and rescheduled the hearing for Thursday, February 4, 1982 at 9:30 a.m. at the State Capitol in Baton Rouge.

The proposed rule on equines, printed in full in the December 1981 issue of the *Louisiana Register*, will be considered for adoption.

Bob Odom
Commissioner of Agriculture

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Animal Diseases

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No increase (decrease) in agency costs anticipated upon adoption of either rule.
- II. ESTIMATED EFFECT REVENUE COLLECTIONS - (Summary)
No anticipated effect on revenue collections, since the agency does not collect revenues for oversight of EIA or Brucellosis infected animals.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Adoption of the proposed rule on brucellosis testing will result in minimal savings for livestock owners, since owners will no longer be required to secure an out-of-state test at their costs prior to import of the cattle. Owners of EIA infected horses can anticipate an increase of \$80 to \$100 per animal sold for slaughter.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition or employment anticipated as a result of adoption of the proposed rule on brucellosis; a minimal number of jobs (not more than ten statewide) may be created by adoption of the regulations for control of quarantine holding areas if any new facilities become permitted.

C. T. Raby, D.V.M.
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Board of Commerce and Industry

The Louisiana Board of Commerce and Industry intends to adopt rules for the administration of Act 516 of the 1981 Louisiana Legislature, regular session (R.S. 47:305.30) at its regular meeting on February 24, 1982 in the Mineral Board Auditorium in the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. The proposed rules under consideration are:

RULE 1. Use of Louisiana Contractors, Labor and Supplies.

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, engineers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or, in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana engineers, contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

RULE 2. Manufacturing Establishment Defined

The Board of Commerce and Industry will consider applications only on modification to, replacement of, or conversion of facilities, processes, or items of equipment at manufacturing establishments that were in operation prior to July 18, 1981. A manufacturing establishment as used herein is an establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, qualities or combinations to matter which already has gone through some artificial process.

RULE 3. Energy Conservation Property Defined

"Energy Conservation Property" means tangible property used or held for use, as an integral part of modification to, or replacement of, all or part of an existing electrical generation, manufacturing, production, or extraction facility, process or item or equipment, but only if such modification or replacement either results in:

- (a) the utilization by such facility, process or item or equipment or less energy per unit of output, or
- (b) the conversion of such facility, process or item of equipment to permit the use of an alternate substance as a fuel or as a feedstock.

Property shall be considered to be an integral part of a modification or replacement otherwise described in this rule only if such property either directly results in a utilization or conversion described in this rule or is part of, physically attached to, or otherwise directly associated with such property. For purposes of this rule, any property, the installation of which is reasonably necessary for the property installation, operation, or maintenance of property which directly results in a utilization or conversion described in this rule, shall be considered as directly associated with such property.

RULE 4. Existing Facility, Process, Item of Equipment Defined

Existing facility, process, or item of equipment shall mean:

- (a) when used in connection with a facility, a facility which is in operation prior to July 18, 1981
- (b) when used in connection with a process, a process which was carried out prior to July 18, 1981
- (c) when used in connection with equipment such equip-

ment was placed in service prior to July 18, 1981.

RULE 5. Alternate Substance Defined

Alternate substance means any substance other than:

- (a) oil and natural gas
- (b) any product of oil and natural gas
- (c) any form of energy generated or produced from the

use of oil and natural gas.

Petroleum coke, waste gases and waste heat from industrial operations shall be treated as alternate substances.

RULE 6. Computations to Determine Energy Saving Per Unit of Output

The determinations required by Rule 3(a) shall be made by comparing the BTU's of oil and natural gas, or energy, used by the facility, process, or item or equipment per unit of output prior to the modification or replacement, with the BTU's of oil and natural gas, or energy, used by such facility, process, or item of equipment per unit of output upon completion of modification or replacement. With respect to electricity, a heat rate of ten thousand BTU's per kilowatt hour shall be used.

The total energy saved per year shall be determined by multiplying the units of output of such manufacturing establishment or public utility for the year preceding the year in which property is acquired or replacement or modification begins by the BTU's per unit of output which will be saved.

RULE 7. Qualifying Projects

No application will be considered for exemption by the Board of Commerce and Industry unless the total energy saved per year is projected to be greater than thirty billion BTU's under Rule 3(a) or the project will permit the use of an alternate substance as fuel or feedstock under Rule 3(b).

RULE 8. Time Limits for Filing of Application

(a) An application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed at least 60 days prior to the beginning of construction or installation of facilities.

(b) The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) The Board will accept applications for tax exemption on qualifying projects for services and materials on which sales or use tax became due after July 18, 1981 if the application is filed within 45 days after the application forms become available.

A cutoff date for processing applications to be considered for exemption is three weeks prior to the board meeting.

RULE 9. Issuance of Certificate of Exemption

Upon approval of the application by the Board of Commerce and Industry, a notification shall be sent to the Department of Revenue and Taxation which shall issue a Certificate of Exemption to the applicant.

RULE 10. Sales Tax Refund

The certificate of exemption will formally notify the applicant of the action of the Board of Commerce and Industry in approving the tax exemption on the specific project, but will not authorize the applicant to make tax-free purchases from vendors. The tax exemption will be effected through issuance of tax refunds by the Department of Revenue and Taxation.

Refunds will be secured by the filing of affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

- (1) a listing of purchases, made during the month, of movable property that is intended to be used as "energy conservation property" in the approved project. The listing must include a brief description of each item, the name of the vendor, date of the sale, sales price and the amount of 3 percent state sales tax paid. The items included in the listing must have been purchased by the

owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.

(2) a certification that the materials included in the listing are reasonably expected to qualify upon completion of the project as "energy conservation", as the term is defined in the statute.

(3) a certification that the sales/use tax has actually been paid on the items included in the listing.

The affidavits may be filed on official Department of Revenue and Taxation "Claim for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information on the application, a refund check will be issued for the amount of state sales and use tax paid.

RULE 11. Affidavit of Energy Saved

Not later than 12 months after completion of a modification or replacement described in Rule 3(a), the applicant shall submit an Affidavit of Energy Saved on the prescribed form together with such evidence as the Board, in consultation with the Department of Natural Resources, shall require to establish to the satisfaction of the Board that property on which sales and use tax has been exempt is energy conservation property.

RULE 12. Failure to Qualify

Should the Board determine the project failed to meet the requirement of energy conservation property or is in violation of any Board rules, the Board will advise the taxpayer the project does not qualify. The taxpayer shall remit any and all taxes that would have been imposed but for the issuance of a certificate. If any portion of the untaxed materials, originally intended for use on the eligible project, are actually used for some other purpose, the taxpayer shall be liable for remittance of the sales/use tax on those purchases.

RULE 13. No Action After December 31, 1989

The Board will consider no application for tax exemption for any sales, use, or lease taxes incurred by a manufacturing establishment or public utility after December 31, 1989.

A copy of the proposed rules and regulations may be obtained by writing to Mr. Rex M. Shearer, Financial Inducement Director, Office of Commerce and Industry, Box 44185, Baton Rouge, Louisiana, 70804, or by request in person at Mr. Shearer's office on the 10th floor of the Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

Written comments will be accepted by Mr. Shearer up to and including February 5, 1982. Mr. Shearer is the person responsible for responding to inquiries about the proposed rule.

John W. Foltz
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Act 516 Sales and Use Tax Exemption on Energy Conservation Property

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation of Act 516 of the Louisiana Legislature 1981 regular session will require two new positions, a Clerk Typist III and a Financial Inducement Specialist II. Cost to the Office of Commerce and Industry will be \$3,560 for FY 81-82, \$42,600 for FY 82-83, \$41,727 for FY 83-84. The cost will increase at approximately 10% per year until December 31, 1989 when the program will end.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

State sales tax collections will be decreased by

\$1,878,000 in FY 81-82, by \$4,402,000 in FY 82-83 and \$5,470,000 in FY 83-84. It has been estimated that state sales tax collections will be decreased by approximately \$60,000,000 over the first six years of the program.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Industries receiving the exemption would receive the full benefit of the revenue loss because of the exemption. The Department of Revenue and Taxation estimates that it will require one additional Auditor III with a total cost in the first year of approximately \$30,000 which would escalate at approximately 10% a year until the termination of the program, December 31, 1989.

The fiscal note on this Act shows that industries will receive approximately \$60,000,000 (60 million dollars) in tax relief over the first six years that the law is in effect.

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

It can be assumed that additional construction employment will result in the construction industry because of the tax relief granted by this Act. Existing permanent jobs will also be protected by making these plants more energy efficient. We know of no source to determine the construction jobs that will result or the permanent jobs saved.

John W. Foltz
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

PROPOSED BANK MERGER REGULATIONS

Under authority granted by R.S. 6:1005 and by R.S. 6:237 B. the Commissioner of Financial Institutions intends to adopt the following Regulation under which banks may merge in order to form a bank holding company as defined in R.S. 6:1002 A, subject to restrictions established in the Louisiana Bank Holding Company Act, R.S. 6:1001 et seq.

Proposed Rule

A. A state bank may form a bank holding company by merging with a bank formed solely for the purpose of organizing a one-bank holding company for an already existing and operating bank.

B. In order to accomplish the aforementioned merger, a state bank may utilize any applicable provisions of Title 6 of the Louisiana Revised Statutes of 1950, any applicable provisions of its articles of incorporation or by-laws, or the merger and consolidation provisions of the Louisiana Business Corporation Law, R.S. 12:111 et seq.

C. For the purpose of this regulation, any reference to the Secretary of State contained in the merger and consolidation provisions of the Louisiana Business Corporation Law, R.S. 12:111 et seq; shall mean the Commissioner of Financial Institutions.

D. The procedures established by this regulation shall be supplemental to any other procedures authorized by law or regulation which governs the formation of a bank holding company.

Interested persons may submit written comments on the proposed Regulation until 4:30 p.m., February 5, 1982, at the following address: Hon. Hunter O. Wagner, Jr., Commissioner,

Office of Financial Institutions, Box 44095-Capitol Station, Baton Rouge, Louisiana 70804.

Mr Wagner is the person responsible for responding to inquiries concerning the proposed Regulation.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bank Merger**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation of this rule will not increase or decrease the operating budget of this department.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections with the implementation of this rule.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Elimination of double taxation would allow the one-bank holding company to engage in bank related activities. Also it would more readily enable the one-bank holding companies to service borrowing.

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

There would be no effect on competition. This rule would facilitate processes in the industry.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Commerce
Office of Financial Institutions**

PROPOSED VARIABLE RATE REGULATIONS

Under authority granted by R.S. 6:25.1 and by R.S. 9:3554 B, the Commissioner of Financial Institutions intends to adopt the following Regulation under which banks, savings and loan associations, other supervised financial organizations, and licensed lenders may make, purchase, or participate in loans bearing simple interest on a variable rate basis.

Proposed Rule

Pursuant to R.S. 6:25.1 (Act 640 of 1981) and R.S. 9:3554 B, savings and loan associations, other supervised financial organizations, and licensed lenders are hereby authorized to make, purchase or participate in loans bearing simple interest from date on a variable rate basis consistent with the following regulations promulgated by the Commissioner of Financial Institutions.

Variable Rate Loans

1. Purpose

This Regulation is issued by the Office of Financial Institutions consistent with authority granted under R.S. 6:25.1 (Act 640 of 1981) and R.S. 9:3554 B to establish rules under which banks, savings and loans associations, other supervised financial organizations, and licensed lenders may make, purchase, or participate in loans bearing simple interest from date on a variable rate basis.

2. Scope.

(a) This regulation shall apply to:

(i) Simple interest loans, which are made or purchased (in whole or in part, by assignment or participation) by banks, savings

and loan associations, other supervised financial organizations, and licensed lenders, bearing simple interest from date on a variable rate basis;

(ii) Whether such variable rate loans are entered into primarily for consumer (personal, family or household) purposes, or for non-consumer (business, commercial, industrial or agricultural) purposes; and

(iii) Whether such variable rate loans are entered into on an open-end credit or a closed-end credit basis; and

(iv) Whether such variable rate loans are consummated within the State of Louisiana, or are made subject to Louisiana law, or whether such loans are secured in whole or in part by movable or immovable property located in the State of Louisiana.

(b) This Regulation shall not apply to:

(i) Loans bearing precomputed interest;

(ii) Loans bearing simple interest from date on a fixed rate basis; and

(iii) Variable rate loans by creditors other than banks, savings and loan associations, other supervised financial organizations, or licensed lenders as defined herein. By way of example, variable rate loans by mortgage companies, insurance companies and retailers are not covered by this Regulation.

3. Definitions

As used herein, the following definitions shall apply:

(a) "Bank" shall mean any bank organized under the laws of the United States of America or of any state or foreign nation, and any subsidiary or parent holding company of a bank. (Non-bank subsidiaries of bank holding companies are considered to be banks or other supervised financial organizations subject to this Regulation.)

(b) "Savings and loan association" shall mean any savings and loan association, thrift institution, or savings bank organized under the laws of the United States of America or of any state, and any wholly owned subsidiary or parent holding company of a savings and loan association.

(c) "Other supervised financial organization" shall have the same meaning as defined under R.S. 9:3516(26).

(d) "Licensed lender" shall have the same meaning as defined under R.S. 9:3516(19).

(e) "Simple interest" shall mean the manner of assessing interest at a stipulated rate or rates on the unpaid principal balance of an indebtedness from the date of the transaction until paid in full.

(f) "Precomputed interest" shall mean the manner of assessing interest whereby interest is computed in advance over the term of the indebtedness and capitalized into the principal amount of the promissory note or other evidence of debt. Assessment of points, loan fees and other prepaid interest in connection with a simple interest loan shall not result in the loan being considered as precomputed.

(g) "Consumer" credit transactions shall include extensions of credit to individuals primarily for personal, family or household purposes which are subject to disclosure under the Federal Truth in Lending Act (15 USC §1601, et seq.) and Regulation Z of the Board of Governors of the Federal Reserve System (12 CFR §226.1, et seq., as amended April 1, 1981, and as subsequently amended thereafter).

(h) "Non-consumer" credit transactions shall include extensions of credit to individuals and other entities (such as corporations, partnerships, etc.) primarily for business, commercial, industrial or agricultural purposes which are exempt from disclosure under the Federal Truth in Lending Act and Regulation Z.

(i) "Open-end credit transactions" shall have the same meaning as defined under 12 CFR §226.2(a)(20), as amended April 1, 1981, and as subsequently amended thereafter, whether such open-end extensions of credit are primarily for consumer or for non-consumer purposes.

(j) "Closed-end credit transactions" shall have the same meaning as defined under 12 CFR §226.2(a)(10), as amended April 1, 1981, and as subsequently amended thereafter, whether such closed-end extensions of credit are primarily for consumer or for non-consumer purposes.

(k) "Variable rate" shall mean the manner of assessing simple interest on a loan whereby the rate of simple interest varies from time to time, one or more times, over the term of the extension of credit based upon corresponding increases and/or decreases in a contractual index rate stipulated under the borrower's promissory note or credit agreement.

(l) "Fixed rate" means the manner of assessing simple interest on a loan whereby the contractual rate of interest remains fixed over the term of the credit.

(m) "Prime rate" or "base rate" shall mean the rate established from time to time by the Board of Directors and/or management of a bank, savings and loan association or other supervised financial organization as its "prime" or "base" lending rate, whether or not that rate is published or made otherwise known to the general public.

4. General Rules

Banks, savings and loan associations, other supervised financial organizations, and licensed lenders may make, purchase, or participate in variable rate simple interest loans only where the requirements set forth under this Regulation are satisfied.

5. Variable Rate Promissory Notes and Credit Agreements

(a) Each promissory note or credit agreement evidencing a variable rate simple interest loan subject to this Regulation shall include appropriate contractual language to the effect that:

(i) The simple interest rate under the promissory note or credit agreement is subject to increase and/or decrease from time to time, one or more times, over the term of the extension of credit based upon increases and/or decreases in a stipulated contractual index rate, further identifying the index;

(ii) The timing or frequency of such interest rate adjustments (such as daily, weekly, monthly or quarterly);

(iii) Any limitations on such interest rate adjustments, if any, such as a maximum and/or minimum interest rate. (Applicable Louisiana usury rates shall not be considered a limitation on the rate or rates of interest which may be assessed for purposes of this requirement); and

(iv) The manner in which any increase and/or decrease in the simple interest rate may affect an increase and/or decrease in payment amounts, number of scheduled periodic payments, or the amount due at maturity, or any combination thereof.

(b) The above requirements shall be applicable to both consumer and nonconsumer variable rate loans subject to this Regulation, whether made on an open-end or closed-end credit basis, and whether made to individuals or other entities (including corporations, partnerships, etc.)

(c) The inclusions of such language in variable rate promissory notes or credit agreements shall satisfy the requirements of Article 2924 of the Louisiana Civil Code and R.S. 9:3503 to the effect that the rate of interest be fixed in writing.

(d) The inclusion of such language in variable rate promissory notes or credit agreements shall further not be deemed as to give rise to a potestative condition within the context of the Louisiana Civil Code, nor shall the inclusion of such language destroy the negotiability of a variable rate promissory note.

6. Permissible Indexes

(a) Adjustments in the simple rate of interest on a variable rate loan subject to this Regulation must be linked to adjustments in an index specified in the borrower's promissory note or credit agreement.

(b) Permissible indexes include, but are not limited to:

(i) The "prime" or "base" lending rate of any bank,

savings and loan association, other supervised financial organization, or licensed lender, wherever located;

(ii) The "prime" or "base" lending rate of the bank, savings and loan association, other supervised financial organizations or licensed lender making the loan or other extensions of credit;

(iii) The Federal Reserve discount rate in effect from time to time at any Federal Reserve Bank;

(iv) The Federal Funds rate; or

(v) The average yield to maturity on United States Treasury securities of any stipulated term.

(c) It shall be permissible for a bank, savings and loan association, or other supervised financial organization to impose and collect simple interest based upon the institution's own "prime" or "base" lending rate as established from time to time, one or more times, by the Board of Directors and/or management of the institution based upon the institution's own cost of funds and/or national money market conditions. The ability of a bank, savings and loan association or other supervised financial organization to impose and collect simple interest based upon the institution's own "prime" or "base" lending rate shall further not be deemed to be a potestative condition for purposes of the Louisiana Civil Code and shall not destroy the negotiability of the borrower's promissory note.

7. Rate Adjustments

(a) Frequency of Adjustments. Interest rate adjustments on variable rate loans subject to this Regulation may occur only at intervals as specified in the borrower's promissory note or credit agreement. Notwithstanding the foregoing, a bank, savings and loan association, other supervised financial organization, or licensed lender may extend the length of the interval, by any predetermined period, before the first potential interest rate adjustment period is scheduled to occur.

(b) Magnitude of Adjustments. There are no limitations imposed upon the amount of interest rate adjustments under variable rate loans subject to this Regulation.

(c) Method of Rate Adjustments. Interest rate adjustments may be implemented by an increase and/or decrease in payment amounts, number of scheduled periodic payments, or in the amount due at maturity, or any combination thereof, as specified in the borrower's promissory note or credit agreement.

8. Disclosures.

(a) All promissory notes or credit agreements evidencing variable rate loans or other extensions of credit subject to this Regulation shall contain the following disclosure in at least 10-point type:

THIS PROMISSORY NOTE OR CREDIT AGREEMENT PROVIDES FOR ASSESSMENT OF SIMPLE INTEREST ON A VARIABLE RATE BASIS. THE RATE OF INTEREST MAY INCREASE OR DECREASE FROM TIME TO TIME BASED UPON CORRESPONDING INCREASES OR DECREASES IN A STIPULATED INDEX RATE. ANY INCREASE OR DECREASE IN THE RATE OF INTEREST MAY AFFECT THE AMOUNT OF YOUR SCHEDULED PAYMENTS, OR THE NUMBER OF SCHEDULED PERIODIC PAYMENTS, OR THE AMOUNT PAYABLE AT MATURITY, OR ANY COMBINATION OF THESE.

(b) The above disclosures shall be applicable to both consumer and non-consumer variable rate loans or other extensions of credit, whether made on an open-end or closed-end credit basis, and whether made to individuals or to business entities (such as corporations, partnerships, etc.)

(c) Banks, savings, and loan associations, other supervised financial organizations, and licensed lenders entering into variable rate consumer loans subject to the Federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System shall further comply with the variable rate disclosure requirements under said Act and Regulation, as amended from time to time.

9. Relationship to Other Laws.

(a) This Regulation shall not be construed as to limit the manner or method of contracting for assessment of interest in connection with any loan or other extension of credit.

(b) Banks, savings and loan associations, other supervised financial organizations, and licensed lenders are permitted to enter into simple interest variable rate loan transactions pursuant to this Regulation which are governed under any applicable Louisiana or Federal usury law, including but not limited to: (i) Article 2924 of the Louisiana Civil Code; (ii) The Louisiana Consumer Credit Law (R.S. 9:3510, et seq.); (iii) The Louisiana Motor Vehicles Sales Finance Act (R.S. 6:951, et seq.); (iv) (R.S. 9:3503, et seq.); (v) R.S. 6:654; and (vi) R.S. 9:3509 and R.S. 12:703.

(c) This Regulation shall not supersede the requirements of R.S. 6:957(F) as added under Act 580 of 1981 with regard to variable rate retail installment contracts for the purchase of a residential mobile home.

(d) This Regulation shall additionally not supersede the Adjustable-Rate Mortgage Regulations promulgated by the Office of Financial Institutions for state banks as published in Volume 7, No. 5, *Louisiana Register*, May 21, 1981, as well as the Adjustable-Rate Mortgage Regulations promulgated by the Office of the Comptroller of the Currency for national banks (12 CFR §29.1, et seq.) Banks entering into adjustable-rate mortgage loans subject to the aforesaid regulations shall nevertheless additionally comply with the requirements of Sections 5 and 8(a) of this Regulation.

(e) This Regulation shall additionally not supersede the Adjustable Mortgage Loan Regulations promulgated by the Office of Financial Institutions for state savings and loan associations as published in Volume 7, No. 7, *Louisiana Register*, July 20, 1981, as well as the Adjustable Mortgage Loan Regulations promulgated by the Federal Home Loan Bank Board for federal savings and loan associations (12 CFR §545.6-4a). Savings and loans entering into adjustable mortgage loans subject to the aforesaid regulations shall nevertheless comply with the requirements of Sections 5 and 8(a) of this Regulation.

(f) This Regulation shall apply to variable rate loans or other extensions of credit made or purchased by national banks by virtue of 12 USC 85 (Section 85 of the National Bank Act.)

10. Transition Rule

(a) Effective Date. This Regulation, with the exception of Sections 5(a) and 8(a), shall take effect as of the date of final publication.

(b) Voluntary Compliance. The requirements of Sections 5(a) and 8(a) shall become effective as of October 1, 1982. Notwithstanding the foregoing, banks, savings and loan associations, other supervised financial organizations and licensed lenders may voluntarily comply with the requirements of Sections 5(a) and 8(a) from the effective date of this Regulation until these Sections take mandatory effect as of October 1, 1982.

(c) Effect on Other Variable Rate Loans. The promulgation of this Regulation shall not be construed as to raise questions as to the validity or enforceability of variable rate loans which may have been entered into prior to the promulgation hereof or as to the validity or enforceability of variable rate loans or other extensions of credit by creditors not subject to this Regulation.

11. ARM/AML Regulations.

(a) Pursuant to the additional authority provided by R.S. 6:25.1 (Act 640 of 1981). The Office of Financial Institutions does hereby re-issue and re-promulgate the adjustable-rate mortgage regulations promulgated by the Office of Financial Institutions for state banks as published in Volume 7, No. 5, *Louisiana Register*, May 21, 1981, said regulations to be promulgated under the authority granted by R.S. 6:25.1 (Act 640 of 1981) as well as R.S. 6:237 B.

(b) Pursuant to the additional authority provided by R.S.

6:25.1 (Act 640 of 1981) the Office of Financial Institutions does hereby re-issue and re-promulgate the adjustable mortgage loan regulations promulgated by the Office of Financial Institutions for state savings and loan associations as published in Volume 7, No. 7, *Louisiana Register*, July 20, 1981, said regulations to be promulgated under the authority granted by R.S. 6:25.1 (Act 640 of 1981) as well as R.S. 6:902 B.

Interested persons may submit written comments on the proposed Regulation until 4:30 p.m., February 5, 1982, at the following address: Hon. Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095-Capitol Station, Baton Rouge, Louisiana 70804.

Mr. Wagner is the person responsible for responding to inquiries concerning the proposed Regulation.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Variable Rate Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs or savings to the Office of Financial Institutions.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Unknown - The instrument is needed in the finance industry.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Not applicable.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend its rule, LAC 11-6:53.5 relative to acceptable limits of therapeutic medication.

Copies of the proposed amended rule, LAC 11-6:53.5 may be obtained by telephoning the Commission at Area Code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded, for a copy of this rule.

All interested persons may submit written comments relative to this rule through February 3, 1982.

J. Melton Garrett
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11-6:53.3**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There is no implementation cost to the Louisiana State Racing Commission.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Owners and trainers of race horses will benefit by establishing acceptable levels of therapeutic medication.

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

There is no effect on competition or employment.

J. Melton Garrett
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend its rule, LAC 11-6:53.43 relative to a laboratory testing program for the detection of the presence of prohibited medications or drugs in horses prior to a scheduled racing program.

Copies of the proposed amended rule, LAC 11-6:53.43 may be obtained by telephoning the Commission at Area Code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through February 3, 1982.

J. Melton Garrett
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11:653.43**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There is no cost to the Louisiana State Racing Commission. The entire cost of the pre-race testing program will be borne by those racing associations implementing a pre-race testing program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The public's knowledge that all horses going to the post have been tested for the presence of drugs in their systems prior to racing will instill confidence in the race going public that the race is to be a true competitive test of the horses entered. More people will be encouraged to attend the races resulting in increased wagering and revenue to the State.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The estimated cost to those racing associations which elect to institute a program of pre-race testing is \$500,000.

The entire racing industry will benefit by restoring confidence in the honesty of the races conducted on the race tracks of Louisiana.

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

There is no effect on competition and employment.

J. Melton Garrett
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt the following as policy:

1. Amend Bulletin 741, Page 35, "High School Credit for College Courses" for clarification purposes as follows:

HIGH SCHOOL CREDIT FOR COLLEGE COURSES

(Applies to students attending college part-time.)

1. College courses for credit should be limited to students who have earned 12 or more high school units of credit toward graduation. These students shall be in attendance in at least one high school class while enrolled in college courses.

2. A student must have at least a 3.0 average on a 4.0 scale for all high school courses taken.

3. The principal of the school must approve the advanced offering to be taken by the student in college.

4. The student must have scored at least a minimum composite score of 24 on the ACT.

5. The student must earn at least two or three college hours of credit per semester. A course, consisting of at least two college hours, shall be counted as no more than one unit of credit toward high school graduation.

6. The high school administrator must establish a procedure with the college to receive reports of the student's class attendance and performance at 6- or 9-week intervals.

7. College courses shall be counted as high school subjects for students to meet eligibility requirements in order to participate in extracurricular activities governed by voluntary state organizations.

8. Students may participate in college courses and special programs during regular or summer sessions. High school credit for such courses is subject to items 2-7.

SEE PAGE 16 FOR PROFICIENCY EXAMINATION INFORMATION.

2. Amend Bulletin 746, Page 83, to extend plans of professional development for educational assessment teachers from September, 1982 to September 1, 1983.

3. The Board approved the Instructions and Guidelines for 1981-82 Act 18 transportation reimbursement program.

4. The Board granted the parish and city school boards the authority to waive the age requirements for taking the General Education Development Test (GED), down to age 16.

5. The Board amended Board Policy 3.01.87 relative to the procedures used by the Bureau of Materials of Instruction and Textbooks regarding the Encyclopedia and Encyclopedia Reference Program by adding the following language. "Paragraph 1: (a) The Reference Materials Adoption Committee shall be composed of 16 members--2 representing each Congressional District. (b) Each Committee member shall serve for no more than two (2) consecutive years. Paragraph 2: (a) Suppliers shall have the opportunity to present their materials for consideration before the Reference Materials Adoption Committee."

6. The Board approved the extension of previous certification timelines for school psychology by making the following changes to Bulletin 746:

Page 81a - change mandatory date from September 1, 1981 to January 1, 1983.

Page 81c - change cut-off year for students from the 1981-82 school year to the 1982-83 school year.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 3, 1982, at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA. 70804.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 741**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The estimated cost to implement would be about \$25.00 to \$35.00 for printing and postage.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no cost to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

George B. Benton, Jr.
Associate Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Changes cut-off date
from Sept. 1, 1982 to Sept. 1, 1983**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no anticipated costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no anticipated effect on Revenue Collections.
- IV. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There is no anticipated costs to the Educational Assessment Teachers and LEA's employing them.
LEA's will be able to employ needed personnel operating under plans of professional development. Evaluations and support services can be provided according to regulation and guidelines.
There will be available, personnel to be employed under SDE allocations under minimum foundation funding. There will be no anticipated effect on competition.

George B. Benton, Jr.
Associate Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Eligibility for Parents**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Approximate cost of \$1,500 to print 55,000 affidavits.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Six and one half million dollar reimbursement to parents who transport their children to school because they have no public school transportation available. Reimbursement is based on the provisions of Act 18.
- IV. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No effects on competition and employment.

C. E. Thompson
Deputy Superintendent

Mark C. Drennen,
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: G.E.D. Waivers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There are no costs to the affected groups. The benefit is more expeditious handling of the "waiver process."
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

James Soileau,
Executive Director

Mark C. Drennen,
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reference Materials Adoption Committee**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Expense accounts will be reimbursed for 16 committee members. We estimate the cost at \$2500.00 per year. (This is an increase of approximately \$1500 over the present expenditures for this program.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

No cost to committee members.

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

There is no estimated effect in competition or employment.

C. E. Thompson
Deputy Superintendent

Mark C. Drennen,
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Psychology Certification

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

No estimated implementation cost to agency is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No estimated effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

This action will enable LEA's to employ qualified staff at less cost than if they had to contract for all services. It will enable children with learning/behavior problems or suspected exceptionalities to receive needed and required services in a timely manner.

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

There is no effect on competition, and LEA's will be able to hire staff for 50-70 vacant positions.

George B. Benton, Jr.
Associate Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
Division of Administration**

Notice is hereby given that the Office of the Governor, Division of Administration, under authority of Act 933 of the 1981 Legislative Session (R.S. 39:241) intends to adopt the following rule relative to the establishment of a uniform fee schedule for copies of public records of the executive branch of state government to read as follows:

**PROPOSED RULE
Uniform Fee Schedule
For Copies of Public Records**

I. Charges for copies of public records on either microfiche or paper 8 1/2 inches by 14 inches or smaller may be \$.15 per copy for the first copy and \$1.00 per copy for duplicate copies.

II. Charges for copies of public records on paper larger than 8 1/2 inches by 14 inches shall be actual cost of the agency to copy same.

III. Charges for reproduction of public records stored in a computer shall be at the cost established by the agency in a computer cost schedule which shall be approved by the Division of Administration, Office of Data Processing. An estimated cost shall

be given using said schedule prior to reproduction of any public record and the requesting party shall be advised of the estimate and that it is an estimate, but the actual cost for reproduction shall be charged if it differs from the estimate.

Interested persons may submit comments or questions to Len Sanderson, Assistant Commissioner of Administration, Box 44095, Baton Rouge, Louisiana, 70804 prior to 4:30 p.m. on February 5, 1981.

E. L. Henry
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Schedule Copies of Public Records

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

It would be difficult to determine the fiscal impact of this rule for the following reasons:

1. Lack of agency records in such detail;
2. Variations between agencies;
3. Rule allows agencies to determine actual cost for 8 1/2 by 14 copies that will vary by agency and to establish computer reproductions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It would be difficult to determine the fiscal impact of this rule for the following reasons:

1. Lack of agency records in such detail;
2. Variations between agencies;
3. Rule allows agencies to determine actual cost for 8 1/2 by 14 copies that will vary by agency and to establish computer reproductions.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

It would be difficult to determine the fiscal impact of this rule for the following reasons:

1. Lack of agency records in such detail;
2. Variations between agencies;
3. Rule allows agencies to determine actual cost for 8 1/2 by 14 copies that will vary by agency and to establish computer reproductions.

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

There will be no effect on competition and employment.

Len Sanderson
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Health and Human Resources
Board of Embalmers and Funeral Directors**

In accordance with La. R.S. 49:951 et seq., the Administrative Procedure Act, and La. R.S. 37:840, relative to the authority of the Louisiana State Board of Embalmers and Funeral Directors to make and enforce rules and regulations, notice is hereby given that the Board proposes to adopt the following addition to its rules and regulations. This rule will have no fiscal or economic impact. The Board will hold a public hearing at 10 a.m. March 23, 1982, at its offices located at Suite 1232, Executive Tower Building, 3500 North Causeway Boulevard, Metairie, Louisiana. Written comments will be accepted through March 19, 1982, and should be

sent to Lloyd E. Eagan, Secretary, Louisiana State Board of Embalmers and Funeral Directors, Suite 1232, Executive Tower Building, 3500 North Causeway Boulevard, Metairie, Louisiana 70002. All interested persons will be afforded an opportunity to be heard at the public hearing. The text of the proposed rule is as follows:

Proposed Rule 16 - Reports on Prepaid Funeral Services or Merchandise

Section 1. The report required by La. R.S. 37:861 from licensed funeral establishments engaged in the selling of prepaid funeral services or merchandise is necessary only in those instances where funds have actually been paid to or received by a licensed funeral establishment for such services or merchandise. The purpose of requiring such report is to protect purchasers of prepaid funeral services or merchandise by insuring that funds, paid by a purchaser to a licensed funeral establishment, are utilized solely for his exclusive use and benefit. Prearrangements of funerals by licensed funeral establishments, where no amount is paid to or received by the licensed funeral establishment prior to the death of the person whose funeral is arranged, are not within the scope of R.S. 37:861, and, accordingly, no report is required in these instances.

Section 2. The report shall be in such form and contain such information as is prescribed by R.S. 37:861 (A) (1) and shall be filed by each licensed funeral establishment engaged in the selling of prepaid funeral services or merchandise no later than December 31 of each year, and shall cover the period from October 1 of the previous year to and including September 30 of the year in which the report is due.

Lloyd E. Eagan
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rule 16**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There is no estimated costs to affected groups. The funeral industry will benefit by the fact that confusion regarding what type of arrangements to report, the due date of said report and the reporting period will be cleared up.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment in the funeral industry because of this proposed rule.

Lloyd E. Eagan
Secretary

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
State Board of Embalmers and Funeral Directors**

In accordance with R.S. 49:951 et seq., the Administrative Procedure Act, and R.S. 37:840, relative to the authority of the Louisiana State Board of Embalmers and Funeral Directors to

make and enforce rules and regulations, notice is hereby given that the Board proposes to adopt the following addition to its rules and regulations. This rule will have no fiscal or economic impact. The Board will hold a public hearing at 11 a.m., March 23, 1982, at its offices located at Suite 1232, Executive Towers Building, 3500 North Causeway Boulevard, Metairie, Louisiana. Written comments will be accepted through March 19, 1982, and should be sent to Lloyd E. Eagan, Secretary, Louisiana State Board of Embalmers and Funeral Directors, Suite 1232, Executive Towers Building, 3500 North Causeway Boulevard, Metairie, Louisiana 70002. All interested persons will be afforded an opportunity to be heard at the public hearing. The text of the proposed rule is as follows:

Proposed Rule 17 - Unlawful Practice

It shall be unlawful for a firm, partnership, corporation, and association of individuals, or anyone other than those individuals licensed under Title 37, Chapter 10, article 831 et seq., to engage in funeral directing (as defined within article 831 (4).) which is defined as "the operation of a funeral home, or, by way of illustration and not limitation, any service whatsoever connected with the management of funerals, or the supervision of the furnishings of hearses, funeral cards, the purchase of caskets or other funeral merchandise and retail sale and display thereof, the cleaning or dressing of dead human bodies for burial, and the performance or supervision of any service or act done connected with the management of funerals from time of death until final disposition of such bodies by burial, cremation or in accordance with existing law, including the disinterment thereof."

Lloyd E. Eagan
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rule 17**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation cost to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There is no estimated cost to affected groups. The consumer will benefit from the implementation of this rule but it will not cost them additional dollars when it comes time to use the services of a funeral home.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment in the funeral industry because of this proposed rule.

Lloyd E. Eagan
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

Effective February 22, 1982, the Department of Health and Human Resources, Office of Family Security, as mandated by the Omnibus Reconciliation Act of 1981, P.L. 97-35, Sec. 101-117, proposes to proceed to phase in retrospective budgeting and

monthly requirements as to all Food Stamp Program recipients, except those described in paragraph B.

A. The amount of benefits for Food Stamp recipients will be based on the actual income or circumstances which existed in the second prior month. Food Stamp recipients subject to monthly reporting will be required to submit monthly reports of household circumstances including verification of income to the local Office of Family Security.

The monthly reports shall be submitted to the local Office of Family Security by the tenth day of each month or the next working day if the tenth is a holiday or weekend. Failure to submit a completed report, including verification each month may result in suspension or closure of the case.

B(1a). Those households whose income is by contract for other than an hourly or piecework basis or by self-employment, derive their annual income in a period of time shorter than one year shall have their income calculated by averaging such income over a twelve-month period. These households will be subject to the monthly reporting requirement, but not the retrospective budgeting requirement.

B(1b). Those households that receive educational loans on which payment is deferred, grants, scholarships, fellowships, veteran's educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education or school for the handicapped shall have their income calculated by averaging such income over the period for which it is received. These households will be subject to the monthly reporting requirement, but not the retrospective budgeting requirement.

B(2). Households that have no earned income and in which all members are 60 years of age or over or receive Supplemental Security Income benefits under Title XVI of the Social Security Act or disability and blindness payments under Title I, II, X, XIV and XVI of the Social Security Act shall be subject to the retrospective budgeting requirement but not the monthly reporting requirement.

B(3). Migrant farmworkers households will not be subject to either the monthly reporting requirement or the retrospective budgeting requirement.

In accordance with provisions of La. R.S. 49:951 et. seq., the Department of Health and Human Resources, Office of Family Security will hold a Public Hearing beginning at 9 a.m. Tuesday, January 26, 1982, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, Louisiana regarding the proposed adoption of the above policy.

Any interested persons may submit written comments through February 3, 1982, to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Implementation of Monthly
Reporting and Retrospective Budgeting in
the Food Stamp Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)**

The cost to the agency for FY 81-82 will be \$59,578 in printing, postage and equipment. This amount will finance the phasing in of retrospective budgeting/monthly reporting in certain undetermined parishes. Initiation of the program in these test parishes will provide an accurate estimate of costs, staffing needs and the impact on client eligibility on a

statewide basis. Initial cost estimates for FY 82-83 (\$3,332,094) and FY 83-84 (\$8,447,682) are based on preliminary projections of additional staff needed to implement the program. Costs estimates for each fiscal year include 50 percent federal and 50 percent state matching funds.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

There is no estimated effect on revenue collections.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)**

Approximately 121,000 Food Stamp households will be directly affected as these households will have to submit monthly reporting forms in a timely manner. In some instances, retrospective budgeting/monthly reporting may result in loss of eligibility for certain households.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to increase effective March 1, 1982, reimbursement rates for specific provider group as follows:

(1) Private Physicians and Optometric Program: A 7.96 percent increase is proposed.

(2) Public Physicians Program: A 7.96 percent increase is proposed.

(3) Laboratory and X-ray Program: A 7.96 percent increase is proposed.

(4) Chiropractic Program: A 7.96 percent increase is proposed.

(5) Adult Dental Program: Selected services within the program will be increased with an overall increase not to exceed 7.96 percent.

(6) Early, Periodic, Diagnostic and Treatment (EPSDT) Dental Program: A 7.96 percent increase is proposed.

(7) Early, Periodic, Diagnostic and Treatment Eyeglass Program: A 7.96 percent increase is proposed.

(8) Providers for paid examination completion of Form 90 - Medical and Social Evaluation on Disability: A \$5 fee increase is proposed, that will increase the fee from \$15 to \$20.

Interested persons may submit written comments through February 5, 1982, to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

Mr. Haddad is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Private Physician Optometric
Service Program Increase**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)

There will be no additional costs to the agency; the monies were appropriated by Act 12 of the Legislature.

The estimated implementation costs to the agency are as follows:

FY 81-82	\$ 935,103
FY 82-83	\$3,302,928
FY 83-84	\$3,435,046

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)

There is no effect on revenue.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)

There are no cost and benefits to Title XIX recipients, however the private physicians and optometrists will be given a 7.96 percent increase in reimbursement rates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Public Physicians

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)

There will be no additional cost to the agency as this was budgeted for and appropriated by Act 12 of the 1981 Legislature.

The estimated implementation costs to the agency are as follows:

FY 81-82	\$107,782
FY 82-83	\$336,281
FY 83-84	\$349,732

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)

There is no effect on revenue.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)

There will be no cost or benefits to Title XIX recipients, however, the public physicians will be given a 7.96 percent increase in reimbursement rates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Update of Lab and X-Ray Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)

There will be no additional cost to the agencies this

was budgeted for and was appropriated by Act 12 of the 1981 Legislature.

The estimated implementation costs to the agency are as follows:

FY 81-82	\$22,317
FY 82-83	\$76,592
FY 83-84	\$79,656

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)

There will be no cost and benefits to Title XIX recipients, however, the laboratory and X-ray services program will be given a 7.96 percent increase in reimbursement rates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Chiropractic Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)

There will be no additional cost to the agency as this was budgeted for and was appropriated by Act 12 of the 1981 Legislature.

The estimated implementation costs to the agency are as follows:

FY 81-82	\$1,114
FY 82-83	\$3,162
FY 83-84	\$3,289

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)

There will be no costs and benefits to Title XIX recipients, however, the chiropractic services program will be given a 7.96 percent increase.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Adult Dental Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)

There will be no additional cost to the agency as this was budgeted for and was appropriated by Act 12 of the 1981 Legislature.

The estimated implementation costs to the agency are as follows:

FY 81-82	\$ 76,005
FY 82-83	\$237,152
FY 83-84	\$246,642

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs and benefits to Title XIX recipients, however, providers in the Adult dental program will be given a 7.96 percent increase in reimbursement rates.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will no costs and benefits to Title XIX recipients, however, providers in the EPSDT eyeglasses program will be given a 7.96 percent increase in reimbursement rates.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: EPSDT Dental Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (summary)
There will be no additional cost to the agency as this was budgeted for and was appropriated by Act 12 of the 1981 Legislature.
The estimated implementation costs to the agency are as follows:
FY 81-82 \$ 90,837
FY 82-83 \$279,856
FY 83-84 \$291,050
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs and benefits to Title XIX recipients, however, providers in the Early, Periodic, Screening, Diagnostic and Treatment Program (EPSDT) dental services program will be given a 7.96 percent increase in reimbursement rates.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Increase in Payment for Form 90**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The monies were requested, and appropriated by Act 12 of the 1981 Legislature.
The proposed action will result in the following cost for these years:
FY 81-82 \$11,900
FY 82-83 \$37,130
FY 83-84 \$38,615
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no impact on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no cost and benefits to Title XIX recipients, however providers for paid examination for completion of Form 90 will be given a \$5 increase.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no impact on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: EPSDT Eyeglasses**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no additional cost to the agency as this was budgeted for and was appropriated by Act 12 of the 1981 Legislature.
The estimated implementation costs to the agency are as follows:
FY 81-82 \$ 8,666
FY 82-83 \$27,039
FY 83-84 \$28,119

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to delete from the Title XIX Medical Assistance Program effective October 30, 1981, the following list of drugs. Identical products made by manufacturers not shown on the list are also excluded from payment.

- DESI DRUG PRODUCTS AND KNOWN RELATED DRUG PRODUCTS THAT LACK SUBSTANTIAL EVIDENCE OF EFFECTIVENESS AND ARE SUBJECT TO A NOTICE OF OPPORTUNITY FOR HEARING SEPTEMBER 25, 1981

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Adrenosem Salicylate	Carbazochrome Salicylate	Tab/Oral Sol/IM	Beecham Labs	
Alevaire	Tyloxapol	Sol/Inh	Breon Winthrop	
Amesec	Aminophylline Amobarbital Ephedrine Hydrochloride	ECT/Oral Cap/Oral	Lilly	
Aminophylline & Amytal	Aminophylline Amobarbital	Cap/Oral	Lilly	
Amphocortin	Calcium Amphomycin Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Warner-Lambert Co/ Warner-Chilcott	
Ananase	Bromelains	ETC/Oral	Rorer	
Antora-B.T.D	Pentaerythritol Tetranitrate Secobarbital	Cap/Oral	Wayrand	
Aridia	Nylidrin Hydrochloride	Tab/Oral	USV	
Avazyme	Chymotrypsin	ECT/Oral	Wallace	
Azo Gantasol	Phenazopyridine Hydrochloride Sulfamethoxazole	Tab/Oral	Roche	
Bentyl/Phenobarbital	Dicyclomine Hydrochloride Phenobarbital	Cap/Oral Tab/Oral	Merrell Dow Pharmaceuticals	NOOH does not apply to syrup
Betadine Vaginal Gel	Povidone-Iodine	Gel/Vag	Purdue Frederick	
Brophed	Ephedrine Sulfate Hydroxyzine Hydrochloride Theophylline	Tab/Oral	Cord	
Butazolidin Alka	Aluminum Hydroxide Magnesium Trisilicate Phenybutazone	Tab/Oral	Geigy	
Cantil w/Phenobarbital	Mepenzolate Bromide Phenobarbital	Tab/Oral	Merrell Dow Pharmaceuticals	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate	Ont/Top	Pennwalt	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	Pennwalt	
Carbrital	Carbromal Sodium Pentobarbital	Cap/Oral Elx/Oral	Warner-Lambert Co/ Parke-Davis	
Cartrax	Hydroxyzine Hydrochloride Pentaerythritol Tetranitrate	Tab/Oral	Roerig	
Celestone w/ Neomycin	Betamethasone Neomycin Sulfate	Crm/Top	Schering	
Cetacaine	Benzocaine Tetracaine Hydrochloride	AER/Top Ont/Top Gel/Top Liq/Top	Cetylite	
Chymoral	Chymotrypsin Trypsin	ECT/Oral	Armour Pharm	
Combid	Isopropamide Iodide Prochlorperazine Maleate	SRC/Oral	SKF	
Car-Tar-Quin	Coal Tar Solution Dilodihydroxyquin Hydrocortisone	Crm/Top Lot/Top	Dome	
Cordran-N	Flurandrenolide Neomycin Sulfate	Ont/Top Crm/Top Lot/Top	Lilly	

Trade Name	Active Ingredient	Dosage Form/Route	Firm	Remarks
Cartiparin	Gramicidin Hydrocortisone Neomycin Sulfate Polymyxin B Sulfate	Crm/Top	Burroughs-Wellcome	
Cartomycin	Hydrocortisone Neomycin Sulfate	Ort/Top	Byant Pharmaceutical	
Cyclandelate	Cyclandelate	Tab/Oral	Cord	
Cyclopassmol	Cyclandelate	Cap/Oral	Ives	
Dalite	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Phenobarbital	Tab/Oral	Wallace	
Dalite-KI	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Phenobarbital	Tab/Oral	Wallace	
Darcom PB	Oxyphenacylime Hydrochloride Phenobarbital	Tab/Oral	Beetham Labs	
Deaner	Demol Acetamidobenzoate	Tab/Oral	Riker	
Deprol	Benzetyline Hydrochloride Meprobamate	Tab/Oral	Wallace	
Dl-Ademil-K	Hydroflumethazide Potassium Chloride	Tab/Oral	Seubbs	
Dibenzyline	Phenoxylbenzamine Hydrochloride	Cap/Oral	SKP	
Divansan	Methylethylazide Crypsamine Tannates	Tab/Oral	Wallace	
Donnal Extentabs	Atropine Sulfate Hyoscyne Hydrobromide Hyoscyamine Sulfate Phenobarbital	SRT/Oral	Robins	NOOH applies only to controlled release product
Equisec	Aspirin Meprobamate Ethiopeptazine Citrate	Tab/Oral	Wyeth	
Equinilate	Meprobamate Pentacerythricol Tetranitrate	Tab/Oral	Wyeth	
Erythrocin	Erythromycin	Ort/Top	Abbott	
Erythromycin	Erythromycin	Ort/Top	Upjohn	
Florinet	Ridrocortisone Acetate Gramicidin Neomycin Sulfate	Lot/Top	Seubbs	
Hydrocortisone-Neomycin	Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Byk-Gulden	
Hydromet	Hydrocortisone Neomycin Sulfate	Lot/Top	Merck Sharp & Dohme	
Polycin No. 80	Erythromycin	Ort/Top	Lilly	
Iodochlorhydroxyquin w/ Hydrocortisone	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Byk-Gulden	
Isordil w/Phenobarbital	Isosorbide Dinitrate Phenobarbital	Tab/Oral	Ives	
Isoxuprine HCL	Isoxuprine Hydrochloride	Tab/Oral	Cord	
Librax	Chlordiazepoxide Hydrochloride Cilidium Bromide	Cap/Oral	Roche	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Lufyllin-EPG	Dyphiline Ephedrine Hydrochloride Guafenesin Phenobarbital	Tab/Oral Elx/Oral	Wallace	
Luftodil	Ephedrine Hydrochloride Guafenesin Phenobarbital Theophylline	Tab/Oral	Wallace	
Kenalog-S	Gramicidin Neomycin Sulfate Triamcinolone Acetonide	Ont/Top Crm/Top Lot/Top	Squibb	
Marax	Theophylline Ephedrine Sulfate Hydroxyzine Hydrochloride	Tab/Oral Syr/Oral	Roerig	
Mepergan Fortis	Meperidine Hydrochloride Promethazine Hydrochloride	Cap/Oral	Wyeth	
Meti-Derm w/Neomycin	Neomycin Sulfate Prednisolone	Ont/Top Aer/Top	Schering	
Midrin	Acetaminophen Dichloralphenasone Isometheptene	Cap/Oral	Reed & Carnrick	
Migral	Caffeine Cyclizine Hydrochloride Ergotamine Tartrate	Tab/Oral	Burroughs Wellcome	
Milpath	Meprobamate Tridihexethyl Chloride	Tab/Oral	Wallace	
Miltrate	Meprobamate Pentaerythritol Tetranitrate	Tab/Oral	Wallace	
Mycotriacet	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Preme	
Mycolog	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top Crm/Top	Squibb	
Myconef	Fludrocortisone Acetate Gramicidin Neomycin Sulfate Nystatin	Ont/Top	Squibb	
Naturetin w/K	Bendroflumethiazide Potassium Chloride	Tab/Oral	Squibb	
Neo-Aristocort	Neomycin Sulfate Triamcinolone Acetonide	Crm/Top Ont/Top	Lederle	
Neo-Aristoderm	Neomycin Sulfate Triamcinolone Acetonide	Aer/Top	Lederle	
Neo-Cort-Dome	Hydrocortisone Neomycin Sulfate	Lot/Top Crm/Top	Dome	
Neo-Cortef	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top Lot/Top Crm/Top	Upjohn	
Neo-Decadron	Dexamethasone Sodium Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neo-Decaspray	Dexamethasone Neomycin Sulfate	Aer/Top	Merck Sharp & Dohme	
Neo-Delta-Cortef	Neomycin Sulfate Prednisolone Acetate	Ont/Top Lot/Top	Upjohn	
Neo-Diloderm	Dichlorisone Neomycin Sulfate	Crm/Top	Schering	
Neo-Domeform-HC	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Dome	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Neo-Hydrasol	Neomycin Sulfate Prednisolone Sodium Phosphate	Lot/Top Ont/Top	Merck Sharp & Dohme	
Neo-Hytone	Hydrocortisone Neomycin Sulfate	Crm/Top	Dermik Labs	
Neo-Magnacort	Hydrocortamate Hydrochloride Neomycin Sulfate	Ont/Top	Pfizer	
Neo-Medrol Acetate	Methylprednisolone Acetate Neomycin Sulfate	Crm/Top	Upjohn	
Neo-Nysta-Cort	Hydrocortisone Neomycin Sulfate Nystatin	Ont/Top	Dome	
Neo-Oxylone	Fluorometholone Neomycin Sulfate	Ont/Top	Upjohn	
Neo-Resulin-F	Hydrocortisone Neomycin Sulfate Resorcinol Monoacetate Sulfur	Crm/Top	Schleffelin	
Neo-Synalar	Fluocinolone Acetonide Neomycin Sulfate	Crm/Top	Syntex	
Neo-Tarcortin	Coal Tar Extract Hydrocortisone Neomycin Sulfate	Ont/Top	Reed & Carnrick	
NeoDecadron	Dexamethasone Sodium Phosphate Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neomycin Sulfate- Hydrocortamate Hydrochloride	Hydrocortamate Hydrochloride Neomycin Sulfate	Ont/Top	Ulmer Pharnacal	
Neomycin Sulfate- Hydrocortisone	Hydrocortisone Neomycin Sulfate	Ont/Top	Kasco-Efco Labs Byk-Gluden Premo Doak Pharnacal Ferndale Labs Clay-Park Labs	
Neomycin Sulfate- Hydrocortisone Acetate	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	American Pharmaceutical Biocraft Labs Ambix Labs	
Neosporin	Neomycin Sulfate Polymyxin B Sulfate	Lot/Top	Burroughs-Wallcome	
Neosporin-G	Gramicidin Neomycin Sulfate Polymyxin B Sulfate	Crm/Top	Burroughs-Wallcome	
Nycin-HC	Hydrocortisone Neomycin Sulfate	Ont/Top	Schlicksup Drug	
Nylidrin HCL	Nylidrin Hydrochloride	Tab/Oral	Cord	
Nysta-Cort	Hydrocortisone Nystatin	Lot/Top	Dome	
Nystaform-HC	Hydrocortisone Iodochlorhydroxyquin Nystatin	Ont/Top Lot/Top	Dome	
Nystatin-Neomycin Sulfate-Gramicidin- Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Premo Byk-Gluden	
Nystatin-Neomycin Sulfate-Gramicidin- Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Byk-Gluden Clay-Park	
Onycho-Phytex	Alcohol Boric Acid Salicylic Acid Tannic Acid	Sol/Top	Unimed	
Orenzyme	Trypsin Chymotrypsin	ECT/Oral	Merrell Dow Pharmaceuticals	
Oxaine M	Aluminum Hydroxide Gel Magnesium Hydroxide	Sus/Oral	Wyeth	

Trade Name	Active Ingredient	Dosage Form/Route	Firm	Remarks
Papase	Proteolytic Enzymes from Carica Papaya	Chewable Tab/ Oral or Buoc	Warner-Lambert Co./Parke-Davis	
Pathamate	Meproamate Tridihexethyl Chloride	Tab/Oral	Lederle	
Pathion Sequels	Tridihexethyl Chloride	SR/C/Oral	Lederle	NOOH does not apply to conventional dosage forms of Pathion
Pathion/Phenobarbital	Phenobarbital Tridihexethyl Chloride	Tab/Oral SR/C/Oral	Lederle	
Perlate w/ Phenobarbital	Phenobarbital Pentamethylol Tetrahydrate	SR/T/Oral Tab/Oral	Warner-Lambert Co./Parke-Davis	
Aminobrain-PT Cenelene Cenelene-M D-Vasco Gevizol Haltzol Metraxol Mivert Nialene Nialax Nico-Metraxol Nicozol Niorle Panazol Forte Panalate Pentylene-tetraazol & Niacin Ru-Vert Senilex Senilezol Su-Ton Liquid Su-Zol Liquid T-Lex T-Enplex Trela Vasolin Verlab Vita-Metraxol Vital			Chromalloy Rucker O'Neal Edwards Rucker Rucker Thera-Medic Blaine O'Neal Dunhall UAD Knoll Danlets	
Potaba	Aminobenzoate Potassium	Tab/Oral Cap/Oral Pwr/Oral	Glenwood	
Priscoline	Tolazoline Hydrochloride	Sol/IM-IV-SC	Ciba	
Pro-Banthine/ Phenobarbital	Phenobarbital Propanteline Bromide	Tab/Oral	Searle	
Propazine	Isopropamide Iodide Prochlorperazine	Cap/Oral	Cord	
Propion Gel	Propionate Calcium Propionate Sodium	Gal/Vag	Wyeth	
Quadrinal	Zephedrine Hydrochloride Phenobarbital Potassium Iodide Theophylline Calcium Salicylate	Tab/Oral	Knoll	
Quibron Plus	Butabarbital Ephedrine Hydrochloride Guafenesin Theophylline	Elx/Oral Cap/Oral	Mead Johnson	
Racet	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Lemmon Pharmacal	
Rautrax	Flumethazide	Tab/Oral	Squibb	

Trade Name	Active Ingredient	Dosage Form/Route	Firm	Remarks
Rautax Improved	Hydroflumethazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautax-N	Bendroflumethazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautax-N Modified	Bendroflumethazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Ronicol	Nicotinyl Alcohol Tartrate	Tab/Oral SRT/Oral	Roche	
Rubexal Pb	Mannitol Hexanitrate Phenobarbital	Tab/Oral	Lammon	
Rubexal & Reserpine	Mannitol Hexanitrate Reserpine	Tab/Oral	Lammon	
Stearoidin	Dried Aluminum Hydroxide Gel Magnesium Trisilicate Phenylbutazone Prednisone	Cap/Oral	Gely	
Supertan H-C	Coal Tar Hydrocortisone	Oral/Top	Purdus Friedrick	
Gynalgex	Aspirin Caffeine Promethazine Hydrochloride	Cap/Oral	Ives	
Gynalgex DC	Aspirin Caffeine Dihydrocodeine Bitartrate Promethazine Hydrochloride Tridihexethylchloride	Cap/Oral	Ives	
T.C.M.	Meperbromate Tridihexethylchloride	Tab/Oral	Zentia	
Terra-Cortil	Hydrocortisone Oxytetracycline Hydrochloride	Oral/Top	Pfizer	
Terra-Cortil	Hydrocortisone Oxytetracycline Hydrochloride Polymyxin B Sulfate	Aer/Top	Pfizer	
Tigan	Trimethoprim Hydrochloride	Cap/Oral Supp/Rectal	Beecham	NOOH does not apply to capsules in 200 mg or 400 mg strengths
Tri-Staton	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Clay-Park	
Trocinata	Thiphenamil Hydrochloride	Tab/Oral	Foytress	
Valpin PB	Anisotropine Methylbromide Phenobarbital	Tab/Oral	Endo	
Vascon-A	Antazoline phosphate Naphazoline Hydrochloride	Sol/Oph	Cooper	
Vasodlan	Isoxsuprine Hydrochloride	Tab/Oral	Mead Johnson	
Vioform-Hydrocortisone	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Ciba	
Vytone	Dilodihydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Wyanoide HC	Belladonna Extract Bismuth Subcarbonate Bismuth Oxylodide Boric Acid Ephedrine Sulfate Hydrocortisone Acetate Peruvian Balsam Zinc Oxide	Sup/Rti	Wyeth	
Zactane	Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactirin	Aspirin Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactrin Compound 100	Aspirin Caffeine Ethoheptazine Phenacetin	Tab/Oral	Wyeth	
Za-Tar-Quin	Coal Tar Dilodohydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	
Zetone	Coal Tar Hydrocortisone	Crm/Top	Dermik Labs	

ABBREVIATIONS

Dosage Forms

Aer	Aerosol
Cap	Capsule
Crm	Cream
Dps	Drops
ECT	Enteric coated tablets
Elx	Elixir
Liq	Liquid
Lot	Lotion
Ont	Ointment
Pwr	Powder
Pwr Recon	Powder for reconstitution
SRC	Sustained release capsule
SRT	Sustained release tablet
Sol	Solution
Sup	Suppositories
Sus	Suspension
Syr	Syrup
Tab	Tablet

Routes of Administration

Bucc	Buccal
IM	Intramuscular
IV	Intravenous
Inh	Inhalation
Oph	Ophthalmic
Rti	Rectal
SC	Subcutaneous
Top	Topical
Vag	Vaginal

This action is necessary in order to comply with a rule and general notice published in the Federal Register on October 1, 1981 (46 FR 48550) and October 23, 1981 (46 FR 51646) respectively. These regulations were to implement Section 2103 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which prohibits the use of federal funds, therefore discontinuing reimbursement, under Medicare Part B and Medicaid for expenses incurred on or after October 1, 1981, for the drugs identified in Section 2103. Although both the rule and general notice cited above purport to grant a 90 day grace period extending to January 1, 1982, this grace period was declared invalid in a civil lawsuit entitled National Council of Senior Citizens V. Schweiker (civ. Action No. 81-2452) United States District Court for the District of Columbia. In that the Department of Health and Human Services was ordered to implement Section 2103 of the Act effective October 30, 1981. The Department of Health and Human Resources received notice of this action via telegram on October 29, 1981.

Interested persons may submit written comments through February 5, 1982 to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44064, Baton Rouge, La. 70804. Mr. Haddad is the person responsible for responding to inquiries regarding the proposed rule.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Ineffective Drugs**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The only implementation costs were \$2,310 for printing and \$6,500 for postage, totaling \$8,810. The high cost for postage resulted in certified return receipt requested mailings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collection.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There are no costs and benefits to affected groups.

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

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, effective March 1, 1982, proposes to limit payment for laboratory and diagnostic testing performed in a physician's office. Diagnostic and laboratory services will be paid only when the physician has on file with the Medical Assistance Program Provider Enrollment Section a complete list of the diagnostic and laboratory equipment, the capabilities of such equipment and permits verification of this data in accordance with the provider agreement.

Interested persons may submit written comments through February 5, 1982, to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Haddad is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: "Physician Diagnostic
and Laboratory Equipment"**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The estimated implementation cost to the agency is as follows:

FY 81-82	\$55.00
FY 82-83	0
FY 83-84	0

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There are no cost and benefits to affected groups.

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

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes effective March 1, 1982, a 7.96 percent increase in reimbursement rates for outpatient services rendered at private mental health centers.

Interested person may submit written comments through February 5, 1982, to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

Mr. Haddad is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Outpatient Services Rate
Increase at Private Mental Centers**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no additional cost to the agency as this was budgeted for and was appropriated by Act 12 of the 1981 Legislature.

The estimated implementation costs to the agency are as follows:

FY 81-82 \$ 7,558
FY 82-83 \$24,944
FY 83-84 \$25,942

II. ESTIMATED EFFECT ON REVENUE COLLECTION - (Summary)

There is no effect on revenue.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no cost and benefits to Title XIX recipients, however the private mental health centers providers will be given a 7.96 percent increase.

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

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Health Services and Environmental Quality

Effective upon publication as a Rule in the *Louisiana Register*, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to extend the 1973 Oyster Harvesting Closure Line to include the Cocodrie area of Terrebonne Parish, Louisiana, as per the Emergency Order of Closure of May 19, 1981. (LSA-R.S. 40:3 and 40:5)

Whereas bacteriological analyses of certain waters in the Cocodrie area of Terrebonne Parish in the past years, particularly in 1966, 1972, and 1973, revealed that the water quality of the area was substandard and failed to meet State and Federal guidelines governing oyster growing waters, the following defined areas were closed to oyster harvesting as of 1973, and remain closed through the present time, and must further remain closed:

A line extending down the eastern shoreline of Fohs Canal to the intersection of Bayou Grand Caillou, thence along the western shore of this intersection to the Junction of Four Island Bayou and Bayou Grand Caillou, thence along the western shoreline of Four Island Bayou, crossing Four Island Bayou at 29° 15' 42" North latitude, thence easterly to the northwest tip of the landmass in the southwest portion of Bay Antoine, thence in a southerly trend through this landmass to the eastern shoreline of Deer Bayou, thence south along the western shoreline of Deer Bayou in its entirety to the junction of Deer Bayou and Bayou Sale, thence northeasterly to the northwest tip of Bay Dantin (90° 42' 22" West longitude and 29° 13' 24" North latitude), thence in an easterly and southeasterly direction to the junction of Moss Bay and Bayou Couteau, thence easterly through the landmass and southerly through the landmass adjacent to Bayou Petit Caillou, thence in a southeasterly trend to the intersection of Bayou Petit Caillou and Tambour Bay, thence in a northerly direction to the lower westernmost tip of the landmass in Bayou Couteau, thence northeast across the landmass East of Bay Couteau (crossing at 90° 32' 40" West longitude and 29° 15' 40" North latitude), thence northeast to the western shoreline of Bayou Lucien, thence southeasterly along the western shoreline of Bayou Lucien to the junction of Bayou Jack, thence southeasterly to the westernmost tip of the junction of Bayou Terrebonne and Bay Lucien southeast of Boie des Bois, thence in a northeasterly direction along the wes-

temmost shoreline of Bayou Terrebonne to its intersection with Bayou Portage, thence northeasterly along the southern shoreline of Bayou Portage to a point (90° 37' 32" West longitude), thence northeasterly to the pipeline canal, thence along the northern shoreline of the pipeline to its intersection with Bayou Terrebonne in its entirety. (Map Reference: U.S. Dept. of Commerce, N.O.A.A. #11357 formerly C.G. & S. #1274). Whereas further, effective May 19, 1981, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, acting pursuant to the authority of the Office of the State Health Officer as set forth in R.S. 40:3 and 5, and further pursuant to those powers conferred through and virtue of the emergency provisions of the Administrative Procedures Act (LSA R.S. 49:953B) hereby orders that the extended area described below is closed to oyster harvesting in addition to the adjacent areas previously closed as of 1973: A line beginning at the 1973 Cocodrie Closure at the intersection of Moss Bay and Bay Couteau; thence along the western shoreline of Moss Bay in its entirety to the junction of Moss Bay at the southeastern portion and the pass to Moss Bay and Bayou Petit Caillou; thence southeasterly along the western shoreline of Bayou Petit Caillou and Tambour Bay; thence east-northeast to a point (29° 11' 33" North latitude and 90° 40' 17" West longitude); thence easterly through the landmass across Bay Tambour through Tambour Cutoff to the intersection of the Closure Line at a point (29° 12' 30" North latitude and 90° 39' 24" West longitude). (Map Reference: U.S. Dept. of Commerce, N.O.A.A. #11357 formerly C.G. & S. #1274). From a point 29° 13' 0" North latitude and 90° 39' 15" West longitude (Map Reference: U.S. Dept. of Commerce, N.O.A.A. #11357 formerly C.G. & S. #1274) at the intersection of the Houma Navigational Canal and the 1973 Cocodrie Oyster Closure Line in West Bay Welsh; thence in a southeasterly direction along the southernmost edge of the Houma Navigational Canal to a point located 29° 12' 53" North latitude and 90° 38' 45" West longitude; thence in a southerly trend along the landmass in the westernmost part of Bay Welsh; thence easterly to Cooke Point; thence northeast to the landmass in eastern Bay Welsh to a point located at 29° 12' 20" North latitude and 90° 37' 58" West longitude; thence along the easternmost edge of the landmass; thence in a northerly direction to the intersection of the 1973 Cocodrie Closure line located at a point 29° 14' 13" North latitude and 90° 38' 38" West longitude. All areas within the described closure line and/or shown on the enclosed map are closed for oyster harvesting.

The area as described above was found to be substandard for shellfish harvesting in the respect that fecal coliform limits were exceeded during a recent sanitary survey of the area. Specifically these standards require that all oysters growing waters whose bacteriological quality have exceeded the fecal coliform median of 14 fecal coliforms per 100 ml. and more than 10 percent of the samples ordinarily exceed a median of 43 coliforms per 100 ml. be closed to oyster harvesting.

Additionally, the area may be so contaminated with fecal material that consumption of the oysters might be hazardous.

George A. Fischer
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Cocodrie Oyster Water Closure

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There are no additional costs or savings to the Agency at this time in administrative costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)

No effects on revenue collections by DHHR are projected as a result of this action.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

A \$37.50 shortfall in severance tax collections by LA Department of Wildlife and Fisheries is projected during the year. (NOTE: This projection is based upon a \$0.025 severance tax loss per barrel for the approximately 1500 barrels of oysters which will not be harvested.) No additional costs (i.e. enforcement, patrol, etc.) to Department of Wildlife and Fisheries are projected inasmuch as enforcement agents of that Department routinely patrol the affected area.

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

The estimated loss (of net profit) to the leaseholder(s) in the affected area as a result of an inability to harvest shellstock is estimated at approximately \$9,900. The projected loss of income to oyster luggermen who would normally be expected to work the affected leases is estimated to be approximately \$22,500. As a result of a shortfall in production in the area, a nominal increase in oyster shellstock prices may be anticipated due to a lessened competition in the market place. (NOTE: Above estimates are based upon a retail/wholesale production cost differential of \$3.50 (i.e. \$7.50/sack harvesting cost; \$11.00/sack retail value) and \$2.00 per acre leasing cost. Production basis is estimated at 3000 sacks (of oysters) potential.) To assure the general public that Louisiana oysters are being harvested from only certified growing waters, the owners of the leases involved in the closure will be able to harvest oysters from other leases they own in areas which are open (presently within the State). The fishermen will be able to work these leases for the owner of the leases.

R. K. Banks, Jr.
Acting Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development proposes to adopt rules affecting the eligibility of client for services provided by the Office of Human Development within its client placement program. The rule changes would allow the Office of Human Development to mandate that applicants for Office of Human Development client placement services apply for funding under available federally funded programs. Further, the Rule changes would allow the Office of Human Development to refuse to provide state funds for a voluntary placement in a facility if the applicant refuses to apply for funding under available federally funded programs or if the applicant refuses to utilize these funds for funding of a placement, if eligible.

Copies of the Rule may be secured from the Office of Human Development, Box 44367, Baton Rouge, Louisiana 70804.

Interested parties may submit written comments on the proposed policy changes through February 5, 1982, at the following address: Mr. A. J. Dixon, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, Louisiana 70804. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Eligibility Change for OHD Client Placement Services

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Savings in state dollars for Department of Health and Human Resources, Office of Human Development could amount to \$2,604,651 or more.
- II. ESTIMATED EFFECT ON REVENUE COLLECTION - (Summary)
There is no impact on revenue collections for Office of Human Development.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
It is anticipated that costs under federally funded programs such as the Title XIX program under the auspices of Office of Family Services will increase.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment is anticipated.

Arthur J. Dixon
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

Effective January 1, 1982, the Department of Health and Human Resources, Office of Human Development, proposes to adopt rules for the reimbursement of allowable costs for shelter facilities. These rules will assure the provisions of R.S. 15:1092 and

provide the necessary appropriate facilities for the placement of pre-adjudicated juvenile offenders.

Copies of the proposed rules may be secured from the Office of Human Development, 1755 Florida Boulevard, Baton Rouge, Louisiana 70821.

Interested persons may submit written comments on the proposed rules through February 4, 1982 at the following address: Mr. A. J. Dixon, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, Louisiana 70804. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Reimbursement of Shelter Costs

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The actual cost of implementing the program for FY 82 (January - June) is \$723,489 in state general funds. The provision of appropriate holding facilities for juvenile offenders will result in following savings (1) retention of approximately \$1,000,000 received annually from the U.S. Department of Justice based upon the State's agreement to remove juvenile status offenders from adult jails, and (2) a diminution of civil suits filed requesting damages from the state and/or its subdivisions from the inappropriate placement of pre-adjudicated juveniles. (One such suit filed during FY 81 requested \$5 million in damages as a result of the death of a juvenile in an adult facility).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
This proposed action will neither increase nor decrease revenues.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
This program will provide appropriate facilities for the placement of pre-adjudicated juveniles who, in many instances in the past, have been held inappropriately and/or illegally in adult incarcerative facilities. The adverse emotional effects of such confinement and its barrier toward the rehabilitation of juveniles is a well documented fact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This program will not, to any significant extent, encourage or discourage competition since there are only a few local non-profit organizations or local jurisdictions actually willing to operate shelter facilities as proposed by these regulations. It is anticipated that this program, when implemented, will provide full-time employment for a minimum of 52 individuals in several locations around the state.

Arthur J. Dixon
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources intends to adopt the following guidelines for the Community Residential Development Fund.

47 La. Register 1-20-82

A. DEFINITION OF COMMUNITY RESIDENTIAL DEVELOPMENT FUND:

The Community Residential Development Fund was established by Act 770 of the 1981 Louisiana Legislature for the purpose of granting loans to eligible private, non-profit organizations to pay for the initial costs of development of community residential programs. Community residential programs, as defined by Act 770, are residential programs for not less than four nor more than six physically and/or mentally disabled persons at one program site and would include such programs as community (group homes, supervised apartments, or out-of-home respite care. Funds for the loan program are located within the Office of the Secretary to be used by the appropriate program Offices (i.e.: Mental Retardation, Human Development, and Mental Health and Substance Abuse). The maximum amount available to any one organization is \$45,000.

B. ELIGIBLE ORGANIZATIONS:

In order to be eligible to apply for funds under the Community Residential Development Fund, the applicant organizations must at a minimum meet the following criteria:

1) Must be classified non-profit according to the requirements of S. 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501.(c)(3);

2) Must agree to serve clients of the Department of Health and Human Resources:

3) Must serve clients whose mental or physical disability is not a result of the aging process and whose impairment limits one or more major tasks: walking, seeing, hearing, speaking, or breathing and is attributable to any physiological disorder or condition, cosmetic disfigurement, or loss of limbs affecting one or more of the body's systems; neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; or any mental or psychological disorder such as mental retardation, organic brain syndrome, and emotional or mental illness; and

4) Must provide a 10 percent match to the borrowed amount either in cash or in real property.

C. ALLOWABLE COSTS:

The Costs of development which can be paid by this loan would include the following categories;

1. The downpayment for the purchase and/or construction of a home, duplex, or apartment(s);

2. The modification/renovation of such facility;

3. The purchase of equipment, fire/safety devices, and/or furniture for the facility;

4. Cost incurred during the development phase of the program prior to and up to one month after the admission of clients. Such costs could include;

a. The payment of salaries of personnel connected with the development and/or first month of operation of the program;

b. The payment of rent, utilities, food and other general operating expenses during the development phase and/or the first month of operation; and

c. The purchase of insurance during the development and/or the first month of operation.

Line item changes may be made only with prior approval from the appropriate program office.

D. APPLICATION PROCESS: (NOTE: THE TIMETABLE SET FORTH IN THIS APPLICATION PROCESS APPLIES ONLY TO FY 1981-1982)

1. Notification of the availability of funds for establishing community residential programs will be given through the Louisiana Register and through the Offices of Mental Retardation, Human Development, and Mental Health and Substance Abuse. Each Office shall designate its own Community Residential Development Fund Coordinator.

2. Interested/potential applicants shall request application packets from the Community Residential Development Fund

Coordinator of the appropriate program office. The determination of which program office is appropriate will be based on the client population the applicant plans to serve. Those serving the mentally retarded will apply to the Office of Mental Retardation, those serving the mentally ill/emotionally disturbed and the autistic through the Office of Mental Health and Substance Abuse, and those serving the physically handicapped through the Office of Human Development. These Offices can be contacted at the following addresses: Office of Mental Retardation, 721 Government St., Third Floor, Baton Rouge, Louisiana 70802; Office of Mental Health and Substance Abuse, 655 N. 5th St., Baton Rouge, Louisiana 70802; Office of Human Development, 1755 Florida Boulevard, Baton Rouge, Louisiana 70802.

3. The application packet will be mailed or delivered within 10 working days of receipt of request.

4. For FY 1981-82, the applications will be due into the appropriate program offices by March 1, 1982.

5. If the service provider anticipates operating expenses to be reimbursed through the Title XIX (Medicaid) Program, a simultaneous application shall be made to the State Office of Comprehensive Health Planning and the local Health Systems Agency, where appropriate. This will place the provider in compliance with Section 1122 of the Social Security Act which provides for review of all new health care facilities which are reimbursed through Medicare, Medicaid, and Maternal and Child Health programs. Three copies of the application, along with a questionnaire enclosed in the application packet, shall go to the State Office of Comprehensive Health Planning and 25 copies, along with the same questionnaire, shall go to the local Health Systems Agency, where appropriate. Policy and guidelines for Section 1122 are included in the application packet. Both the State Office of Comprehensive Health Planning and the local Health Systems Agency will accept the same application form as the Community Residential Development fund.

6. The evaluation process, including an on-site inspection of the proposed facility by the program office and the Office of Licensing and Regulation, will be completed by April 2, 1982. The program offices will be responsible for evaluating the applications/proposals. During the evaluation process, applicant organizations may be called for an interview by the appropriate program office.

7. Following the evaluation process, the program offices will prioritize the applications according to the stated criteria for evaluation. The prioritized applications will be forwarded to the Office of the Secretary of DHHR for final approval. The Office of the Secretary of DHHR will notify the program offices by April 23, 1982 of those applicants approved for the funding.

8. Applicants will be notified as to the final decision by April 30, 1982 through the appropriate program offices.

9. The agreements will be signed and the funds obligated by June 30, 1982.

E. CRITERIA FOR EVALUATING APPLICATIONS:

The program offices of Mental Retardation, Mental Health and Substance Abuse, and Human Development will be responsible for the evaluation and prioritization of applications/proposals. Each Office shall review those applications/proposals for the client population they are legislatively charged to serve. The following criteria will be utilized in evaluating applications by each of the program offices.

1. The experience of the applicant with similar programs and populations;

2. Need for the program for the clientele/geographical area;

3. The adequacy of programmatic components and services to be offered;

4. The degree of coordination between the proposed program and the necessary support service;

5. Demonstration of understanding of the principles behind the development of community residential programs;

6. Documentation that the program is the least restrictive setting for the clients to be served (for example, substitute family care for infants would be a more appropriate least restrictive environment than a community home for infants);

7. The proposed site has been reviewed by the appropriate program office and the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards;

8. The facility (house, apartment, duplex, etc.) must fit into the neighborhood where it will be established. (Labels, signs, or other distinguishing features which could draw attention to the program and its clients are prohibited.);

9. The site is separated from the location of the day programs in which the residents engage;

10. The site is not within 1000 feet of another facility serving handicapped persons or another congregate living setting;

11. Access to and from the site should be convenient for its residents, staff, and others;

12. The soundness, justifiability and practicability of the applicant organization's budget request;

13. Documented financial need based upon the submitted financial solvency statement;

14. Operational funds have been committed by DHHR or another appropriate source;

15. How the proposed facility would fit into DHHR's current program priorities (for example, the placement of Gary W. classmates); and

16. The applicants commitment to the project as evidenced through at least a 10 percent cash or real property match as well as the amount of funds requested under the Community Residential Development Fund.

F. REPAYMENT PROCEDURE:

1. Repayment of the loan shall commence upon completion of the first year of operation and shall be made in equal payments during each month thereafter for the next 60 months. Such payments are due by the last day of the month and are considered delinquent thereafter. Delinquent payments are subject to a monthly interest penalty computed in accord with the rate paid on the past previous sale of U.S. Treasury Bills prior to but covering the same period of time as the delinquency. Loan payments that are delinquent by more than two months may cause the entire principal to be due and payable as outlined in Section F.2. of these rules. The repayment checks should be made out to the Community Residential Development Fund. For purposes of rate setting, the Department of Health and Human Resources will allow costs met through the Community Residential Development Fund to be considered as reimbursable costs.

2. If the service provider which has received a loan under this fund ceases to accept appropriate clients, provide adequate care and maintenance to clients, or files papers of bankruptcy, the remaining unpaid portion of the loan shall be due and payable within a one-year period from the date on which the Department has notified the provider that the program has ceased to provide care or that the provider has filed bankruptcy proceedings. In addition to the remaining unpaid portion of the loan, an interest penalty shall also be due and payable on that portion of the loan which has been repaid. The interest penalty shall be computed beginning with the month in which the loan was finalized. The rate shall be that of the last previous sale of U.S. Treasury Bills prior to but with the same length of maturity as the time over which the loan had been repaid. If repayment had taken place over a longer period of time than the maximum maturity date of U.S. Treasury Bills, the one year Bill rate shall be utilized. The amount of the principal and interest shall constitute a lien in favor of the State against all real and personal property of the organization.

The lien shall be perfected by the appropriate officer of the

department by executing and acknowledging a statement of the name of the organization and the amount due on the loan and a copy of the promissory note which shall be recorded by the department with the clerk of the district court in the parish where the organization is located.

If the organization has filed a petition for bankruptcy, the department shall file and enforce the lien in the bankruptcy proceedings. Otherwise, the lien shall be enforced in a manner prescribed by law. All funds received by the department from the enforcement of this lien shall be deposited in the Community Residential Development Fund in the state treasury.

3. If the private, nonprofit organization is unable to continue to provide the specified services due to the termination of their lease by the lessor or to natural disaster they may be granted a period of grace of up to one year in order to reestablish their program. During this period of grace the repayment formula as described in R.S. 46:2394, shall be suspended until such time as the program is reestablished.

If after the maximum one-year grace period the organization is unable to reestablish the program, the defaulting provisions of this section, as outlined in R.S. 46:2395, will go into effect.

G. THE ANNUAL STATEMENT:

The private, non-profit organizations receiving loans under this fund shall submit to the appropriate DHHR program offices an annual statement setting forth the residential services they have provided during the year together with such other information as the department shall require. Those requirements for each organization include:

1. An accounting of expenditures made during the year for both start-up and ongoing operational expenses;

2. A listing of personnel connected with the program during that year of operation complete with resumes and job descriptions;

3. The number of clients served and the nature of their disabilities;

4. A listing of the types of day programs utilized by clients during the year (i.e. Day Developmental Training Services, Sheltered Workshops, Day Hospital, College, Competitive Employment, etc.);

5. A description of the coordination that occurred with other agencies and service in the community/area;

6. Identifying gaps in services in the organizations' community for the client-type served;

7. Identifying problems encountered, if any, during the year (examples include such elements as zoning, neighborhood opposition, client difficulties with law enforcement, accessing existing resources, safety issues).

The annual statement (six in all for each organization) shall be submitted within 60 days upon completion of each year of service.

Interested persons may submit written comments on the proposed rule through February 5, 1982 to the Assistant Secretaries of the Offices listed above. These Assistant Secretaries are responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Community Residential Development Fund

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Act 770 of the 1981 Regular Session provided seed money in the amount of \$540,000 for the initiation of the

program. The participants who borrow from this fund then have five years after the initial year of operation, to repay the state for the loan.

Interest penalty from late payments may generate minimal revenues at some point in the future.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The proposed rule will not affect revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The benefits to affected groups primarily consist of the development of small community-based residential programs for handicapped person. This will stimulate housing where previously unmet needs existed.

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

It will stimulate the number of jobs available at the local community level.

Roger P. Guissinger
Deputy Secretary

Jean S. Perry
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Insurance
Division of Property and Casualty**

The Department of Insurance, Division of Property and Casualty, intends to adopt a rule which will establish uniform criteria to be used when a determination must be made to determine whether or not an entity that markets legal expense coverages shall be considered an insurer and subject to the provisions of Title 22, Louisiana Revised Statutes of 1950, as amended, in that it must obtain from the Department of Insurance, a Certificate of Authority to do business in the State.

Interested persons may comment on the proposed rule in writing, through February 5, 1982, at the following address: Mr. John Fontenot, Attorney, Box 44214, Baton Rouge, Louisiana 70804. Mr. Fontenot is the person responsible for responding to inquiries about the proposed rule.

Sherman A. Bernard
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Legal Expense Insurers**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no costs or savings incurred by the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no revenues collected as a result of this rule.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no costs or benefits to affected groups.

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

There will be no effect on competition and employment.

W. Scott Allen
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program, under the authority granted by R.S. 42:821 through R.S. 42:879, and in accordance with the applicable provisions of the Administrative Procedure Act, intends to amend the rules and regulations of the State Employees Group Benefits Program, effective July 1, 1982, to:

1. Increase the maximum amounts of life insurance from \$40,000 to \$80,000;

2. Increase the dependent life insurance amounts available to those employees with basic and supplemental coverage in the amounts of \$3,000, \$4,000 or \$5,000 on a one-time option basis; and

3. Increase the lifetime major medical maximum from \$100,000 to \$500,000.

Interested persons should direct inquiries and comments to Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, Louisiana, on or before 4:30 p.m. on February 4, 1982.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Life Insurance**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Costs in the approximate amount of \$411,307 will be incurred by this agency. These additional costs represent additional life insurance premiums due Continental Assurance Company and additional funding due school boards with private insurance carriers.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The revenues of this agency will increase as a result of the additional face life coverage (\$587,149). The net balance of revenue over increased premiums payable (\$176,149) will accrue to the fund balance in Group Benefits and will be used to satisfy various claims.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Additional costs will be limited to premiums attributable to the increased face life coverage.

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

This rule will have no apparent impact on competition and employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Dependent Life Insurance**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The State Employees Group Benefits Program will incur additional costs in the form of additional life insurance premiums due Continental Assurance Company of \$442,080.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue collections of the State Employees Group Benefits Program will increase as a result of the increase in the amount of dependent life insurance outstanding (\$570,132). The net balance of revenues over increased premiums payable (\$128,052) will accrue to the fund balance in Group Benefits and will be used to satisfy various claims.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Employees who choose to increase their dependent life insurance will incur the cost of the additional premiums due. They will accrue the benefit of having their dependents covered with additional life insurance.

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

There will be no effect on competition or employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Notice of Intent to Amend Rules & Regulations
of State Employment Group Benefit Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

This agency will incur additional health claims cost in the approximate annual amount of \$1,076,000 due to the increase in the Major Medical maximum from \$100,000 to \$500,000. There will be no premium increase to fund this additional coverage and therefore these costs will be absorbed by the existing fund balance. After an 18 month experience time frame a reevaluation will be made to determine if there is a need, actuarially, to adjust the premiums associated with the increased coverage.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect in revenue collections (medical insurance premiums will not be increased).

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no additional cost to the affected groups. Members of the State Employees Group Benefits Program will receive the benefit of having the Major Medical maximum raised to \$500,000.

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

There will be no effect on competition or employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

**POTPOURRI
Department of Agriculture
Dairy Stabilization Board**

Notice is hereby given that, at the request of the petitioner, the public hearing scheduled for January 14, 1982, for consideration of an amendment to the Rules and Regulations of the Dairy Stabilization Board was cancelled. The petitioner having withdrawn the petition seeking consideration of the proposed rule change, the hearing will not be re-scheduled.

Bob Odom
Commissioner

POTPOURRI

**Department of Health and Human Resources
Board of Veterinary Medicine**

The National Veterinary Examination will be given on May 11, 1982 at the Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, Louisiana.

The Louisiana State Veterinary Examination will be given on May 22, 1982 at the Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, Louisiana.

Interested persons may obtain further information from Gayle Williamson, Louisiana Board of Veterinary Medicine, P.O. Box 15191, Baton Rouge, Louisiana, 70895, (504) 925-9538.

A. R. Allbritton
Secretary-Treasurer

POTPOURRI

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of Family Security, hereby announces that it will hold a public hearing on January 25, 1982, at 9 a.m. in the Auditorium of the Louisiana State Library, First Floor, to afford interested persons an opportunity to submit oral and written presentation of their views on the Low-Income Energy Assistance Block Grant.

George A. Fischer
Secretary

POTPOURRI

Department of Labor Plumbing Board of Louisiana

The State Plumbing Board of Louisiana is now taking applications for the position of part-time inspector for the enforcement of the Journeyman Plumber's Act (Act 298 of 1968). All interested parties should contact the Board's office immediately, (Area Code 504:568-4900, Mrs. Janice Madden, Administrative Assistant), for an application form. All interested parties will be personally interviewed at a meeting of the State Plumbing Board to be held in New Orleans, La. on Thursday, February 4, 1982. Applications must be on file to be notified of interview.

Edward C. Fink
President

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979 and in particular Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, and also the rules of the Secretary of this Department, notice is hereby given that 19 complete claims were received during the month of December, 1981, amounting to \$24,623.13 for which public hearings will be held as follows:

Wednesday, February 10, 1982 at 10:30 a.m. in the Lafitte civic Center, City Park Drive, Lafitte, Louisiana, to consider payment of the following claims against the fund:

Claim No. 81-342

Mr. Dennis Creppel, while trawling on the vessel "Tee Michel" east of Quatre Bayou Pass and south of Bay Long, Plaquemines Parish, encountered a broken piling on September 2, 1981 at approximately 12:30 p.m., causing damage to his trawl and related gear. Amount of claim: \$997.62

Claim No. 81-346

Mr. Dennis Creppel, while trawling on the vessel "Tee Michel" in Barataria Bay, east of Pelican Point, Jefferson Parish, encountered an unknown obstruction on September 12, 1981, at approximately 8:30 p.m., causing damage to his trawl and related gear. Amount of claim: \$322.22.

Claim No. 81-350

Mr. Darryl Joseph Frickey, while trawling on the vessel "Sinai" in the Gulf of Mexico, south of Quatre Bayou Pass, Jefferson Parish, encountered an unknown obstruction on September 16, 1981, at approximately 4 p.m., causing damage to his 60 foot trawl and related gear. Amount of claim: \$507.35.

Claim No. 81-395

Mr. Dennis Creppel, while trawling on the vessel "Tee Michel" in the Gulf of Mexico, south of Eli Ridge, Cameron Parish, encountered an unknown obstruction on November 14, 1981, at approximately 4:30 p.m., causing damage to his trawl and related gear. Amount of claim: \$1,200.15.

Claim No. 81-396

Mr. Gary A. Perrin, while trawling on the vessel "Lady Jan" in Little Lake, approximately one half mile north of Plum Point, Lafourche Parish, encountered a tree stump on November 1, 1981, at approximately 10:00 a.m., causing damage to his vessel. Amount of claim: \$2,226.25.

Claim No. 81-398

Mr. Glen Anthony Matherne, while trawling on the vessel "Cajun Love" at Loran C readings of 26479.4 and 46973.2, Cameron Parish, encountered an unknown obstruction on November 2, 1981 at approximately 8:30 a.m., causing damage to two 55 foot trawls and related gear. Amount of claim: \$2,820.20.

Claim No. 81-404

Mr. Lester C. Arcement, while trawling on the vessel "Charlie Brown" at Loran C readings of 28866.3 and 46777.4, close to wells in Caloum Reef, Plaquemines Parish, encountered an unknown obstruction on November 5, 1981, in the afternoon, causing damage to his trawl. Amount of claim: \$601.11.

Claim No. 81-405

Mr. Lester C. Arcement, while trawling on the vessel "Charlie Brown" at Loran C readings of 28769.1 and 46770.5, Plaquemines Parish, encountered an unknown obstruction on November 4, 1981, in the morning, causing damage to his trawl. Amount of claim: \$300.04.

Claim No. 81-406

Mr. Lester C. Arcement, while trawling on the vessel "Charlie Brown" at Loran C readings of 28769.1 and 46770.5, Plaquemines Parish, encountered an unknown obstruction on November 4, 1981, in the morning causing damage to his trawl. Amount of claim: \$630.17.

Claim No. 81-410

Mr. Malcolm Assevado, while trawling on the vessel "Lady Cynthia" in Lake Eloi, northwest of Pont Eloi, St. Bernard Parish, encountered a tank on November 3, 1981, at approximately 11 a.m., causing damage to his trawl and related gear. Amount of claim: \$1,704.60.

Friday, February 26, 1982 at 10:30 a.m. in the Police Jury Chambers, 8201 West Judge Perez Drive in Chalmette, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-344

Mr. Anthony Guerra, Sr., while trawling on the vessel "Lady Helen" in Eloi Bay, east of Deadman Island and west of Skiff Island in Skiff Lake, St. Bernard Parish, encountered mud and wood lumps on August 25, 1981 and September 3, 1981 at approximately 4:00 p.m., causing damage to two 50 foot trawls. Amount of claim: \$1,456.85.

Claim No. 81-392

Mr. Domingo Rano, while trawling on the vessel "Captain Mingo" in Breton Sound, one and one half miles south of Deadman Island, St. Bernard Parish, encountered a piece of steel on October 26, 1981, at approximately 1 p.m., causing damage to his trawl and related gear. Amount of claim: \$548.33.

Claim No. 81-397

Mr. Charles R. Robin, Jr., while trawling on the vessel "Ellie Margaret" in Eloi Bay, Breton Sound, approximately three fourths mile south of Deadman Island, St. Bernard Parish, encountered a piece of iron on November 12, 1981 at approximately 7 a.m. and also in Eloi Bay, approximately one mile northeast of Deadman Island, St. Bernard parish, encountered a piece of iron on November 12, 1981 at approximately 4 p.m., causing damage to his two trawls. Amount of claim: \$1,209.42.

Claim No. 81-402

Mr. L. L. Stipelcovich, while trawling on the vessel "Tee Marie" in Breton Sound, Block Number 22, 100 feet southeast of well number NN1, Plaquemines Parish, encountered a three inch flow line on September 9, 1981, at approximately 10 a.m., causing damage to his trawl and related gear. Amount of claim: \$4,628.93.

Claim No. 81-411

Mr. Joseph Barisich, while trawling on the vessel "F. J. G." in Hopedale Lagoon, St. Bernard Parish, encountered a submerged stump on October 16, 1981, at approximately 6 p.m., causing damage to his vessel. Amount of claim: \$1,850.00.

Errata

Any written objections to these claims must be received by the close of business February 9, 1982 by the Secretary whose address is: Mr. Frank A. Ashby, Jr., Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank A. Ashby, Jr.
Secretary

POTPOURRI

Department of Public Safety Municipal Police Officers Supplemental Pay

A meeting of the Board of Review, Municipal Police Officers' Supplemental Pay, will be held in Room 218, State Police Headquarters, 265 South Foster Drive, Baton Rouge, Louisiana on Tuesday, February 9, 1982 at 10 a.m.

Larry A. Messina
Secretary - Treasurer

POTPOURRI

Department of Revenue and Taxation Tax Commission

The Louisiana Tax Commission public hearing scheduled for Tuesday, January 26, 1982 at 11 a.m., for the purpose of adopting proposed Guidelines Governing Use Value of Agricultural, Horticultural, Marsh and Timber Land, will be held in Room 218, Capitol Annex Building, Baton Rouge, Louisiana, rather than 923 Executive Park as previously advertised.

J. Reginald Coco, Jr.
Chairman

ERRATA

Department of Public Safety Liquefied Petroleum Gas Commission

In Rules from the Department of Public Safety, Liquefied Petroleum Gas Commission, published in the December, 1981, *Louisiana Register* beginning on page 633, a number of amendments were inadvertently omitted.

The Rule changes adopted at the November 19, 1981 meeting should read as follows:

Class I Amended to read as follows: Holders of these permits may enter any phase of the LP-Gas business.

Class II (J) Amended to read: Upon delivery of a mobile home, motor home, travel trailer or any other recreational vehicle, new or used, the required inspection and testing of any LP-Gas system and appliances shall be performed by the Dealer, using LP-Gas in system. An inspection report properly completed and signed by the customer must be sent to the Director of the Liquefied Petroleum Gas Commission verifying that the tests were performed and that the pressure test was eyewitnessed by the customer or his/her authorized representative.

Section 1.2 (1) Add following paragraph: All container openings except those used for safety relief devices, liquid level gauging devices, pressure gauges, and plugged openings shall be equipped with properly rated excess flow valve. An excess flow valve shall be installed at all reductions of pipe size so as to properly protect the system.

Section 3.23 (b) Amended to read: Trucks shall be parked at least 25 feet from any street, highway, or railroad track.

Section 5.3 (a) Amended to read as follows: The minimum capacity of storage containers at schools and places of public assembly shall be 1000 gallons per each 1,000,000 B.T.U. appliance load. Exceptions to this rule must be approved by the Director.

Section 5.8 (c) Amended to delete all paragraph.

Lionel T. Ortego
Director

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OF
RULES, EMERGENCY RULES AND EXECUTIVE
ORDERS
OF THE LOUISIANA REGISTER
1975 - 1981**

**Prepared by Suzanne Hughes, Administrator
House of Representatives
Research Library**

The Louisiana Register

Louisiana's Administrative Procedure Act (R.S. 49:951-966) provides for the publication of the *Louisiana Register*. The purpose of the *Register* is to publish on a monthly basis the text of all rules filed by boards, commissions, and agencies of the executive department that are subject to the provisions of the Administrative Procedure Act. In addition, the *Register* publishes all executive orders issued by the governor.

The following index to the rules, emergency rules and executive orders contained in the *Register* is divided by departments. Within each departmental division there is also a division by agency, board, or commission that is associated with that particular department. Additionally, all boards and commissions have been indexed separately from their respective departments under the heading "Boards and Commissions."

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Animal Health Services Inspection,
Office of

707 (R) '80

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105 (R) '76
11 (R) '77
441 (R) '77
68 (R) '78
420-427 (R) '78
276 (R) '79
106 (R) '80
66 (R) '81
163 (R) '81

Entomology and Plant Industry,
Bureau of

336 (R) '76
713 (R) '80
399 (ER) '81

Family Farm Council

254 (R) '81
623 (R) '81

Fertilizer Commission

313 (R) '76
476 (R) '78
164 (R) '81

Grain Division

343 (R) '76

Horticulture Commission

438 (R) '77
441 (R) '77
54 (R) '80
1 (R) '81

Livestock Sanitary Board

106 (ER) '76
192 (R) '76
236-241 (R) '77
29 (R) '78
76 (R) '79
274 (ER) '79
275 (R) '79
107 (R) '80
143 (ER) '80
540 (R) '80
636 (ER) '80
66 (R) '81
68 (R) '81
527 (ER) '81
69 (R) '81
260 (R) '81
69 (R) '81

Market Commission

476 (R) '78
54 (R) '80
252 (R) '80
260 (R) '81
261 (R) '81
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406 (R) '81
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314 (R) '76
420-427 (R) '78

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363-366 (R) '77
441 (R) '77
165 (R) '79
538 (R) '81
622 (R) '81

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366 (R) '77

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66 (ER) '78
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95 (R) '79
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164 (R) '81
285 (R) '81

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Commission

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235 (R) '77
366 (R) '77
474 (R) '77
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205 (R) '78
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344 (R) '79

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238 (R) '79

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55 (R) '79

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Regulations

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473 (ER) '78
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Bureau of

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494 (R) '78

Architectural Examiners, Board
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6 (R) '76
333-336 (R) '78

Certified Public Accountants,
Board of

308 (R) '77
223 (R) '78
358 (R) '78
1-10 (R) '80

Chiropractic Examiners, Board
of

49 (R) '76
174 (R) '79

Colleges and Universities,
Board of Trustees for

11-35 (R) '76
77 (R) '76
132 (ER) '76
135-152 (R) '76
241 (R) '76
336 (ER) '76
404 (R) '76
9 (R) '77
61 (ER) '77
180 (R) '77
306 (ER) '77
362 (ER) '77
403 (R) '77
104 (ER) '80
156 (ER) '80
174 (R) '80
257 (R) '80
306 (R) '80
652 (R) '80

Athletic Policies

290-294 (R) '78
137 (R) '79
70 (R) '81
288 (R) '81
436 (R) '81

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343 (ER) '79
288 (R) '81

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113 (R) '80

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96 (R) '79

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257 (R) '80

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441 (R) '81

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327 (ER) '78

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152 (R) '76

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11 (R) '77
396 (R) '77
69 (R) '78
479 (ER) '81

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11 (R) '77
441 (R) '77
68 (R) '78
420-427 (R) '78
276 (R) '79
106 (R) '80
66 (R) '81
163 (R) '81

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186 (R) '76
270 (R) '77
586 (R) '81

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266 (R) '81

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Education, Board of

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36 (R) '76 484 (R) '81
51 (R) '76 43 (R) '81
78 (R) '76 625 (R) '81
109 (R) '76 481 (ER) '81
133 (ER) '76 528 (ER) '81
187 (R) '76 401 (ER) '81
200 (R) '76 583 (R) '81
225 (ER) '76
242 (R) '76
269 (ER) '76
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350 (R) '76
405 (R) '76
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91 (R) '77
179 (ER) '77
181 (R) '77
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332 (ER) '77
336 (R) '77
367 (R) '77
393 (ER) '77
404 (R) '77
436 (ER) '77
442-45 (R) '77
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19 (R) '80
53 (ER) '80
54 (R) '80
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Education, Annual
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Policies of Operation
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76 (R) '79
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143 (ER) '80
540 (R) '80
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381 (ER) '79
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99-104 (R) '79
170-74 (R) '79
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514 (R) '80
544 (R) '80
608 (R) '80
609 (R) '80

Fertilizer Commission

313 (R) '76
476 (R) '78
164 (R) '81

Fire Fighting Personnel
Standards and Education,
Commission on

81-86 (R) '76
406 (R) '76
65-72 (R) '77

Higher Education Assistance
Commission

60 (R) '76
244 (R) '76

Horticulture Commission

438 (R) '77
441 (R) '77
54 (R) '80
1 (R) '81

Indian Affairs, Governor's
Commission on

193 (R) '81

Intergovernmental Relations,
Commission on

37-42 (R) '76
200 (R) '76

Law Enforcement and
Administration of Criminal
Justice, Commission on

447-455 (R) '77
503-510 (R) '78
97 (R) '79

Liquefied Petroleum Gas,
Commission on

633 (R) '81

Market Commission

476 (R) '78
54 (R) '80
252 (R) '80
260 (R) '81
261 (R) '81
399 (ER) '81
404 (R) '81
406 (R) '81
527 (ER) '81
624 (R) '81

Pesticides, Advisory
Commission on

363-366 (R) '77
441 (R) '77
165 (R) '79
538 (R) '81
622 (R) '81

Racing Commission

90-93 (R) '76
400 (ER) '76
420-451 (R) '76
16-47 (R) '77
436 (ER) '77
268-289 (R) '78
358 (ER) '78
23 (R) '79
96 (R) '79
136 (R) '79
238 (R) '79
325 (R) '79
262 (R) '81
620 (ER) '81

Real Estate Commission

276-279 (R) '76
452 (R) '76
396-403 (R) '77
207 (R) '78
223 (R) '78
289 (R) '78
477-485 (R) '78

Seed Commission

29 (ER) '78
66 (ER) '78
104 (R) '78
95 (R) '79
166 (R) '79
324 (R) '79
325 (R) '79
164 (R) '81
285 (R) '81

Stream Control Commission

297 (R) '77
424 (R) '77

Sand and Gravel

212 (R) '78
49 (R) '79

Water Quality Criteria

302-311 (R) '78
50 (R) '79

Structural Pest Control
Commission

63 (R) '77
235 (R) '77
366 (R) '77
474 (R) '77
29 (R) '78
205 (R) '78
325 (R) '79
344 (R) '79

Tax Commission

357 (R) '76
455 (R) '76
15 (R) '77
76-81 (R) '77
289-295 (R) '77
316 (R) '77

Appeals

339 (R) '78

Assessments

79 (R) '79
185 (R) '81
253 (ER) '81
309 (R) '81

Leased Equipment

209 (R) '78
340 (R) '78

Oil and Gas Property

63 (R) '79
98 (R) '79

Personal Property

340 (R) '78
79 (R) '79
253 (ER) '81
309 (R) '81

Public Service Properties

328 (ER) '78
338 (R) '78

Real Property

99 (R) '79
44 (R) '81
185 (R) '81

Taxable Situs

30 (R) '78

Timber Stumpage Values

9 (R) '78
7 (R) '79
468 (R) '79
627 (R) '81

Treasury Bond Commissions

343 (R) '76
393-405 (R) '78
365 (R) '79
12 (R) '81
50 (R) '81

CIVIL SERVICE DEPARTMENT

Civil Service Department

6-11 (R) '76
403 (R) '76

Civil Service Commission

6-11 (R) '76

Civil Service Rules

395 (R) '77
441 (R) '77

Administration Procedures Act

106 (R) '78

Classified and Unclassified
Positions

106 (R) '78

Leave

69 (R) '78

Noncompetitive Classes

68 (R) '78

Ethics for Elected Officials,
Board of

2 (R) '81
538 (R) '81

Review of Contracts

277 (R) '79

Supervisory Committee on
Campaign Finance

90 (R) '81

COMMERCE DEPARTMENT

Architectural Examiners,
Board of

6 (R) '76
333-336 (R) '78

Certified Public Accountants,
Board of

308 (R) '77
223 (R) '78
358 (R) '78
1-10 (R) '80

Contractors, Licensing
Board for

271 (R) '76
11 (R) '77
396 (R) '77
69 (R) '78
479 (ER) '81

Financial Institutions,
Office of

475 (R) '77
144 (R) '80
412 (R) '80
427 (R) '80
433 (R) '80
541 (R) '80
714 (R) '80
715 (R) '80
720 (R) '80
165 (R) '81
285 (R) '81
338 (R) '81
406 (R) '81
484 (R) '81

Minority Business Development
Authority

581 (R) '81

Racing Commission

90-93 (R) '76
400 (ER) '76
420-451 (R) '76
16-47 (R) '77
436 (ER) '77
268-289 (R) '78
358 (ER) '78
23 (R) '79
96 (R) '79
136 (R) '79
238 (R) '79
325 (R) '79
174 (R) '80
542 (R) '80
543 (R) '80
721 (R) '80
262 (R) '81
620 (ER) '81

Radio and Television
Technicians Board

267 (R) '77

Real Estate Commission

276-279 (R) '76
452 (R) '76
396-403 (R) '77
207 (R) '78
223 (R) '78
289 (R) '78
477-485 (R) '78
23 (R) '79

CORRECTIONS DEPARTMENT

Adult Services, Office of

486 (R) '78
2 (R) '79

Pardons, Board of

42 (R) '76
441 (R) '77
487 (R) '78
345 (R) '79

Parole, Board of

113-118 (R) '76

Records of Adult
Offenders

107 (R) '76

Secretary, Office of

418 (ER) '78
487 (R) '78
4 (R) '79
55-61 (R) '79
10 (R) '80
6 (R) '81
177 (R) '81

Work Release

486 (R) '78

CULTURE, RECREATION AND
TOURISM, DEPARTMENT OF

Library, State, Office of

336 (R) '78
107 (R) '80
407 (R) '81

Museum, State, Office of

335 (R) '77

Parks, Office of State

276 (R) '79

Program Development, Office
of

107 (R) '80
625 (R) '81

Tourism, Office of

262 (R) '81

EDUCATION DEPARTMENT

Adult and Community Education,
Bureau of

1 (ER) '76

Assistance Commission

60 (R) '76
244 (R) '76

Board of Elementary and
Secondary Education

1-3 (ER) '76 43 (R) '81
36 (R) '76 625 (R) '81
51 (R) '76 481 (ER) '81
78 (R) '76 528 (ER) '81
109 (R) '76 401 (ER) '81
133 (ER) '76 583 (R) '81
187 (R) '76
200 (R) '76
225 (RR) '76
242 (R) '76
269 (ER) '76
272 (R) '76
312 (ER) '76
317 (R) '76
350 (R) '76
405 (R) '76
13 (R) '77
64 (R) '77
91 (R) '77
179 (ER) '77
181 (R) '77
241-45 (R) '77
267-270 (R) '77
306 (ER) '77
308 (R) '77
332 (ER) '77
336 (R) '77
367 (R) '77
393 (ER) '77
404 (R) '77
436 (ER) '77
442-45 (R) '77
475 (R) '77
19 (R) '80
53 (ER) '80
54 (R) '80
109 (R) '80
174 (R) '80
251 (ER) '80
257 (R) '80
488 (R) '80
539 (ER) '80
543 (R) '80
585 (ER) '80
651 (R) '80
702 (ER) '80
6 (R) '81
287 (R) '81
263 (R) '81
433 (ER) '81
283 (ER) '81
407 (R) '81
65 (ER) '81
419 (R) '81
66 (ER) '81
484 (R) '81

Act 18 Guidelines

62 (R) '79

Act 20 Guidelines

2 (R) '78
66 (ER) '78
103 (ER) '78
207 (R) '78

Act 718 Guidelines
(Tuition Exemption)

327 (ER) '78
6 (R) '79
408 (ER) '80

Act 754 (Special Education)

337 (R) '78
428-463 (R) '78
168 (R) '79
337 (ER) '81

Adult and Community
Education, Annual Program
Plan

240 (R) '78
43 (R) '79
345-49 (R) '79

Annual Program Plan, Title IV

24 (R) '78
174 (R) '80

Bilingual Education Programs,
State Plan for Coordination of
Technical Assistance to

169 (R) '79

Career Education, State
Plan for

276 (R) '79

Certification of School
Personnel, Standards for
(Bulletin 746)

69 (R) '78
222 (ER) '78
224 (R) '78
359-364 (R) '78
23 (R) '79
61 (R) '79
345-49 (R) '79
53 (ER) '80
144 (R) '80
305 (R) '80
6 (R) '81
69 (R) '81

Certification Program for
Secondary School Teachers,
Alternate Post-baccalaureate
State

243 (R) '79

Competency Based Education
Plan

138-40 (R) '79

Comprehensive Employment
Training Act

489 (R) '78

Equal Opportunity Statement

140 (R) '79

ESEA Title I Monitoring
and Enforcement Plan

243 (R) '79

ESEA Title II State Plan
(Basic Skills Improvement)

326 (R) '79

ESEA Title IV State Plan

243 (R) '79

Extension Classes

169 (R) '79

Federal Funds

24 (R) '79

62 (R) '79

Food and Nutrition Programs
Policies of Operation
(Bulletin 1196)

1 (R) '78

208 (R) '78

GED Test

345-49 (R) '79

Graduation Requirements

326 (R) '79

346 (R) '79

Handicapped Physical Education

275 (ER) '79

Library Media Programs in
Louisiana Schools, Standards
and Guidelines for (Bulletin 1134)

2 (R) '78

360 (R) '78

Local Education Agency

168 (R) '79

Meetings

275 (ER) '79

346 (R) '79

Migrant Education State
Plan, Title I

240 (R) '78

168 (R) '79

275 (R) '80

National Teacher Examinations

489 (R) '78

Nonpublic Schools, Standards
for Approval of

294 (R) '78

63 (R) '79

382 (R) '79

Nutrition Education and
Training Program State
Plan for the

276 (R) '79

345 (R) '79

543 (R) '80

Physical Education Certification

275 (ER) '79

345 (R) '79

Policy and Procedural Manual

427 (R) '78

137 (R) '79

382 (R) '79

648 (R) '80

625 (R) '81

287 (R) '81

Project Evaluations

140 (R) '79

School Administrators,
Handbook for (Bulletin 741)

Adult Education

62 (R) '79
53 (ER) '80
54 (R) '80
304 (ER) '80
543 (R) '80

Credit

1 (R) '78
204 (ER) '78
207 (R) '78
240 (R) '78
337 (R) '78
360 (R) '78

General Education
Development Test

346 (R) '79

High School Graduation
Requirements

77 (R) '79
235 (ER) '79
345-49 (R) '79

Industrial Arts

276 (R) '79

Literacy Assessments

346-49 (R) '79

Nonpublic Schools

70-75 (R) '78
208 (R) '78
294 (R) '78
337 (R) '78
140 (R) '79

Religion

337 (R) '78

School Buildings

62 (R) '79

School Standards

294 (R) '79

Special Schools

346 (R) '79

Vocational Agriculture

427 (R) '78

School Buses, Minimum
Standards for (Bulletin 1213)

428 (R) '78
243 (R) '79
6 (R) '81
436 (R) '81

Second Language Specialists

106 (R) '78
427 (R) '78

Special Education, Annual
Program Plan

365 (R) '78

Summer Schools, Standards
for State Approved
Elementary

94 (ER) '79
168 (R) '79

Textbooks

257 (R) '80
528 (ER) '81

Transportation Handbook,
School (Bulletin 1191)

168 (R) '79

Tuition Exemption Continuing
Education Program for Teachers
(Bulletin 1533)

326 (R) '79
408 (ER) '80
401 (ER) '81

Vocational Education, Annual
Program Plan for the
Administration of

337 (R) '78
243 (R) '79
583 (R) '81

Vocational-Technical Education

1 (R) '78
75 (R) '78
224-27 (R) '78
240 (R) '78
359-364 (R) '78
489 (R) '78
96 (R) '79
326 (R) '79
344 (ER) '79
19 (R) '80
488 (R) '80
543 (R) '80
583 (R) '81

Vocational-Technical School
Buses, Guidelines for
Operation

359 (R) '78

Colleges and Universities, Board
of Trustees for State

11-35 (R) '76
77 (R) '76
132 (ER) '76
135-152 (R) '76
241 (R) '76
336 (ER) '76
404 (R) '76
9 (R) '77
61 (ER) '77
180 (R) '77
306 (ER) '77
362 (ER) '77
403 (R) '77
104 (ER) '80
156 (ER) '80
174 (R) '80
257 (R) '80
306 (R) '80
652 (R) '80
441 (R) '81

Athletic Policies

290-294 (R) '78
137 (R) '79
70 (R) '81
288 (R) '81
436 (R) '81

Faculty and Staff

69 (R) '78
23 (R) '79
325 (R) '79
343 (ER) '79
288 (R) '81

Fees

53 (ER) '80
144 (R) '80
305 (R) '80

Financial and Leave
Policies

290 (R) '78
343 (ER) '79
113 (R) '80

General Operating
Procedures

96 (R) '79

Letters of Intent

69 (R) '78
257 (R) '80

Scholarships

544 (R) '80

Student Personnel

239 (R) '78
290 (R) '78
327 (ER) '78
488 (R) '78

Education, Department of

2 (ER) '76
313 (ER) '76
317 (R) '76
69 (R) '78
359 (R) '78
489 (R) '78

Educational Television
Authority

178 (R) '81

Higher Education Assistance
Commission

60 (R) '76
244 (R) '76

Louisiana State University,
Board of Supervisors

209 (R) '78
306 (R) '80

Bylaws and Rules

144-166 (R) '77
169 (R) '79

Retirement Plans

169 (R) '79

Marine Consortium,
Louisiana Universities

145 (R) '80

Regents, Board of

44 (R) '76
61 (R) '76
93 (R) '76
155-168 (R) '76
193 (R) '76
252 (R) '76
319 (R) '76
201-206 (R) '77
251 (R) '77
308 (R) '77
393 (ER) '77
405-411 (R) '77
437 (ER) '77
110 (R) '80
588 (R) '80

Academic Programs

2 (R) '78
240 (R) '78
77 (R) '79

Bylaws

76 (R) '78
107 (R) '78

Capital Projects

169 (R) '79

Finance

3 (R) '78

Master Plan for Higher
Education

124-201 (R) '78
78 (R) '79

Master Planners

169 (R) '79

State Appropriation Formula

489-494 (R) '78
349-53 (R) '79

Tenure

240 (R) '78

Southern University, Board
of Supervisors

402 (ER) '76
251 (R) '77
365-379 (R) '78
381 (R) '79
445 (R) '81
446 (R) '81

Textbook and Media Advisory
Council

445 (R) '77

Vocational Education,
Bureau of

317 (R) '76
336 (R) '77
19 (R) '80

GOVERNOR'S OFFICE

Administration, Division of

Capital Outlay

636 (ER) '80
6 (R) '81

Minority Business Set-
Aside Program

71 (R) '81

Personnel

241-250 (R) '78

Property Control Section

227-241 (R) '76
71 (R) '81
265 (R) '81

Purchasing Section

403 (R) '76
258 (R) '80

Rental and Lease
Regulations

289 (R) '81

Telecommunications
Management, Office of

722 (R) '80

Travel Regulations

7 (R) '81

Vehicles

705 (ER) '80
71 (R) '81

Architects Selection Board

333-336 (R) '78
494 (R) '78
408 (R) '81

Commission on Education
Services, Governor's Special

408 (R) '81
583 (R) '81

Consumer Protection Division,
Governor's

35 (R) '76
51 (R) '76
152 (R) '76

Contractural Review,
Department of

495 (R) '78
277 (R) '79
179 (R) '81

Data Processing Coordinating
and Advisory Council

54 (R) '80
487 (R) '81

Elderly Affairs, Office of

410 (ER) '80
489 (R) '80
66 (ER) '81

Aging, State Plan on

354 (R) '79

Older Americans Act

354 (R) '79
66 (ER) '81

Engineers Selection Board

10-13 (R) '80

Facility Planning and
Control Department

497-503 (R) '78

Federal Property Assistance
Agency, Louisiana

411-419 (R) '77

Indigent Defender Board

400 (ER) '76
142 (R) '77

Landscape Architects
Selection Board

78 (R) '79

Law Enforcement and
Administration of
Criminal Justice,
Commission on

503-510 (R) '78
97 (R) '79
270 (R) '80
598 (R) '80

Tax Commission

357 (R) '76
455 (R) '76
15 (R) '77
76-81 (R) '77
289-295 (R) '77
316 (R) '77
272 (R) '80
728 (R) '80

Appeals

339 (R) '78

Assessments

79 (R) '79
185 (R) '81
253 (ER) '81
309 (R) '81

Leased Equipment

209 (R) '78
340 (R) '78

Oil and Gas Property

63 (R) '79
98 (R) '79

Personal Property

340 (R) '78
79 (R) '79
253 (ER) '81
309 (R) '81

Public Service Properties

328 (ER) '78
338 (R) '78

Real Property

99 (R) '79
272 (R) '80
44 (R) '81
185 (R) '81

Taxable Situs

30 (R) '78

Timber Stumpage Values

9 (R) '78
7 (R) '79
468 (R) '79
728 (R) '80
627 (R) '81

Telecommunications Management,
Office of

265 (R) '81
447 (R) '81

Veterans Affairs, Department
of

485 (R) '81
486 (R) '81

HEALTH AND HUMAN RESOURCES
DEPARTMENT

Adoption Services

37 (R) '76
318 (R) '76
388 (R) '78

Aging Services, Bureau of

270 (ER) '76
210 (R) '78

Aid to Families with
Dependent Children Program
(See Office of Family Security)

Air Control Commission

31-55 (R) '78
510 (R) '78
99-104 (R) '79
170-74 (R) '79
243 (R) '79
326 (R) '79
383-88 (R) '79

Ambulatory Surgical Centers

123-133 (R) '77
182 (R) '77

Child Care

355 (R) '76
7 (ER) '77
72 (R) '77
89 (ER) '77
91-99 (R) '77
182 (R) '77
286 (R) '77
363 (ER) '77
475-486 (R) '77
495 (R) '77
496 (R) '77

Chiropractic Examiners,
Board of

49 (R) '76
174 (R) '79

Day Care

(See Office of Family Security)

Denistry, Board of

186 (R) '76
270 (R) '77
586 (R) '81

Embalmers and Funeral
Directors, Board of

227 (R) '78
295 (R) '78
510 (R) '78
277-80 (R) '79
388 (R) '79

Examiners for Nursing Home
Administrators, Board of

276 (R) '80

Family Security, Office of

Aid to Families with
Dependent Children Program

111 (R) '76
272 (R) '76
6 (ER) '77
72 (R) '77
89 (ER) '77
100 (R) '77
182 (R) '77
286 (R) '77
332 (ER) '77
334 (ER) '77
368 (R) '77
419 (R) '77
420 (R) '77
4 (R) '78
204 (ER) '78
227 (R) '78
229 (R) '78
295 (R) '78
340 (R) '78
511 (R) '78
236 (ER) '79
281 (R) '79
381 (ER) '79
13 (R) '80
410 (ER) '80
603 (R) '80
1 (ER) '81
189 (R) '81
433 (ER) '81
529 (ER) '81
401 (ER) '81
529 (ER) '81
627 (R) '81

American Repatriated Citizens
Program

107 (R) '78

Clinics

210 (R) '78

Comprehensive Annual Services
Plan

271 (ER) '76
318 (R) '76
286 (R) '77
103 (ER) '78
227 (R) '78
512 (R) '78
141 (R) '79
254 (ER) '81

Cuban Refugee Program

107 (R) '78
707 (ER) '80
401 (ER) '81

Day Care

226 (ER) '76
272 (R) '76
318 (R) '76
8 (ER) '77
73 (R) '77
89 (ER) '77
91-99 (R) '77
182 (R) '77
286 (R) '77
363 (ER) '77
56 (R) '78
103 (ER) '78
230 (R) '78
474 (ER) '78
7 (R) '79
297 (R) '79
536 (ER) '80
731 (R) '80

Early and Periodical
Screening, Diagnosis and
Treatment Program

3 (R) '78

Emergency Transportation
Program

326 (R) '79

Energy Assistance Payment
Program

13 (R) '80
647 (ER) '80
7 (R) '81
340 (R) '81

Food Stamp Program

37 (R) '76
271 (R) '77
496 (R) '77
227 (R) '78
511 (R) '78
164 (ER) '79
165 (ER) '79
245 (R) '79
281 (ER) '79
13 (R) '80
265 (R) '81
434 (ER) '81

Foster Care

1 (ER) '78
56 (R) '78
586 (ER) '80

General Assistance Program

4 (R) '78
204 (ER) '78
295 (R) '78
511 (R) '78
105 (R) '79
236 (ER) '79
281 (R) '79
381 (R) '79
13 (R) '80
410 (ER) '80
1 (ER) '81
188 (R) '81
401 (ER) '81
529 (ER) '81
627 (R) '81

Home Health Services

379 (R) '78
473 (ER) '78

Intermediate Care Facilities

62 (ER) '77
100 (R) '77
182 (R) '77
248 (R) '77
286 (R) '77
288 (R) '77
306 (ER) '77
341 (R) '77
362 (ER) '77
421 (R) '77
438 (ER) '77
446 (R) '77
473 (ER) '77
2 (ER) '79
24 (R) '79
105 (R) '79
141 (R) '79
174 (R) '79
237 (ER) '79
280 (R) '79
319-22 (ER) '79

Long-Term Care

105 (R) '79
165 (ER) '79
174 (R) '79
237 (ER) '79
244 (R) '79
435 (ER) '81

Maximum Allowable Cost List

7 (R) '81
401 (ER) '81
530 (ER) '81
629 (R) '81

Medical Assistance Program

4 (R) '78
67 (ER) '78
103 (ER) '78
107-109 (R) '78
204 (ER) '78
210 (R) '78
222 (ER) '78
228 (R) '78
229 (R) '78
239 (ER) '78
305 (R) '79
318 (ER) '79
319 (ER) '79
319-22 (ER) '79
326 (R) '79
250 (R) '78
266 (ER) '78
296 (R) '78
329-333 (ER) '78
380-385 (R) '78
473 (ER) '78
511 (R) '78
2 (ER) '78
7 (R) '79
18 (ER) '79
328 (R) '79
354 (R) '79
355 (R) '79
381 (ER) '79
19 (ER) '79
24 (R) '79
64 (R) '79
105 (R) '79
141 (R) '79
165 (ER) '79
174 (R) '79
236-38 (ER) '79
244 (R) '79
280 (R) '79
1 (ER) '80

70 (R) '80
105 (ER) '80
114 (R) '80
143 (ER) '80
146 (R) '80
156 (ER) '80
175 (R) '80
278 (R) '80
306 (R) '80
491 (R) '80
544 (R) '80
585 (ER) '80
605 (R) '80
647 (ER) '80
729 (R) '80
730 (R) '80
401 (ER) '81
446 (ER) '81

Medicaid (Title XIX)

4 (R) '78
67 (ER) '78
103 (ER) '78
107 (R) '78
109 (R) '78
210 (R) '78
222 (ER) '78
228 (R) '78
239 (ER) '78
250 (R) '78
1 (ER) '80
70 (R) '80
105 (ER) '80
113 (R) '80
114 (R) '80
116 (R) '80
146 (R) '80
276 (R) '80
657 (R) '80

Medical Claims

388 (R) '79

Medically Needy Program

3 (R) '78
204 (ER) '78
229 (R) '78
539 (ER) '80
604 (R) '80
647 (ER) '80
7 (R) '81

Medicare

109 (R) '78

Mental Retardation

1 (ER) '78
56 (R) '78
1 (ER) '81

Pharmaceutical Services

501 (R) '81

Skilled Nursing Facilities

141 (R) '79
237 (ER) '79
280 (R) '79
319-22 (ER) '79
404 (ER) '81
587 (R) '81

Supplemental Security
Income

222 (ER) '78
227 (R) '78
250 (R) '78
296 (R) '78
381 (ER) '79
388-94 (R) '79
13 (R) '80
585 (ER) '80

Transportation, Payment
For

80 (R) '81
43 (ER) '81

Vendor Services

7 (R) '81

Work Incentive Program

1 (ER) '78
56 (R) '78

Family Services, Office of

36 (R) '76	475-486 (R) '77
75 (ER) '76	486-495 (R) '77
111 (R) '76	495 (R) '77
199 (ER) '76	496 (R) '77
226 (ER) '76	
272 (R) '76	
6-9 (ER) '77	
62 (ER) '77	
89 (ER) '77	
91-99 (R) '77	
100 (R) '77	
182 (R) '77	
271 (R) '77	
306 (ER) '77	
309 (R) '77	
332 (ER) '77	
334 (ER) '77	
336-341 (R) '77	
342 (R) '77	
362 (ER) '77	
367 (R) '77	
393 (ER) '77	
419 (R) '77	
420 (R) '77	
421 (R) '77	
438 (ER) '77	
445 (R) '77	
446 (R) '77	
473 (ER) '77	

Food Stamp Program
(See Office of Family Security)

Health and Environmental
Quality, Office of

3 (ER) '76
59 (R) '76
86 (R) '76
273 (R) '76
353 (R) '76
415 (R) '76
418 (R) '76
101-105 (R) '77
126 (R) '77
245 (R) '77
271-285 (R) '77
369 (R) '77
424 (R) '77
79 (R) '81
283 (ER) '81

Sanitary Code

230 (R) '78
358 (ER) '78
511 (R) '78
80 (R) '79
215-29 (R) '79
282-97 (R) '79
116 (R) '80

Vital Records Registry,
Division of

511 (R) '78
492 (R) '80

Hospitals, Office of

279 (R) '80

Human Development, Office of

Adoption

388 (R) '78
586 (ER) '80
730 (R) '80
629 (R) '81
630 (R) '81
408 (R) '81

Aging Services, Bureau of

210 (R) '78

Billing Scales

134 (ER) '79
246 (R) '79

Blind Services Program

68 (R) '78
482 (ER) '81

Client Placement Division

175 (R) '79
43 (ER) '81
408 (R) '81

Comprehensive Annual Services Plan

(See Office of Family Security)

Day Care

629 (R) '81

Foster Care

189 (R) '81
482 (ER) '81
630 (R) '81

Handicapped Persons,
Community Respite Care
Services for

344 (ER) '79
388-94 (R) '79

Respite Care

409 (R) '81

Shelter Care

621 (ER) '81

Title XX Annual Plan

279 (R) '80
730 (R) '80

Vocational Rehabilitation
Program

68 (R) '78
482 (ER) '81

Youth Services,
Division of

111 (R) '76
274 (R) '76
355 (R) '76
105-108 (R) '79
134 (ER) '79

Foster Care

1 (ER) '78
56 (R) '78
586 (ER) '80

Human Services, Office of

270 (ER) '76

Licensing and Regulation,
Office of

Health Planning and
Development, Division of

319-22 (ER) '79
150 (R) '80
605 (R) '80

Juvenile Detention

297-305 (R) '79

Narcotics and Dangerous
Drugs, Division of

74 (ER) '79
108 (R) '79

Management and Finance,
Office of

Billing Procedures for
Hospitals

105 (R) '77

Child Care Facilities

512-516 (R) '78

Comprehensive Annual Services
Plan

(See Office of Family Security)

General Hospitals

56 (R) '78

Handicapped Care Facilities

512-516 (R) '78

344 (ER) '79

388-94 (R) '79

House Officers,
Compensation and
Benefits

354 (R) '77

Licensing and Certification
Section

123 (R) '77

123 - 133 (R) '77

248 (R) '77

Rules

134 (ER) '79

246 (R) '79

Medical Assistance Program

75 (ER) '76

111 (R) '76

196 (ER) '76

Medical Examiners,
Board of

109-113 (R) '78

Mental Health and Substance
Abuse, Office of

244 (R) '76

486 (R) '77

210 (R) '78

134 (ER) '79

346 (R) '79

305 (R) '79

131 (R) '80

148 (R) '80

Mental Health Services,
Comprehensive, 1977 State
Plan for

244 (R) '76

Mental Retardation,
Office of

288 (R) '77

113 (R) '78

296 (R) '78

134 (ER) '79

246 (R) '79

493 (R) '80

Milk and Dairy Products,
Office of

3 (R) '76

Nursing, Board of

183-191 (R) '77

309 (R) '77

421 (R) '77

114 (R) '78

72 (R) '81

73 (R) '81

Optometry Examiners,
Board of

496 (R) '77

Pharmacy, Board of

732 (R) '80

186 (R) '81

Practical Nurse Examiners,
Board of

274 (R) '76

192 (R) '77

65 (R) '79

355 (R) '79

657 (R) '80

253 (ER) '81

587 (R) '81

Psychologists, Board of
Examiners of

248 (R) '79

66 (R) '80

489 (R) '80

602 (R) '80

187 (R) '81

Rehabilitation Services,
Office of

Exceptional Childrens
Act

133-141 (R) '77

Sanitary Code

3 (ER) '76
86 (R) '76
353 (R) '76
418 (R) '76

Secretary, Office of

248 (R) '77
144 (R) '78
230-234 (R) '78
19-23 (ER) '79
80 (R) '79
109 (R) '79
175-82 (R) '79
14-18 (R) '80
309 (R) '81
483 (ER) '81

Social Services Program
for Individual and
Families (Title XX)

226 (ER) '76
271 (ER) '76

Substance Abuse, Bureau
of, Office

16 (R) '77
210 (R) '78
134 (ER) '79
246 (R) '79
305 (R) '79

Veterinary Medicine,
Board of

70 (R) '80
529 (ER) '81

Vital Statistics and
Vital Records, Office of

273 (R) '76
511 (R) '78

INSURANCE DEPARTMENT

Compulsory Liability

296 (R) '78

Insurance Department

280 (R) '80
283 (R) '80

Malpractice Self-Insurance

75 (R) '77

Property and Casualty
Insurance, Division of

280 (R) '80
283 (R) '80
340 (R) '81

LABOR DEPARTMENT

Employment Security,
Office of

420 (R) '77
446 (R) '77
496 (R) '77
76 (R) '78

Employment Service,
Louisiana State

6 (ER) '77
72 (R) '77
76 (R) '78

Labor, Office of

Apprenticeship Council

463 (R) '78
8 (R) '81

Minor Labor

45 (R) '81

Plumbing Board

588 (R) '81

Private Employment Services

630 (R) '81