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This public document is published in accordance with R.S. 49:954.1. The publication date for this issue of the Louisiana Register is August 20, 2024. The Office of the State Register is the official state entity for all certified copies of the Louisiana Register and the content contained herein.

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Executive Orders

EXECUTIVE ORDER JBE 24-107

Flags at Half-Staff—Corey Comperatore

WHEREAS, on July 13, 2024, Corey Comperatore fell victim to yet another senseless act of political violence;

WHEREAS, in his final moments, Corey Comperatore heroically protected his family by shielding them with his own body when shots rang out from the rooftop of a nearby building;

WHEREAS, Corey Comperatore's legacy of courage, love, and service will forever illuminate the hearts of those who knew him;

WHEREAS, Corey Comperatore honorably served our country as a soldier in the United States Army Reserves;

WHEREAS, Corey Comperatore dedicated his precious time to his community through service at the Buffalo Volunteer Fire Department, where he rose to the position of fire chief;

WHEREAS, Corey Comperatore was a loving husband to Helen and a noble father to Allyson and Kaylee;

WHEREAS, Corey Comperatore is also survived by his mother Karen Bird, his sisters Kelly Meeder and Dawn Comperatore Shaffer, his stepbrother, Steven Warheit, and many nieces, nephews, and great nieces;

WHEREAS, Corey Comperatore will forever be remembered as a devoted family man, dedicated public servant, and a patriot;

WHEREAS, Corey Comperatore will also be remembered as a person of faith - a beacon of God's love, who uplifted the spirits of those who crossed his path;

WHEREAS, Corey Comperatore leaves an eternal legacy of faith, family, and freedom;

WHEREAS, Corey Comperatore should be honored and remembered as a hero in Louisiana and across our Nation.

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

Section 1: As an expression of respect and to honor Corey Comperatore, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on July 18, 2024.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, July 18, 2024.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 17th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#014

EXECUTIVE ORDER JBE 24-108

Louisiana Youth for Excellence

WHEREAS, in 2022, the National Center for Health Statistics reported the national birth rate for females aged 15-19 was 13.6 births per 1,000;

WHEREAS, in 2022, the National Center for Health Statistics reported that the birth rate for females aged 15-19 in Louisiana was 23.7 births per 1,000;

WHEREAS, the National Center for Health Statistics ranked Louisiana third in the United States for births to females aged 15-19;

WHEREAS, many adolescents in Louisiana remain uninformed or poorly informed about the potential consequences of being sexually active, including pregnancy and sexually transmitted infections;

WHEREAS, access to abstinence-based educational programs, mentoring, and counseling may encourage Louisiana's youth to abstain from sexual activity.

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

Section 1: The program for Louisiana Youth for Excellence (LYFE) is reestablished and recreated within the Executive Department, Office of the Governor, Office of Community Programs;

Section 2: The goals of the LYFE program shall include, but are not limited to, the following:

A. Promoting positive youth development by teaching goal setting, leadership development, character building, and integrity in school settings, after-school programs and community-based programs;

B. Mitigating the effects of health-risk behaviors for the youth of Louisiana;

C. Reducing the incidence of sexual activity among the youth of Louisiana;

D. Reducing the rate of sexually transmitted infections among the youth of Louisiana;

E. Lowering the pregnancy rate among the youth of Louisiana; and

F. Lowering the number of high-school drop-outs related to health-risk behaviors in Louisiana.

Section 3: The duties of LYFE program shall include, but are not limited to the following:

A. Applying for and receiving funding for the development and administration of the LYFE program from public and private sources;

B. Providing youth with support to build character, integrity, and excellence by promoting positive messages of youth development and educating as to the dangers of health-risk behaviors;

C. Providing parents with information supporting their role as the primary educator of family values;

D. Coordinating with appropriate organizations and other public agencies to achieve the goals outlined in Section 2;

E. Promoting character qualities and human skills that promote responsible and productive values in children; and

F. Developing an aggressive campaign targeting adolescents ages 12-19 and parents that will build awareness of the consequences of health-risk behaviors and reinforce positive youth development.

Section 4: The LYFE program shall be directed by an executive director who is designated by and serves at the pleasure of the Governor. The executive director shall be responsible for administering, overseeing, and evaluating LYFE initiatives in a manner that facilitates the accomplishment of the program's duties and goals, as set forth in Sections 2 and 3.

Section 5: The LYFE program shall be permitted staff and resources to fulfill the goals, duties, and responsibilities specified in this Order. It shall be permitted to accept the efforts of volunteers in accordance with state law.

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

Section 7: Executive Order Number JBE 2016-49 is hereby terminated.

Section 8: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 17th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#015

EXECUTIVE ORDER JBE 24-109

Renewal of State of Emergency—Department of Transportation and Development

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

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

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

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

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

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

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

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

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

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

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

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

Section 4: This Order is effective upon signature and shall continue in effect from Friday, July 19, 2024 to Sunday, August 18, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 19th day of July 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#016

EXECUTIVE ORDER JBE 24-110

The Hudson Initiative

WHEREAS, pursuant to La. R.S. 39:2001 *et seq.*, the Louisiana Initiative for Small Entrepreneurships (hereafter “the Hudson Initiative”) was established to facilitate the growth and stability of Louisiana’s economy by fostering utilization by state interests of the business offerings available for state procurement and public contracts from Louisiana’s small entrepreneurship;

WHEREAS, an inclusive economic development initiative for state agencies aimed at developing and enhancing opportunities for small and emerging businesses will successfully promote the state goal of wealth creation and poverty reduction;

WHEREAS, Louisiana Revised Statute 39:2005 outlines specific methods of source selection which may be utilized by an agency in contracting with small entrepreneurships and La. R.S. 39:2008 requires every state agency to participate in the Hudson Initiative; and

WHEREAS, the interest of the citizens of the State of Louisiana are served by the expansion of business development programs that encourage the continued growth of small and emerging businesses.

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

Section 1: All departments, commissions, boards, offices, entities, agencies, and offices of the State of Louisiana, or any political subdivision thereof, shall include small and emerging businesses in the business offerings available for state procurement and public contracts.

Section 2: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with implementing the provisions of this Order.

Section 3: Executive Order Number JBE 2016-37 is hereby terminated.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 24th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#017

EXECUTIVE ORDER JBE 24-111

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

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

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

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

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

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

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

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 24-96, which is in effect through July 27, 2024, and;

WHEREAS, there is a need to continue Executive Order Number JML 24-96 because several parishes are still working to recover from the damage caused by these storms.

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

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

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

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

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

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

Section 6: This order is effective upon signature and shall remain in effect from Friday, July 26, 2024 to Sunday, August 25, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 26th day of July 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#018

EXECUTIVE ORDER JBE 24-112

Renewal of State of Emergency—Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-98, which is in effect through July 27, 2024;

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

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

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

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

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

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

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

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

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

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

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

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

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to

fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

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

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

Section 6: This order is effective upon signature and shall remain in effect from Friday, July 26, 2024, until Sunday, August 25, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 26th day of July 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#019

EXECUTIVE ORDER JBE 24-113

Cooperative Endeavor Agreements

WHEREAS, La. Const. art. VII, § 14 provides that, “the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise;”

WHEREAS, La. Const. art. VII, § 14 also authorizes, for a public purpose, cooperative endeavors among the state and its political subdivisions or political corporations, and with the United States or its agencies, or with any public or private association, corporation, or individual;

WHEREAS, R.S. 38:2193 authorizes the attorney general to institute a civil proceeding to invalidate a contract of the state or any political subdivision that the attorney general believes violates the constitutional provision concerning the donation of public funds and that the attorney general believes is necessary for the assertion or protection of any right or interest of the state or political subdivision within the intendment of La. Const. art. VII, §14;

WHEREAS, since a cooperative endeavor agreement (“agreement”) is a form of contract, it is in the best interest of the State of Louisiana to have all such agreements reviewed by an arm of the State that is not a party to the agreement, prior to the agreement becoming effective, in

order to limit the potential for litigation over the validity of the agreement;

WHEREAS, the best interest of the State of Louisiana is also served by monitoring the use of these agreements from both a legal and a budgetary perspective, and by providing a centralized record of these agreements; and

WHEREAS, the Division of Administration is charged with the responsibility for the State of Louisiana of overseeing the acquisition of supplies and services under contractual agreements and, therefore, has the expertise and necessary personnel to determine if these agreements are in violation of La. Const. art. VII, §14, or any procurement statutes or rules which regulate the manner in which the State and its agencies and political subdivisions must acquire supplies and services.

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

Section 1: Unless exempted by written delegation of authority granted by the director of the Office of State Procurement, Division of Administration, with the approval of the Commissioner of Administration, each department, commission, board, agency, and/or office in the executive branch of the State of Louisiana (“department”) shall submit all cooperative endeavor agreements (“agreements”) which require the expenditure of public funds to the Office of State Procurement for review and approval. This section shall not apply to the Department of Economic Development (“Louisiana Economic Development”); however, Louisiana Economic Development shall continue to submit all cooperative endeavor agreements through the LaGov electronic workflow system.

Section 2: To the fullest extent possible, all agreements shall be submitted for review at least forty-five (45) days prior to the effective date of the agreement. The Office of State Procurement shall review the agreement as expeditiously as possible and return it to the submitting department. Agreements not submitted within forty-five (45) days in advance of the effective date must be accompanied by a written explanation of the reasons for the delay in submission.

Section 3: Agreements with non-governmental entities for economic development purposes should contain the specific goals sought to be achieved by the non-governmental entity and methods for reimbursement to the state if those goals are not met. Further, a non-governmental entity, other than one participating in a business incubator program, Quality Jobs Program, or Enterprise Zone Program, which defaults on the agreement, breaches the terms of the agreement, ceases to do business, or ceases to do business in Louisiana, shall be required to repay the state, and the agreement must set out the terms of the repayment.

Agreements based on legislative appropriation to a public or quasi-public agency or entity which is not a state budget unit must include a comprehensive budget, provided to the agency and the legislative auditor, showing all anticipated uses of the appropriation, an estimate of the duration of the project, and a plan showing specific goals and objectives, including measures of performance.

Agreements should contain a plan to monitor compliance with the terms of the agreement, assigning a particular person within the agency to be responsible for monitoring the agreement. Written reports must be provided to the agency at least every six (6) months concerning the use of funds and the specific goals and objectives for the use of the funds.

Agreements that contain an authorization for a non-governmental recipient to make grants should contain a listing of all sub-recipients, or at the minimum, a detailed description of the grant application and approval process, ensuring that funds are not provided for any use inconsistent with the provisions of the agreement.

Section 4: Agreements in which the state provides a guarantee or credit enhancement for a private for-profit entity and which do not contemplate the issuance of bonds should be submitted to the State Bond Commission for approval prior to execution. Evidence of the necessary Bond Commission approval should be attached to the submitted agreement.

Section 5: The Commissioner of Administration must be informed by the state agency in advance of the confection of any agreement in which a non-public party is expected to generate or expend revenue of one million dollars or more per year from the operation, management or control of a state resource. Agreements must comply with R.S. 39:366.1, *et seq.*, the Accountability for State Resources Act, as applicable. The state agency must advise the Joint Legislative Committee on the Budget at least 30 calendar days before its next meeting of the proposed agreement. The JLCB will determine whether to hold a hearing, in accordance with the provisions of La. R.S. 39:366.11. No agreement shall be officially confectioned prior to the expiration of time for JLCB to hold a hearing.

Section 6: All agreements shall be submitted with a BA-22 or other appropriate budgetary form evidencing the availability of funds.

Section 7: All agreements shall contain a provision that conditions the agreement and/or continuation of the agreement on a) the availability of sufficient funds to fulfill the obligations of the department under the agreement and b) the approval of the director of the Office of State Procurement and/or the Commissioner of Administration, unless exempt by written delegation of authority granted pursuant to Section 1 of this Order.

Section 8: Executive Order Number JBE 2016-36 is hereby terminated.

Section 9: All departments, commissions, boards, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in implementing the provisions of this Order.

Section 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#020

EXECUTIVE ORDER JBE 24-114

Small Purchase Procedures

WHEREAS, the Louisiana Procurement Code, in R.S. 39:1596, authorizes the governor to establish procedures and amounts for the procurement of small purchases with the caveat that “procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section.”

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

Section 1: All departments, institutions, boards, commissions, budget units, and agencies of the executive branch of state government, and the officers and employees thereof, (hereafter “agency”) shall observe, be guided by, and implement the specific directives on small purchase procedures set forth in this Order. This Order in no way affects or changes the purchasing authority delegated to an agency by the chief procurement officer as defined in R.S. 39:1556. No provision of this Order shall be construed as a limitation on the number of quotations to be solicited prior to making a purchase or procurement. Louisiana businesses especially certified small entrepreneurships and certified veteran owned small entrepreneurships should be utilized to the greatest extent possible when soliciting prices.

Section 2: Unless the context clearly indicates otherwise, the words and terms used in this Order shall be defined as follows:

A. “Small purchases” means (1) any procurement of supplies or operating services not exceeding \$25,000, or (2) any procurement of those items listed in Section 5 of this Order, which are exempt from the competitive sealed bidding requirements of the Louisiana Procurement Code, as provided in that Section.

B. “Small Entrepreneurship” means a business currently certified as a small entrepreneurship by the Department of Economic Development, in accordance with the Provisions of the Louisiana Initiative for Small Entrepreneurships (Hudson Initiative), R.S. 39:2006; or a business currently certified as a small and emerging business by the Department of Economic Development, in accordance with the Provisions of the Small and Emerging Business Development Program, R.S. 51:941, *et seq.*

C. “Veteran Owned Small Entrepreneurship” means a business currently certified as a veteran or service-connected disabled veteran owned small entrepreneurship by the Department of Economic Development, in accordance

with the provisions of the Louisiana Initiative for Veteran and Service-Connected Disabled Veteran Owned Small Entrepreneurships (The Veteran Initiative), R.S. 39:2176;

D. "Authorized dealer" means a company that is specifically authorized by the manufacturer to sell and/or provide service for its products; and

E. "Louisiana authorized dealer" means a company that satisfies the requirements of a resident business as defined in R.S. 39:1556 and is specifically authorized by the manufacturer to sell and/or provide service for its products.

Section 3: The following items are not subject to the procedures set forth in this Order:

A. Those items covered by an existing state contract;

B. Labor and Material contracts which exceed \$10,000; and

C. Professional, personal, consulting and social (PPCS) service contracts.

Section 4: Except as otherwise provided in this Order, all small purchases shall be made in accordance with the following minimum procedures:

A. No competitive process is required for purchases not exceeding \$10,000 per single purchase transaction.

B. Price quotations shall be solicited from three (3) or more bona fide, qualified vendors for purchases exceeding \$10,000 but not exceeding \$20,000.

1. Quotations may be made by telephone, facsimile, written, or other means and shall be awarded on the basis of the lowest responsive quotation unless such quotation is impracticable or unreasonable. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran owned small entrepreneurship. Agency files shall document and list all solicited vendors and each vendor's contact person, summarize quotations received, indicate the successful vendor and state the reason why any lower quotation was rejected. Agency files should also contain written confirmation of the quotation from the successful vendor.

2. When the price is determined to be reasonable, the requirement to solicit three (3) quotations may be waived when purchasing from a certified small entrepreneurship or a certified veteran owned small entrepreneurship. Reasonable is a best-value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the file.

3. The requirement to solicit at least one (1) certified small entrepreneurship or certified veteran owned small entrepreneurship is waived for procurements posted on LaPAC, Louisiana's internet-based system for posting vendor opportunities and award information.

C. Price quotations shall be solicited from five (5) or more bona fide, qualified vendors for purchases exceeding \$20,000 but not exceeding \$25,000.

1. Quotations may be made by facsimile or written means and shall be awarded on the basis of the lowest responsive price quotation received unless such quotation is impracticable or unreasonable. Whenever possible, at least two (2) of the bona fide, qualified vendors shall be certified small entrepreneurs or certified veteran owned small entrepreneurs. Agency files shall document and list all solicited vendors and each vendor's response, summarize quotations received, indicate the awarded

quotation, and state the reason for any rejection of lower quotations.

2. When the price is determined to be reasonable, the requirement to solicit five (5) quotations may be waived when purchasing from a certified small entrepreneurship or a certified veteran owned small entrepreneurship. Reasonable is a best-value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the file.

3. The requirement to solicit at least two (2) certified small entrepreneurs or certified veteran owned small entrepreneurs is waived for procurements posted on LaPAC, Louisiana's internet based system for posting vendor opportunities and award information.

4. A minimum of three (3) working days shall be allowed for receipt of quotations.

5. Written or facsimile solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable quotation. Precautionary measures shall be taken to safeguard the confidentiality of vendor responses prior to the closing time for receipt of quotations. No quotation shall be evaluated using criteria not disclosed in the solicitation.

Section 5: The following items are considered small purchases and may be procured in the following manner:

A. No competitive process is required for the following items:

1. Repair parts for equipment obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable. This provision does not apply to the stocking of parts.

2. Equipment repairs obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable.

3. Vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract obtained from an authorized dealer. A Louisiana authorized dealer shall be used if practicable.

4. Vehicle body repairs covered by insurance recovery and in accordance with insurance requirements.

5. Livestock procured at public auction or from an individual which has purebred certification approved by the Department of Agriculture & Forestry.

6. Purchasing or selling transactions between state budget units and other governmental agencies.

7. Publications, including electronic publications, subscriptions, and web-based subscription services, and/or copyrighted materials purchased directly from the publisher or copyright holder.

8. Publications and/or copyrighted materials purchased by libraries or text rental stores from either subscription services or wholesale dealers which distribute for publishers and/or copyright holders.

9. Public utilities and services.

10. Prosthetic devices, implantable devices, and devices for physical restoration which are not covered by a competitive state contract.

11. Non-customized training, including educational instructor fees, and related resources (except equipment) used to enhance the performance of state employees and good standing of state agencies, including memberships in and accreditations by professional societies and organizations.

12. Procurements for clients of blind and vocational rehabilitation programs not covered by competitive state contract which are federally funded at a rate of at least 78.7%, regulated by Title 34, Parts 361, 363, 370, and 395 of the Code of Federal Regulations, and in accordance with OMB Circular A-102.

13. Materials, supplies, exhibitor fees, and exhibit booths for conferences, seminars, and workshops, or similar events (business, educational, promotional, cultural, etc.) for participation in promotional activities which enhance economic development or further the department's mission, duties and/or functions, with the approval of the department secretary, or agency equivalent, if not covered by competitive state contract.

14. Wire, related equipment, time and material charges to accomplish repairs, adds, moves, and/or changes to telecommunications systems not exceeding \$2,500.

15. Working class animals trained to perform special tasks, including but not limited to, narcotics detection, bomb detection, arson investigation, and rescue techniques.

16. Food, materials, and supplies for teaching and per course training not exceeding \$25,000 where the purchasing, preparing, and serving of food are part of the regularly prescribed course.

17. Renewal of termite service contracts.

18. Purchase of supplies, operating services, or equipment for the Louisiana Department of Health, Office of Aging and Adult Services, Traumatic Head and Spinal Cord Injury Trust Fund Program. Although competitive bidding is not required under this paragraph, whenever practicable, three (3) quotations from bona fide, qualified vendors should be obtained. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran owned small entrepreneurship.

19. Purchasing of clothing at retail necessary to individualize clients at state developmental centers in compliance with Federal Regulations for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).

20. Health insurance for the managers of Randolph-Sheppard programs, as defined by 20 U.S.C. §107, et seq., and paid from income generated by unmanned vending locations.

21. Purchases made to resell as part of a merchandising program with the written approval on file from the secretary of the department, or agency equivalent, when it is not practical or feasible to obtain competitive price quotations.

22. Commercial Internet Service not exceeding \$1,500 per subscription per year.

23. Advertising, where permitted by law and the head of an agency or designee certifies that specific media is required to reach targeted audiences.

24. Scientific and laboratory supplies and equipment when procured by colleges and universities for laboratory or scientific research not to exceed \$25,000 per transaction.

25. Publication of articles, manuscripts, etc. in professional scientific, research, or educational journals/media and/or the purchase of reprints.

26. Livestock sperm and ova.

27. Royalties and license fees for use rights to intellectual property, such as but not limited to: patents, trademarks, service marks, copyrights, music, artistic works, trade secrets, industrial designs, domain names, etc.

28. Equipment moves by the original equipment manufacturer or authorized dealer to ensure equipment operation to original equipment manufacturer specifications, calibration, warrant, etc., not to exceed \$25,000 per transaction.

29. Mailing lists.

30. Art Exhibition rentals and/or loan agreements and associated costs of curatorial fees, transportation, and installation.

31. Registered breeding stock whose purchase price and quality has been approved by the Commissioner of Agriculture and Forestry and a specialist of Louisiana State University to be designated by the head of the College of Agriculture.

32. Other livestock whose purchase price and quality has been approved by the Commissioner of Agriculture and Forestry, provided that the cost per head does not exceed \$1,500, and.

33. Parcel Services, including but not limited to Federal Express, United Parcel Service, Airborne Express, and Express Mail, when not covered by a competitive state contract.

B. purchase is in excess of the limit prescribed by Section 4 (A) of this Order, telephone, written, or facsimile price quotations shall be solicited, where feasible, from at least three (3) bona fide, qualified vendors. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran owned small entrepreneurship.

1. Farm products including, but not limited to, fresh vegetables, milk, eggs, fish, or other perishable foods, when it is determined that market conditions are unstable and the competitive sealed bidding process is not conducive for obtaining the lowest prices;

2. Food, materials, and supplies needed for:

a. Operation of boats and/or facilities in isolated localities where only limited outlets of such supplies are available and the cost of the food, materials, and supplies do not exceed \$25,000; and/or

b. Juvenile detention homes and rehabilitation facilities/homes where the number of inmates, students, or clients is unstable and unpredictable;

3. Convention and meeting facilities including security services if applicable, provided that any associated food or lodging must be in accordance with Policy & Procedure Memorandum No.49 General Travel Regulations;

4. Gasoline and fuel purchases not covered by competitive state contract;

5. Equipment for blind operated facilities not covered by competitive state contract;

6. Feed commodities, including but not limited to soybean meal, cottonseed meal, and oats not exceeding \$25,000;

7. Seed commodities, including but not limited to rye grass, soybean seed, corn seed, cotton seed, etc. as well as related fertilizers, herbicides, insecticides, and fungicides when not covered by competitive state contract;

8. FAA PMA approved aircraft parts and/or repairs, inspections, and modifications performed by an FAA-certified mechanic and/or at an FAA certified repair station in accordance with FAA requirements with approval by the head of the agency or head of Office of Aircraft Services, Division of Administration;

9. Air and bus charters in accordance with PPM 49, including group travel that does not qualify for commercial rates available to individual travelers.

Section 6: In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive process or the solicitation of competitive sealed bids.

Section 7: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

Section 8: Executive Order Number JBE 2020-21 is hereby rescinded.

Section 9: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#021

EXECUTIVE ORDER JBE 24-115

Accountability for Line Item Appropriations

WHEREAS, the Louisiana Legislature annually appropriates sums commonly referred to as “Line Item Appropriations” to non-state entities, quasi-public entities, and private agencies and entities for public purposes;

WHEREAS, it is the responsibility of executive branch agencies to administer payments pursuant to legislative Line Item Appropriations;

WHEREAS, La. Const. art. VII, § 14 expresses the general prohibition that “funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private”;

WHEREAS, Line Item Appropriations are itemized in the General Appropriation Bill (HB1) of each regular session of the Louisiana Legislature, or in supplemental appropriation bills, as items within the budgets of various executive branch agencies, or in what is commonly known as Schedule 20 of HB1; and

WHEREAS, it is in the best interest of the State of Louisiana to ensure that payments pursuant to Line Item Appropriations are carefully administered to ensure that funds are utilized to accomplish the anticipated public purposes and to avoid constitutionally prohibited donations.

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

Section 1: Line Item Appropriations require a cooperative endeavor agreement or contract between the recipient and an executive branch state agency to satisfy the provisions of La. Const. art. VII, §14. In addition to the requirements of this Order, cooperative endeavor agreements must comply with the provisions of Executive Order JML 24-113, issued on July 29, 2024, governing cooperative endeavors.

Section 2: Cooperative endeavor agreements or contracts for Line Item Appropriations shall include the following information:

A. The legal name and mailing address of the recipient entity, and, if the entity is nonpublic, a description of the legal status of the entity. Any private entity required to register with the Secretary of State must be in good standing with that office;

B. The names and addresses of all officers and directors of any nonpublic recipient entity. Additionally, the entity shall provide the names and addresses of its executive director, chief executive officer, or other person responsible for the day-to-day operations of the entity, and the key personnel responsible for the program or functions funded through the Line Item Appropriation;

C. A listing of any person receiving any thing of economic value from any recipient entity if that person is a state elected or appointed official or a member of the immediate family of a state elected or appointed official. The listing shall include the value of the thing of economic value received as well as the position held by the state elected or appointed official or by the immediate family member. If the listing indicates any relationship which may be a possible violation of the Code of Governmental Ethics, La. R.S. 42:1101 *et seq.*, the state agency shall seek an opinion from the Board of Ethics as to the propriety of proceeding with the agreement;

D. A detailed description of the public purpose sought to be achieved through the Line Item Appropriation which must conform to the program described in the appropriations bill and, if applicable, the supplemental information form submitted to the legislature;

E. A comprehensive budget, provided to the agency and the legislative auditor, showing all anticipated uses of the Line Item Appropriation, other sources of revenue and expenditures for the entity, program or project funded by the appropriation, an estimate of the duration of the project, and a plan showing specific goals and objectives, including measures of performance;

F. A plan to monitor compliance with the terms of the cooperative endeavor agreement authorizing the expenditure of the Line Item Appropriation, assigning a particular person within the agency to be responsible for monitoring the agreement. Written reports must be provided to the agency at least quarterly concerning the use of the Line Item Appropriation and the specific goals and objectives for the use of the appropriation; and

G. A certification that the entity has no outstanding audit issues or findings or that the entity is working with appropriate governmental agencies to resolve any issues or findings.

Section 3: Executive branch agencies are prohibited from making disbursements pursuant to Line Item Appropriations until the cooperative endeavor agreement or contract has received final approval of the Office of State Procurement within the Division of Administration. Final approval shall not be granted unless all of the information required pursuant to Section 2 of this Order has been provided.

Section 4: Executive branch agencies shall monitor disbursements pursuant to Line Item Appropriations on a quarterly basis. Under circumstances such that the recipient entity has not demonstrated substantial progress towards goals and objectives, based on established measures of performance, further disbursements shall be discontinued until substantial progress is demonstrated or the entity has justified to the satisfaction of the agency reasons for the lack of progress. If the transferring agency determines that the recipient failed to use the Line Item Appropriation within the estimated duration of the project or failed to reasonably achieve its specific goals and objectives, without sufficient justification, the agency shall demand that any unexpended funds be returned to the state treasury unless approval to retain the funds is obtained from the Division of Administration and the Joint Legislative Committee on the Budget.

Section 5: Executive branch agencies may call upon the Office of the Legislative Auditor and/or the Office of State Inspector General to assist the agency in determining whether Line Item Appropriations are being or have been properly expended.

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

Section 7: The provisions of this Order shall be applicable to Line Item Appropriations for Fiscal Year 2024-2025 and thereafter. The provisions of this Order shall not be applicable to Line Item Appropriations to public or quasi-public agencies or entities that have submitted a budget request to the Division of Administration in accordance with Part II of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, and transfers authorized by specific provisions of the Louisiana Revised Statutes of 1950, to local governing authorities and transfers authorized by the Constitution of the State of Louisiana.

Section 8: The Commissioner of Administration may develop guidelines to further the implementation of this Executive Order.

Section 9: Executive Order Number JBE 2016-38 is hereby terminated.

Section 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#022

EXECUTIVE ORDER JBE 24-116

Louisiana Highly Automated Large-Unmanned Aircraft Systems (L-UAS) Commission

WHEREAS, Louisiana is a leader in the development and implementation of highly automated Large-Unmanned Air Craft Systems (L-UAS) technology and capabilities;

WHEREAS, the State of Louisiana is committed to continue L-UAS in support of first responder search and rescue, disaster recovery and damage assessment, environmental emergency monitoring, large oil spill monitoring in the Gulf of Mexico, and coastal erosion through partnerships that align the unique resources of state and local government, institutions of higher education, Louisiana-based federal government installations, and private sector organizations;

WHEREAS, the State of Louisiana can provide a single point of contact through which the state's partners can work with the Federal Aviation Administration; and

WHEREAS, the State of Louisiana desires to develop a diversified L-UAS workforce within Louisiana aligned, coordinated, and leveraged with industry, federal, state and local resources, both public and private, toward common goals for creating 21st century jobs.

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

Section 1: Houma-Terrebonne Airport Commission is granted the charter as a Louisiana State designated General Aviation airport that will develop the L-UAS infrastructure and flight operation center through the creation of the UAS Gulf of Mexico Center of Excellence.

Section 2: The Department of Transportation and Development (DOTD), Division of Aviation may provide any technical assistance necessary in support of an FAA Certificate of Authorization for a L-UAS technical demonstration at the Houma-Terrebonne Airport.

Section 3: DOTD may provide support to the L-UAS Operation Center of the Houma-Terrebonne Airport through a Memorandum of Understanding to provide reach-

back connectivity with the Louisiana Optical Network Infrastructure for all participating government agencies, academic institutions, and aligned private companies.

Section 4: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

Section 5: Executive Order Number JBE 2019-6 is hereby terminated.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 29th day of July 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#023

EXECUTIVE ORDER JBE 24-117

Coordinated System of Care

WHEREAS, the Coordinated System of Care (CSoC) is a cross-departmental project of the Office of Juvenile Justice, the Department of Children and Family Services, the Department of Health, and the Department of Education to organize a coordinated network of broad, effective services for Louisiana's at-risk children and youth with significant behavioral health challenges or related disorders;

WHEREAS, the CSoC was originally established to:

A. Improve the overall outcomes of the children and caretakers served by the Coordinated System of Care;

B. Reduce the state's cost of providing services by leveraging various funding sources as well as increasing service effectiveness and reducing duplication across agencies;

C. Reduce out-of-home placements in the current number and future admissions of children and youth with significant behavioral health challenges or co-occurring disorders; and

WHEREAS, it is in the best interests of the citizens of the State of Louisiana to continue implementation of this centralized and coordinated effort through the CSoC Governance Board.

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

Section 1: The Coordinated System of Care Governance Board (hereafter "Board") is established within the Louisiana Department of Health to govern the CSoC.

Section 2: The Board shall set policy for the governance of the CSoC. The duties of the Board shall include, but are not limited to, the following:

A. Establishing cross-collaborative policies and monitoring adherence;

B. Advocating and enhancing the public standing for the CSoC;

C. Recommending strategic guidance to enhance the CSoC;

D. Monitoring the quality, program growth, and adherence to standards.

Section 3: The Board shall be composed of nine (9) members as follows:

A. The secretary of the Department of Children and Family Services, or the secretary's designee;

B. The secretary of the Louisiana Department of Health, or the secretary's designee;

C. The superintendent of the Department of Education, or the superintendent's designee;

D. The Deputy Secretary of the Department of Public Safety and Corrections, Youth Services, Office of Juvenile Justice, or the Deputy Secretary's designee.

E. One (1) representative from the Governor's Office or his designee;

F. One (1) family representative;

G. One (1) non-voting youth representative;

H. One (1) advocate representative; and

I. One (1) Medicaid Managed Care Organization CSoC Liaison.

Section 4: The chair of the Board shall be an agency head and a member of the Board. All board officers shall be elected by and from the membership of the Board.

Section 5: The Board shall meet a minimum of four times annually at regularly scheduled intervals and at the call of the chair.

Section 6: Board members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Board. Board members who are an employee or an elected public official of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Board members who are not employees of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from DHH.

Section 7: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Board in maintaining the provisions of this Order, including the execution of memorandums of understanding and the redirection of the designated funding of the agencies involved to finance the CSoC. This process will be fiscally managed by the Louisiana Bureau of Health Services Financing.

Section 8: The Bureau of Health Services Financing (BHSF) within LDH, shall continue to serve as the "single state agency" as defined in the federal regulations. As such, BHSF shall be responsible for assuring compliance with all Title XIX requirements.

Section 9: Executive Order Number JBE 2016-31 is hereby terminated.

Section 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#025

EXECUTIVE ORDER JBE 24-118

Louisiana D.A.R.E. Advisory Board

WHEREAS, the Congress of the United States has enacted the Anti-Drug Abuse Act of 1988, 21 U.S.C.A. §801 *et seq.*, as amended, in recognition of the serious problems occurring within the United States due to the increase of drug abuse;

WHEREAS, the Louisiana Commission on Law Enforcement is created within the Office of the Governor to operate as a forum on drug abuse issues and to coordinate drug abuse projects;

WHEREAS, two-thirds of Louisiana's public, private, and parochial school systems have executed written agreements with law enforcement agencies to implement a Drug Abuse Resistance Education (D.A.R.E.) program; and

WHEREAS, the D.A.R.E. Program is a nationally recognized and copyrighted drug education effort with specific implementation criteria that require strict replication of the parent project.

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

Section 1: The Louisiana D.A.R.E. Advisory Board ("Board") is re-established within the executive department, Office of the Governor.

Section 2: The duties of the Board shall include, but are not limited to, the following:

A. Develop, promote, monitor, and evaluate the D.A.R.E. Program throughout the State of Louisiana; and

B. Serve as an advisory body to the Louisiana Commission on Law Enforcement regarding the performance of its duties in relation to the D.A.R.E. Program.

Section 3: The Board shall consist of thirteen (13) members, who shall be appointed by and serve at the pleasure of the Governor, selected as follows:

A. The president of the Louisiana D.A.R.E. Officers' Association, or the president's designee;

B. One (1) representative from the Drug Policy Board;

C. Two (2) members from the Louisiana Sheriff's Association;

D. Two (2) members from the Louisiana Chiefs of Police Association;

E. Two (2) members from the Louisiana Commission on Law Enforcement;

F. One (1) principal representing a Louisiana public school;

G. One (1) teacher representing a Louisiana elementary school; and

H. Three (3) members representing community interests.

Section 4: The Governor shall appoint the chair of the Board from its membership. The chair may designate one of the board members to serve as a liaison between the board and an association of D.A.R.E. officers. All other officers, if any, shall be elected by the Board.

Section 5: The Board shall meet at regularly scheduled intervals and at the chair's call.

Section 6: Board members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council. Board members who are employees or elected public officials of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Board members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

Section 7: Support staff, facilities, and resources for the Board shall be provided by the Louisiana Commission on Law Enforcement.

Section 8: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Board in implementing the provisions of this Order.

Section 9: Executive Order Number JBE 2016-43 is hereby terminated.

Section 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 29th day of July 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#025

EXECUTIVE ORDER JBE 24-119

Louisiana Offshore Terminal Authority to Administer the Federal Deepwater Port Act for Louisiana

WHEREAS, the federal Deepwater Port Act, 33 U.S.C. Sec. 1501, *et seq.*, provides for the application for, and the construction and operation of deepwater ports or offshore terminal facilities beyond the seaward boundaries of Louisiana, for the transportation, storage or further handling of oil or natural gas;

WHEREAS, the State of Louisiana, to the extent that it is considered an adjacent coastal state, has been granted certain rights, duties, and responsibilities by the Deepwater Port Act in connection with the application for, and construction and operation of, such deepwater ports;

WHEREAS, there is a need for a single state agency to supervise, coordinate, and direct the state's duties and responsibilities in connection with the implementation of the Deepwater Port Act;

WHEREAS, the Louisiana Offshore Terminal Authority was created by R.S. 34:3101, *et seq.*, to promote, plan, finance, develop, construct, control, license, regulate, supervise, operate, manage, maintain, and modify offshore terminal facilities within its jurisdiction;

WHEREAS, the Deepwater Port Act extended the jurisdiction of the State of Louisiana to adjacent offshore waters beyond state boundaries for the limited and exclusive purposes as stated in the Act; and

WHEREAS, the Louisiana Offshore Terminal Authority continuously demonstrates its competence and expertise in operation, monitoring, and regulation of the Louisiana Offshore Oil Port ("LOOP").

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

Section 1: The Louisiana Offshore Terminal Authority is hereby designated as the single state agency which, subject to the powers and duties reserved to the Governor, shall administer and supervise the rights, duties and responsibilities of the State of Louisiana under the federal Deepwater Port Act.

Section 2: The right, duties and responsibilities to be supervised and administered by the Louisiana Offshore Terminal Authority shall include, but are not necessarily limited to, those contained in 33 U.S.C. Sec. 1504(h)(2) and 33 U.S.C. Sec. 1508, except for those powers expressly reserved to the Governor under 33 U.S.C. 1502(10) and Sec. 1508(b)(1) relative to the Governor's authority to approve, disapprove, or conditionally approve pending applications. All required notices from the U.S. Coast Guard or the secretary of the U.S. Department of Transportation under the Deepwater Port Act, shall continue to be sent directly to the Governor, whose office shall provide same to the Louisiana Offshore Terminal Authority.

Section 3: The rights, duties and responsibilities to be administered and supervised by the Louisiana Offshore Terminal Authority in connection with the Deepwater Port Act shall include, but shall not necessarily be limited to, the following:

A. Upon receipt from the Governor of an application made under the Deepwater Port Act for the construction and operation of a deepwater port or offshore terminal facility, the Louisiana Offshore Terminal Authority shall coordinate and supervise the review by the state of such application, including coordination with other necessary state agencies, including the Department of Environmental Quality, the Department of Wildlife and Fisheries, and the Department of Energy Natural Resources. The review shall include all environmental impact statements submitted, the impact on the coastal environment, the impact on the inshore and offshore waters and fisheries of the state, the impact on navigation, examination of monitoring plans, and such other reviews as the Louisiana Offshore Terminal Authority may deem necessary to assure the protection of the state and its resources.

B. Formulation and implementation of any necessary environmental monitoring and security plans, in cooperation with the operator, federal agencies, and state agencies.

C. Coordination with other adjacent coastal states and any other states impacted by the construction and operation of a deepwater port facility.

D. Letting of necessary contracts in connection with environmental monitoring, security and such other necessary services as may be required by the Louisiana Offshore Terminal Authority in connection with the application for, or construction and operation of, deepwater ports under the Deepwater Port Act. Such contracts shall be let in accordance with law, and specifically in accordance with the requirements of the Louisiana Offshore Terminal Authority implementing legislation, R.S. 34:3101, *et seq.*

E. Upon completing necessary reviews of an application for construction of a deepwater port facility, report its findings and recommendations to the Governor so as to allow the Governor adequate information upon which to exercise in a timely manner, the Governor's authority under 33 U.S.C. Sec. 1508(b)(1) to approve, disapprove, or conditionally approve a pending application.

F. In accordance with the provisions of 33 U.S.C. Sec. 1504(h)(2), obtain compensation for any economic cost incurred by the State of Louisiana in fulfilling its duties and responsibilities in connection with the construction and operation of any deepwater port facility, by fixing and collecting reasonable fees for the use of a deepwater port facility and for use of land-based facilities directly related to a deepwater port facility, subject to the approval of the secretary of the U.S. Department of Transportation.

Section 4: For the Louisiana Offshore Terminal Authority to carry out its responsibilities as ordered herein, subject to the availability of funding, the Louisiana Offshore Terminal Authority shall have the authority to establish an office with appropriate staff and facilities; to develop and implement an operational plan; to develop and implement a communications plan; to work with industry with regard to homeland security, safety, and hurricane-preparedness plans; to construct and implement a budget, including performance-based budgeting; to institute monitoring and reporting timelines and guidelines in compliance with the Deepwater Port Act and other applicable law; and generally

to do and implement any other necessary and appropriate measures to allow the Louisiana Offshore Terminal Authority to function effectively, in accordance with law, and specifically in accordance with the provisions of R.S. 34:3102, *et seq.*

Section 5: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with Louisiana Offshore Terminal Authority in implementing the provisions of this Order.

Section 6: Executive Order Number JBE 2018-09 is hereby terminated.

Section 7: This Order is effective upon signature and shall continue in effect until amended, modified, terminated or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#026

EXECUTIVE ORDER JBE 24-120

Office of Community Programs

WHEREAS, the Office of the Governor has many agencies, offices, and divisions within it which provide a wide range of services for the citizens and local governments of the State of Louisiana;

WHEREAS, R.S. 46:2581 creates the Office of Disability Affairs as a state agency within the Office of the Governor;

WHEREAS, R.S. 46:219.2 creates the Drug Policy Board as a body corporate within the Office of the Governor;

WHEREAS, R.S. 46:2525 creates the Office of Women's Policy within the Office of the Governor;

WHEREAS, R.S. 46:2602 creates the Children's Cabinet within the Office of the Governor;

WHEREAS, R.S. 46:2169 creates the Office of Human Trafficking Prevention within the Office of the Governor;

WHEREAS, R.S. 51:2233 creates the Louisiana Commission on Human Rights within the Office of the Governor;

WHEREAS, R.S. 46:931 creates the Office of Elderly Affairs within the Office of the Governor;

WHEREAS, citizens of the State of Louisiana benefit from centralized efforts to effectively coordinate community outreach and the delivery of community programs; and

WHEREAS, the Office of Community Programs, within the Office of the Governor, was originally established by executive order to coordinate the operation and delivery of services provided by these agencies, offices, and divisions.

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

Section 1: The Office of Community Programs ("Office") is reestablished and recreated within the executive department, Office of the Governor.

Section 2: The Office shall be composed of the following agencies and divisions of the Office of the Governor:

- A. Office of Disability Affairs;
- B. Office of Drug Policy;
- C. Office of Women's Policy;
- D. Office of Children's Programs;
- E. Office of Human Trafficking Prevention;
- F. Louisiana Commission on Human Rights; and
- G. Office of Elderly Affairs.

Section 3: The duties and functions of the Office shall include, but are not limited to, the following:

A. Coordinating, directing, and monitoring the services of the agencies, offices, and divisions of the Office of the Governor that are listed in Section 2 of this Order are provided to the citizens and local governments of the State of Louisiana;

B. Promoting and coordinating initiatives that are designed to improve the quantity, quality, and delivery of the state services provided for the benefit of the citizens and local governments of the State of Louisiana;

C. Disseminating information about state services to state, federal, and private agencies which provide services to the citizens and local governments of the State of Louisiana;

D. Working with relevant task forces, councils, or other bodies to implement the recommendations and strategies;

E. Promoting collaboration between relevant task forces, councils, or other bodies to ensure a holistic approach to challenges; and

F. Advising the Governor on issues related to services provided through the Office of Community Programs for the benefit of citizens and local governments of the State of Louisiana.

Section 4: The director of the agencies, offices, and divisions contained in Section 2 of this Order will report to the Deputy Chief of Staff. The Deputy Chief of Staff, Programs and Planning, shall be the appointing and budget authority for the Office of Community Programs.

Section 5: All programs contained within Section 2 of this Order are required to maintain records of all contract, loan and/or grant sources that are issued or awarded by the agencies, offices, or divisions of the Office of the Governor.

Section 6: Support staff, facilities, and resources for the Office of Community Programs shall be provided by the Office of the Governor.

Section 7: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Office in the provisions of this Order.

Section 8: Executive Order Number JBE 2016-50 is hereby rescinded.

Section 9: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#027

EXECUTIVE ORDER JBE 24-121

Emergency Response Commission

WHEREAS, the ability to protect the citizens of the state of Louisiana depends, in part, upon the adequacy of local community emergency response plans;

WHEREAS, the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C.A. §11001, *et seq.*, requires states to establish and maintain an emergency response commission, which has technical expertise in the field of emergency response, to notify and protect the public in the event of a release of an extremely hazardous substance into the environment.

WHEREAS, through the enactment of R.S. 30:2364, the Louisiana Legislature created the Emergency Response Commission within the Department of Public Safety and Corrections to create a comprehensive information system containing specific data regarding the presence and location of hazardous materials in Louisiana;

WHEREAS, R.S. 30:2364 provides that the Emergency Response Commission is appointed by the Governor;

WHEREAS, R.S. 30:2364 provides that the Emergency Response Commission functions under the supervision and authority of the deputy secretary of the Department of Public Safety and Corrections, public safety services, office of the state police;

WHEREAS, the legislature has mandated and supports a cooperative effort of all involved agencies to work through an interagency advisory commission, and a single state supervisory agency to create a comprehensive information system, implement comprehensive state and local planning, and as soon as practical and feasible, make this crucial information available to the public through designated local repositories at a minimum of additional cost to owners or operators, the state, or local government; and

WHEREAS, pursuant to R.S. 30:2364 the Emergency Response Commission is responsible for establishing emergency planning districts; appointing local emergency planning committees; supervising and coordinating the activities of local emergency planning committees; providing the Environmental Protection Agency with information concerning notification received on certain releases of hazardous materials and substances; designating, as necessary, facilities subject to hazardous material reporting procedures; recommending a standardized

inventory form for gathering required information and developing reporting procedures which reduce duplication of reporting; recommending as necessary, additional substances which should be defined as hazardous materials; act as the central advisory body for coordinating state and federal activities concerning community “Right-to-Know” legislation with regard to hazardous materials and substances; establishing procedures for recalling and processing public requests for information; and reviewing local emergency planning committee emergency response plans and recommending revisions as necessary.

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

Section 1: The Louisiana Emergency Response Commission (hereafter “Commission”) is reestablished and continued. The commission shall be composed of sixteen (16) members who serve at the pleasure of the Governor, as follows:

- A. The deputy secretary of the Department of Public Safety, or the deputy secretary’s designee;
- B. The secretary of the Department of Environmental Quality, or the secretary’s designee;
- C. The secretary of the Department of Health, or the secretary’s designee;
- D. The director of the Governor’s Office of Homeland Security and Emergency Preparedness, or the director’s designee;
- E. A representative of the Right-To-Know Unit, Department of Public Safety, Office of State Police;
- F. A representative of the Louisiana Emergency Preparedness Association;
- G. A member of the Carrol L. Herring Fire & Emergency Training Institute at Louisiana State University;
- H. A representative of environmental interests;
- I. A representative of the chemical industry nominated by the Louisiana Chemical Association
- J. A representative from the Louisiana Motor Transportation Commission
- K. A representative member from the Louisiana Fire Chiefs Association
- L. One representative from each public service commission district actively engaged in emergency management.

Section 2: The chair of the Commission shall be the Deputy Secretary of the Department of Public Safety, or his designee. All other officers, if any, shall be elected by members of the Commission from its membership.

Section 3: The Commission shall have authority to receive grants, donations, or gifts of money, equipment, supplies, or services from any public or private source to enable it to fulfill the duties and responsibilities specified in Title 30 of the Louisiana Revised Statutes of 1950, as amended.

Section 4: The Commission shall meet quarterly and at the call of the chair.

Section 5: Commission members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Commission.

Commission members who are employees or elected public officials of the State of Louisiana, or a political

subdivision thereof, may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Commission members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

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

Section 7: Executive Order Number JBE 2016-47 is hereby terminated.

Section 8: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#028

EXECUTIVE ORDER JBE 24-122

Rules on Leave for the Unclassified Service

WHEREAS, no permanent rules on annual, compensatory, sick, special, military, and other leave exist for employees and appointees who are in the unclassified service of the State of Louisiana;

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

Section 1: Applicability

A. The rules established by this Order shall be applicable to all employees and appointees in the unclassified service of the executive branch of the State of Louisiana, with the exception of elected officials and their employees, and the officers and employees of a system authorized by the Louisiana Constitution or legislative act to manage and supervise its own system. Elected officials of the executive branch may adopt the rules and policies set forth in this Order to govern the unclassified officers and employees within their department.

B. Nothing in this Order shall be applied in a manner which violates, or is contrary to, the Fair Labor Standards Act ("FLSA"), the Family and Medical Leave Act ("FMLA"), or any other applicable federal or state law, rule, or regulation.

Section 2: Definitions

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

A. "Annual leave" means leave with pay granted to an unclassified employee or appointee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.

B. "Appointing authority" means the agency, department, board, or commission, and the officers and employees thereof, authorized by statute or lawfully delegated authority to make appointments to positions in state service. For purposes of this Order, use of the term "appointing authority" applies also to the appointing authority's designee.

C. "Compensatory leave" means leave earned in lieu of wages at the straight-time or time and one-half rate as compensation for overtime hours worked. Crediting of such leave is based upon a determination of the employee's status as exempt or non-exempt as defined by the FLSA, and also upon the number of hours actually worked throughout the scheduled work period.

D. "Duty for military purposes" means the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, full-time National Guard duty, active duty for training, initial active duty for training, annual training, and inactive duty for training (weekend drills).

E. "Educational leave" means paid leave that may be granted by an appointing authority to an unclassified employee or appointee for the purpose of attending an accredited educational institution to receive formalized education and training which will materially assist the unclassified employee or appointee in performing the type of work performed by his department or agency.

F. "Governor's executive office" means the budget unit 01-100 as listed in Schedule 01 of the General Appropriations Act.

G. "Immediate family member" includes an employee's spouse, child or stepchild, foster child, parent or stepparent.

H. "Intermittent employee" means a person employed in state service that is not hired to work on a regularly scheduled basis.

I. "Leave without pay" and "leave of absence without pay" mean a period of leave or time off from work granted or imposed by the appointing authority for which the unclassified employee or appointee receives no pay.

J. "Overtime hour" means an hour worked at the discretion and direction of the appointing authority by an unclassified employee who is serving in a position which earns compensatory leave:

- i. On a day observed as a holiday (statutory, proclaimed or designated);
- ii. In excess of the regularly scheduled workday;
- iii. In excess of the regularly scheduled work period; or
- iv. On a day in which a department or certain locations thereof are declared closed due to a natural disaster or emergency.

K. "Political activity" means an effort to support or oppose the election of a candidate for political office, or to support or oppose a particular party in an election.

L. "Regular work schedule" means the designated work hours and days an unclassified employee is required to work.

M. "Seasonal employee" means a person employed on a non-continuous basis for a recognized peak workload project.

N. "Sick leave" means leave with pay granted to an unclassified employee or appointee who is suffering with an illness or injury which prevents him from performing customary duties and responsibilities or who requires medical, dental or optical consultation or treatment; or who requires leave to care for an immediate family member under similar circumstances.

O. "State service" means employment in the executive branch of state government, including state supported schools, agencies and universities; public parish school systems; public student employment; membership on a public board or commission; and employment in the legislative and judicial branches. To constitute state service, the employment must have been performed for a Louisiana public entity. Contract service does not constitute state service.

P. "Temporary employee" means an employee who is continuously employed in the unclassified service of the executive branch for a period which does not exceed and is not reasonably expected to exceed twelve (12) consecutive calendar months.

Q. "Unclassified appointee" means a person serving in the unclassified service of the executive branch appointed to serve:

- i. On the governor's executive staff, the governor's cabinet, or the executive staff of the governor's cabinet;
- ii. As the head of an agency;
- iii. On the executive staff of the superintendent of the Department of Education;
- iv. On the executive staff of an elected official who has adopted the provisions of this Order; and

The Office of Business Development within Louisiana Economic Development.

Cabinet members and agency heads are required to identify, in accordance with the definition set forth above, their executive staff who are designated as unclassified appointees and therefore, ineligible to receive compensation of any nature for overtime hours worked. By February 1 of each year, a listing of such unclassified appointees shall be provided for review to the Commissioner of Administration. Appointing authorities are required to ensure that unclassified appointees do not receive compensation for overtime hours worked.

An unclassified appointee shall be on duty, available to serve, and in contact with his appointing authority throughout the term of appointment except when on leave.

R. "Unclassified employee" means an officer or employee who serves at the pleasure of his appointing authority and whose position is designated as such by Civil Service Rule 4.1, Sections (c)-(e), and Louisiana Constitution Article X, Section 2.

S. "Unclassified service" means those positions of state service, as defined in Article X, Sections 2 and 42 of the Louisiana Constitution, which are not positions in the classified service.

Section 3: Full-time Employees

For each full-time employee, the appointing authority shall establish a work week of not less than forty (40) hours or work period of not less than eighty (80) hours.

Section 4: Granting Leave

Leave must be requested and approved prior to use, and such approval is at the discretion of the unclassified employee's/appointee's appointing authority (or designee).

Section 5: Earning of Annual and Sick Leave

A. Annual and sick leave shall not be earned by the following persons:

- i. Members of boards, or commissions, with the exception of those members who are considered full-time employees;
- ii. Student employees, as defined by Civil Service Rules;
- iii. Temporary, intermittent, or seasonal employees; and
- iv. Part-time employees of the Governor's Executive Office.

B. The earning of annual and sick leave by unclassified employees and appointees shall be based on the equivalent of years of full-time state service and shall be credited at the end of each calendar month, or at the end of each regular pay period, in accordance with the following general schedule:

- i. Less than three (3) years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty;
- ii. Three (3) or more years, but less than five (5) years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty;
- iii. Five (5) or more years, but less than ten (10) years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty;
- iv. Ten (10) or more years, but less than fifteen (15) years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty; and
- v. Fifteen (15) or more years of service at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

For purposes of this Section, contract service does not constitute full-time nor part-time state service and cannot be used to determine the rate upon which annual leave and sick leave is earned by or credited to a full-time or part-time employee or appointee in the unclassified state service.

C. No unclassified employee or appointee shall be credited with annual or sick leave for any:

- i. Overtime hour worked;
- ii. Hour of leave without pay except as set forth in Section 20 of this Order;
- iii. Hour of on-call status beyond the employee's regular duty hours;
- iv. Hour of travel or other activity beyond the employee's regular duty hours; or
- v. Hour of a holiday or other non-work day which occurs while in leave without pay status except as set forth in Section 20 of this Order.

Section 6: Carrying Annual and Sick Leave Forward

Accrued unused annual and sick leave earned by an unclassified employee or appointee shall be carried forward to succeeding calendar years without limitation.

Section 7: Use of Annual Leave

A. Annual leave must be requested prior to use, and such approval is at the discretion of the unclassified employee's or appointee's appointing authority.

B. Annual leave shall not be charged for non-work days nor for hours beyond the unclassified employee's or appointee's regular work schedule.

C. When engaged in political activity, as defined in this Order, during regular work hours, unclassified employees shall apply for and use accrued annual leave, compensatory leave, or leave without pay.

D. The minimum charge to annual leave records shall be in increments of not less than one-tenth (.1) of an hour or six (6) minutes.

E. Annual leave shall only be approved for use after it has been accrued by an unclassified employee or appointee. Annual leave shall not be advanced.

F. An appointing authority may require an unclassified employee or appointee to use accrued annual leave whenever doing so is determined to be in the best interest of the department. When such occurs, no unclassified employee or appointee shall be required to reduce his accrued annual leave balance to less than two hundred forty (240) hours except:

i. Prior to being granted leave without pay, but subject to the military leave provisions of Section 20 of this Order; or

ii. When the absence from work is due to a condition covered by the Family and Medical Leave Act.

Section 8: Use of Sick Leave

A. Sick leave must be requested prior to use when possible, and approval is at the discretion of the unclassified employee's or appointee's appointing authority.

B. Accrued sick leave shall be used by an unclassified employee or appointee when his own illness, injury or disability prevents him from performing his usual duties; for his own medical, dental, or optical consultation or treatment. In lieu of annual leave and with prior supervisory approval, sick leave may be used for necessary absences related to an immediate family member's illness or injury or for such family member's medical, dental or optical consultation or treatment.

i. An appointing authority has the right, at any time, to require that an unclassified employee or appointee produce a statement from a qualified healthcare provider certifying that he (or his immediate family member) was ill such that he was unable to report for work for the duration of an absence.

ii. Sick leave shall not be charged for non-work days nor for hours beyond the unclassified employee's or appointee's regular work schedule.

iii. The minimum charge to sick leave records shall be in increments of not less than one-tenth (.1) of an hour or six (6) minutes.

iv. Sick leave shall only be approved for use after it has been accrued by an unclassified employee or appointee. Sick leave shall not be advanced.

v. An appointing authority has discretion to place an unclassified employee or appointee on sick leave when

the employee or appointee asserts an inability to work due to his own illness or injury, or he declines to utilize sick leave and presents for duty displaying symptoms of illness (to avoid the spread of illness).

Section 9: Transfer of Annual and Sick Leave

A. A classified or unclassified employee or appointee shall have all accrued and unpaid annual leave and accrued sick leave credited to him when he transfers without a break in state service into a position covered by this Order.

B. When an unclassified employee or appointee transfers without a break in state service to a position covered by other leave rules of the state, his accrued and unpaid annual leave and accrued sick leave shall be transferred to the new employing state department or agency, which department or agency shall either hold the annual and sick leave in abeyance or integrate the leave balances into its own system. The unclassified employee's or appointee's accumulated leave shall not be reduced during such integration.

Section 10: Terminal Annual Leave

Terminal annual leave is a fixed period of authorized annual leave prior to an unclassified employee's or appointee's retirement from state service.

A. A retiring unclassified employee or appointee who has sufficient hours of annual leave may be authorized to continuously use such leave, immediately prior to and continuing through the fixed retirement date, for a period not to exceed 160 work hours.

B. Under no circumstance shall a period of approved terminal annual leave extend an unclassified employee's or appointee's employment relationship beyond the term of employment originally contemplated at the time of hiring.

i. For example, a position supported by grant funding cannot extend beyond the term of the grant to afford the unclassified employee or appointee the opportunity to use terminal annual leave.

C. Terminal annual leave will be granted only after the appointing authority's acceptance of the unclassified employee's or appointee's fixed and irrevocable retirement date. The prospective retirement date is viewed in the nature of a contract which can be rescinded or changed only with approval of the appointing authority.

D. Terminal annual leave may be granted provided the unclassified employee's or appointee's absence on leave will not impair the efficient operation of the work unit.

E. The appointing authority, for business reasons, has discretion to cancel previously approved terminal annual leave and require that the unclassified employee or appointee return to duty through the fixed retirement date.

F. While on terminal annual leave, an unclassified employee or appointee is prohibited from engaging in outside employment which would be prohibited during regular employment by either the Code of Governmental Ethics, the Civil Service Rules, the Dual Office-Holding Act, or agency policy.

Section 11: Special Provision—Unclassified Appointees

Quite frequently, unclassified appointees are not long-term employees who accrue sufficient service credit to qualify for state retirement. Also, given the demands placed upon them, unclassified appointees often are unable to take

vacations or otherwise use the annual leave accruing during their tenure. Given these realities, unclassified appointees who are separating from state service, but who are not eligible for terminal annual leave under Section 10 above, may be authorized to use annual leave for a period of time not to exceed 160 work hours. Such leave requires prior approval of the unclassified appointee's appointing authority and must be used on a continuous basis immediately prior to the designated separation date.

As with terminal annual leave, under no circumstance shall this grant of authority extend an unclassified appointee's employment relationship beyond the term of employment originally contemplated at the time of hiring, and the limitations of Paragraphs D, E, and F in Section 10 above apply to such period of authorized leave.

Section 12: Disbursement of Accrued Annual Leave Upon Separation

A. Upon the resignation, retirement, removal, layoff, death, or other final separation from state service of an unclassified employee or appointee, his accrued annual leave, up to a maximum of three hundred (300) hours, shall be paid in a lump sum, disregarding any final fraction of an hour. The payment shall be computed as follows:

i. When the unclassified employee or appointee is paid on an hourly basis, the regular hourly rate that he received at the time of separation from state service shall be multiplied by the number of hours of accrued annual leave to be paid, which number is not to exceed three hundred (300) hours; or

ii. When the unclassified employee or appointee is paid on other than an hourly basis, his hourly rate shall be determined by converting the salary he received at the time of separation from service into an hourly rate. The converted hourly rate shall be multiplied by the number of hours of accrued annual leave to be paid, which number is not to exceed three hundred (300) hours.

B. An unclassified employee or appointee who is paid for accrued annual leave upon separation from service and who is subsequently reemployed in a leave-earning classified or unclassified position shall reimburse the state, through the new employing agency, for the number of hours he was paid which exceeded the number of work hours that transpired during his break from state service. In turn, the unclassified employee or appointee shall receive a credit for the number of hours of annual leave for which he made reimbursement to the state.

C. The provisions of this Section shall not extend to any unclassified employee or appointee who is dismissed for theft of state funds or property.

Section 13: Disbursement of Accrued Sick Leave Upon Separation

An unclassified employee or appointee shall not receive payment, directly or in-kind, for any accrued and unused sick leave at the time of separation from the unclassified service.

Section 14: Restoration of Annual and Sick Leave

An unclassified employee or appointee shall receive credit for all accrued and unpaid annual leave and all accrued unused sick leave upon reemployment by the state in the classified or unclassified service within a period of five (5) years from the date of separation from state service.

Section 15: Compensatory Leave

A. Compensatory leave shall not be earned by the following persons:

- i. Unclassified appointees;
- ii. Student employees;
- iii. Temporary, intermittent, or seasonal employees;
- iv. Members of boards, commissions, or authorities;
- v. The executive director or equivalent chief administrative officer of all boards, commissions, and authorities operating within the executive branch who are appointed by a board, commission or authority;
- vi. Other officers of the state who are appointed by the governor, including members of boards, commissions and/or authorities; and
- vii. Part-time employees.

B. Compensatory leave shall be earned and credited in accordance with the FLSA when an appointing authority requires or authorizes a non-exempt unclassified employee serving in a compensatory leave-earning position to work overtime. That is, the rate of compensatory leave credited (at the straight-time or time and one-half rate) shall be based upon whether such non-exempt unclassified employee worked less than or greater than forty (40) hours in the scheduled work period.

C. Compensatory leave may be earned and credited when an appointing authority requires or authorizes an exempt unclassified employee serving in a compensatory leave-earning position to work overtime. If credited, the compensatory leave earned shall be equal to and not in excess of the number of overtime hours actually worked (i.e., such compensatory leave shall be calculated at the straight-time rate).

D. When earned, compensatory leave shall be claimed by and credited to the unclassified employee during the pay period in which the overtime is worked and, upon approval of the appointing authority, may be used by the unclassified employee at a future date.

Section 16: Use and Disbursement of Compensatory Leave While in Service

A. Notwithstanding any provision herein to the contrary, a non-exempt unclassified employee shall be paid in wages at the time and one-half rate for any overtime hour worked in excess of the maximum amount allowed to be accrued by the FLSA.

B. Compensatory leave earned at the straight-time rate may be accrued without limitation. For most employees, not more than a total of three hundred sixty (360) such hours may be carried forward from one fiscal year to the next. For employees engaged in qualifying law enforcement and health care activities, not more than a total of five hundred forty (540) such hours may be carried forward from one fiscal year to the next. These caps apply to both exempt and non-exempt employees.

C. Compensatory leave earned at the straight-time rate in excess of the authorized cap shall be handled as follows:

- i. For non-exempt employees, payment for the excess compensatory leave shall be made within ninety (90) days of the beginning of the fiscal year; and
- ii. For exempt employees, payment for the excess compensatory leave may be made within ninety (90) days of

the beginning of the fiscal year. Any such payment shall be at the sole discretion and direction of the appointing authority, and subject to the availability of funding. All straight-time compensatory leave above the applicable cap, if not paid, shall be canceled within ninety (90) days of the beginning of the fiscal year.

D. An appointing authority may require an unclassified employee to work overtime at any time, including during emergency situations and office closures, as necessary to accomplish job assignments and serve the public's needs. Employees can be disciplined, up to and including termination, for failing or refusing to work overtime as directed.

E. An unclassified employee may be required by an appointing authority to use all or part of his accrued compensatory leave at any time.

F. Compensatory leave earned at the time and one-half rate shall be used before compensatory leave earned at the straight-time rate.

G. Subject to approval of the Commissioner of Administration, an appointing authority may authorize the payment of wages for accrued compensatory leave previously earned by an unclassified employee.

Section 17: Payment of Compensatory Leave Upon Separation or Transfer

A. All unused compensatory leave earned at the time and one-half rate shall be paid by the employing agency upon transfer from one state agency to another or upon separation from state service.

B. All unused compensatory leave earned at the straight-time rate by non-exempt employees shall be paid by the employing agency upon the unclassified employee's transfer from one state agency to another or upon separation from state service.

C. All or a portion of unused compensatory leave earned at the straight-time rate by exempt unclassified employees may be paid by the employing agency upon the unclassified employee's transfer from one state agency to another or upon separation from state service. Any such payment shall be at the sole direction and discretion of the appointing authority, and subject to the availability of funding. If not paid, such unused compensatory leave shall be canceled and not re-credited upon reemployment in state service.

D. Any compensatory leave paid upon separation or transfer shall be calculated using the employee's final regular rate of pay.

Section 18: Special Provision – Natural Disasters and Emergency Situations

A. Notwithstanding any provision herein to the contrary, an unclassified employee eligible to be credited with compensatory leave may be compensated via the payment of wages in accordance with the FLSA (at the straight-time or time and one-half rate) for authorized hours actually worked at designated locations during official office closures due to and directly related to a natural disaster or emergency situation.

B. Notwithstanding any provision herein to the contrary, an unclassified employee eligible to be credited with compensatory leave may be compensated via the payment of wages in accordance with the FLSA (at the straight-time or time and one-half rate) for authorized hours

actually worked at designated locations beyond an employee's regular work schedule due to and directly related to a natural disaster or emergency situation. This authorization extends to overtime hours worked in preparation for, response to and/or recovery from such a natural disaster or emergency situation.

Section 19: Special Leave

An unclassified employee or appointee serving in a leave-earning position shall be given time off, without loss of pay, annual or sick leave, when:

A. Performing state or federal grand or petit jury duty;

B. Appearing as a summoned witness before a court, grand jury or other public body or commission, provided that for purposes of this subsection, a plaintiff or defendant shall not be considered a witness, nor shall this subsection apply to an employee summoned as a witness as a result of employment other than state employment;

C. Performing emergency civilian duty in relation to national defense;

D. Voting in a primary, general or special election which falls on the employee's scheduled work day, provided not more than two (2) hours of leave shall be allowed an employee to vote in the parish of employment, and not more than one (1) day of leave shall be allowed an employee to vote in another parish;

E. Participating in a state civil service examination during a regular work day, or taking a required examination pertinent to the employee's state employment before a state licensing board;

F. The appointing authority determines that an act of God prevents the performance of the duties of the employee;

G. The appointing authority determines, due to local conditions or celebrations, that it is impracticable for the employee to work in the locality;

H. The employee/appointee is ordered to report for a pre-induction physical examination incident to possible entry into the armed forces of the United States;

I. The employee/appointee is a member of the National Guard called to state active duty by the Governor;

J. The employee/appointee is engaged in the representation of a pro-bono client in a civil or criminal proceeding pursuant to an Order of a court of competent jurisdiction;

K. The employee/appointee is a current member of a Civil Air Patrol and, incident to such membership, is ordered to perform duty or participate in field exercises or training, except that such leave shall not exceed fifteen (15) working days in any one (1) calendar year and shall not be used for unit meetings or training conducted during such meetings; and

L. The Adjutant General performs active duty under Title 32 of the United States Code relating to his duties for the State of Louisiana under La. R.S. 29:11, not including periods of annual training under 32 U.S.C. 502(a)(2).

M. Any unclassified employee or appointee serving in a non-leave earning position, but who is regularly employed by the state, who is called to serve on a state or federal grand or petit jury during regular work hours shall be granted a leave of absence without loss of pay for the duration of the jury service.

Section 20: Military Leave

A. Military Leave With Pay

i. An unclassified employee or appointee serving in a leave-earning position who is a member of a reserve component of the armed forces of the United States and called to duty for military purposes, or who is a member of a National Guard unit called to active duty, shall be granted a leave of absence from a state position without loss of pay or reduction of leave for a period not to exceed fifteen (15) working days per calendar year (hereafter "military leave with pay"). In addition, an appointing authority shall grant an unclassified employee's or appointee's request to use annual leave, compensatory leave, leave without pay, or any combination thereof, for a period in excess of fifteen (15) working days per calendar year as required by law.

ii. An unclassified employee or appointee who is a member of a reserve component of the armed forces of the United States or a National Guard unit who is called to duty for military purposes shall give prompt notice of such duty to his appointing authority. Advance notice is not required when precluded by military necessity, or otherwise impossible or unreasonable.

iii. The provisions of this Subsection apply to unclassified employees and appointees who are called to active duty and are in leave without pay status by choice or because all annual and/or compensatory leave have been exhausted. However, the provisions of this Subsection shall not apply to unclassified employees and appointees on inactive duty for training (weekend drills).

a. When military leave with pay has been exhausted, an unclassified employee or appointee whose military base pay is less than his state base pay shall be paid the difference between his military base pay and his state base pay in his regular position. Such pay differential shall be paid on the same frequency and manner as the unclassified employee's or appointee's regular state pay. Unclassified employees and appointees receiving pay differential shall provide to agency officials any documentation appropriate and necessary to ensure the payment amount is calculated correctly. Unclassified employees and appointees who choose to use accrued annual and/or compensatory leave during their period of military absence shall not be eligible to receive pay differential.

b. Unclassified employees and appointees shall continue to accrue sick and annual leave for the entire period of absence while in military service. Leave shall be accrued on the same basis as though the unclassified employee or appointee had not been activated. Such leave earned shall be credited to the unclassified employee or appointee upon his return from active duty.

c. Unclassified employees and appointees who are on leave without pay shall receive, each calendar year, the full 15 days of military leave with pay provided for in Subsection A. The pay differential allowed shall be suspended until the 15-day military leave with pay is exhausted and the unclassified employee or appointee returns to leave without pay status.

d. Leave without pay for military purposes shall not exceed six (6) years, after which the unclassified employee or appointee shall be separated from state service.

Section 21: Parental Leave

"Parental leave" means leave without loss of pay or accrued annual, sick or compensatory leave for a legal, adoptive or foster parent to bond with the child for whom leave is taken. Eligible parents are entitled to up to two hundred forty (240) hours of leave at their customary base rate of pay during the twelve (12) weeks immediately following the commencement of a qualifying event:

A. Birth of a child;

B. Placement of a child under the age of eighteen (18) with the employee for adoption; or

C. Placement of a child under the age of eighteen (18) with the employee for foster care.

The Rule on parental leave promulgated by the State Civil Service Commission is hereby incorporated in this Order. For a comprehensive understanding of the eligibility, qualifying purposes, duration, and limitations of the parental leave benefit, unclassified employees and appointees are directed to refer to Civil Service Rule 11.36.

Section 22: Other Leave

An unclassified employee or appointee serving in a leave-earning position may be eligible to use the following additional types of leave:

A. Worker's Compensation Option: An unclassified employee or appointee who is absent from work due to a disability for which he is receiving worker's compensation benefits may use accrued sick or annual leave to receive combined leave and worker's compensation benefits equal to and in an amount that does not exceed the unclassified employee's or appointee's regular salary.

B. Law Enforcement Disability Leave: When an unclassified employee or appointee serving in a law enforcement capacity becomes disabled while in the performance of duty of a hazardous nature which results in his being unable to perform his usual or customary duties, the appointing authority may, with the approval of the Commissioner of Administration, grant the disabled unclassified employee or appointee a leave of absence with full pay during the period of such disability without charge against his accrued sick or annual leave, provided the unclassified employee or appointee pays to the employing department all amounts of weekly worker's compensation benefits received during such period of leave with full pay. Such disability leave shall continue for a period of up to six (6) months unless extended with the approval of the Commissioner of Administration.

C. Funeral Leave: An unclassified employee or appointee may, at the discretion of the appointing authority, be granted leave without loss of pay or use of accrued leave when attending the funeral or burial rites of a spouse, parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, mother-in-law, father-in-law, grandparent or grandchild, provided such leave shall not exceed two (2) days for any single occurrence.

D. Educational Leave: An unclassified employee or appointee, at the discretion of the appointing authority, may be granted leave without loss of pay or use of accrued leave to attend an accredited educational institution to receive formalized education and training that will materially assist the unclassified employee/appointee in performing the type of work performed by his department or agency. Personal

benefit to the employee is not the standard; rather, the education and training must be job-related and further the business operations and mission of the department or agency.

i. Educational leave with pay may be granted for a maximum period of thirty (30) days (240 hours) during one calendar year. However, if the appointing authority requires an unclassified employee/appointee to complete coursework that will materially assist him in performing the type of work performed by his department or agency, educational leave with pay may extend for a maximum period of ninety (90) days (720 hours) during one calendar year.

Section 23: Leave of Absence Without Pay

A. An appointing authority may approve a leave of absence without pay for an unclassified employee or appointee for a reasonable period of time not to exceed ninety (90) calendar days. Such leave may be rescinded provided proper notice is furnished to the unclassified employee/appointee and such rescission is in the best interest of the state service. If an unclassified employee or appointee is unable to or fails to report for duty on the first working day following the expiration of an authorized leave of absence without pay, he shall be considered as having abandoned his position of employment and removed from service.

B. Under no circumstance shall an authorized leave of absence without pay extend an unclassified employee's or appointee's employment relationship beyond the term of employment originally contemplated at the time of hiring.

C. An appointing authority may impose leave without pay of reasonable duration as disciplinary action to address an unclassified employee's performance or behavior deficiencies.

D. In addition to disciplinary action, an appointing authority may place an unclassified employee or appointee in leave without pay status for the duration of an unapproved absence.

Section 24: Holidays

A. Holidays shall be observed as provided by La. R.S. 1:55 *et seq.* and by proclamation issued by the Governor.

B. A non-exempt unclassified employee serving in a compensatory leave-earning position shall be credited with compensatory leave at the appropriate rate under the FLSA when required to work on an observed holiday. An exempt unclassified employee serving in a compensatory leave-earning position may, at the discretion of his appointing authority, be credited with compensatory leave at the straight-time rate when required to work on an observed holiday.

C. When an unclassified employee is on leave without pay during the period immediately preceding and following an observed holiday, he shall not receive compensation for that holiday.

Section 25: Record Keeping

Leave records shall be maintained for all unclassified appointees. Daily attendance and leave records shall be maintained for all unclassified employees.

An accrued balance of unused annual, sick and/or compensatory leave shall be held in abeyance for an unclassified employee or appointee who becomes ineligible

to earn or use such leave in accordance with this Order. The accrued leave balances shall be available to the unclassified employee/appointee, when he again becomes eligible to earn and use such leave, or when he separates from state service.

Section 26: Compliance

A. All departments, agencies, commissions, boards, and unclassified employees and appointees of the state or any political subdivision thereof within the executive branch of state government affected by this Order shall comply with, be guided by, and cooperate in the implementation of the provisions of this Order.

B. The head of each department or agency shall be responsible for deciding the extent to which the discretionary provisions of this Order are implemented within his department or agency.

Section 27: Effective Date

Commencing July 29, 2024, the provisions of this Executive Order shall be applicable to all current and future unclassified employees and appointees. Leave benefits accrued prior to the effective date hereof in compliance with a prior Executive Order shall not be adversely affected.

Executive Orders Number JBE 2016-48, 2016-75, and 2023-18 are hereby terminated.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#029

EXECUTIVE ORDER JBE 24-123

Bond Allocation Procedures

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter "the Act"), as amended (hereafter "the Code"), restricts the total principal amount of certain private activity Bonds which exclude interest from gross income for federal income tax purposes under Section 103 of the Code, including the portion of government use Bonds allocated to non-governmental use as required by the Act (hereafter "Bonds") which may be issued within the state of Louisiana during each calendar year to a dollar amount determined by

(a) multiplying \$80 times the population of the state, based on the most recently published estimate of the population for the state of Louisiana released by the United States Bureau of Census before the beginning of each such calendar year, and

(b) multiplying such amount by the cost of living adjustment, as determined pursuant to the Act;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter "Act No. 51 of 1986") authorizes the Governor to allocate the volume limit

applicable to the Bonds (hereafter “the ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the authorization of both the Act and Act No. 51 of 1986, the Governor hereby elects to

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

(b) establish the method to be used in allocating the ceiling,

(c) establish the application procedure for obtaining an allocation of Bonds subject to such ceiling, and

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

WHEREAS, it is necessary to renew Executive Order JBE 2016-35, issued on July 22, 2016, in order to provide for procedures for bond allocations.

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

Section 1: Definitions

A. Each abbreviation provided in the preamble of this Order, *supra*, shall have the same meaning throughout all the sections, subsections, and paragraphs of this Order.

B. The following definitions shall apply:

i. “Economic Development Bonds” means all types of Bonds subject to the ceiling other than Industrial Bonds and Housing Bonds;

ii. “Housing Bonds” means Bonds subject to the ceiling and issued to provide housing described under Section 142(d) of the Code (“Qualified Residential Rental Project Bonds”), or issued to provide housing under Section 143 of the Code (“Qualified Mortgage Bonds”);

iii. “Industrial Bonds” means Bonds for manufacturers, as defined by North American Industry Classification System (NAICS) codes 113310, 211, 213111, 541360, 311-339, 511-512 and 54171, or facilities financed as part of the Department of Health and Hospitals’ Drinking Water Revolving Loan Fund, which Bonds subject to the ceiling are (1) designated as “exempt facility Bonds” in Section 142(a) of the Code (other than Housing Bonds), or (2) issued for facilities to treat, abate, reduce, or eliminate air or water pollution pursuant to the transition rules of the Tax Reform Act of 1986; and

iv. “Issuer” or “Issuers” means any entity or entities now or hereafter authorized to issue Bonds under the Louisiana Constitution of 1974, as amended, or the laws of the state of Louisiana.

C. Any term not defined in this Order shall have the same meaning as in the Act.

Section 2: Determination of Ceilings for 2024 and Thereafter

A. The sum of five hundred seventy-one million, seven hundred eighteen thousand, six hundred twenty-five (\$571,718,625) represents the amount of the ceiling determined by the staff of the Louisiana State Bond Commission (hereafter “the SBC staff”) for the year of 2024 pursuant to the provisions of the Act.

B. On or before February 15, 2025, and on or before February 15 of each subsequent calendar year during the life of this Order, the SBC staff shall determine the amount of

the ceiling for each calendar year in the manner set forth in the Act. Upon determining the amount of the ceiling, the SBC staff shall promptly notify the governor in writing of the amount determined.

Section 3: General Allocation Pool; Method of Allocation

A. A pool, designated as the “General Allocation Pool”, shall be hereby created. The entire ceiling for each calendar year shall be automatically credited to the General Allocation Pool. Allocations for all types of Bonds that require allocations from the ceiling under the Act may be requested, and granted, from this General Allocation Pool. During the calendar year of 2024, and in each calendar year thereafter, at the discretion of the Governor, amounts shall be initially reserved for allocations from the General Allocation Pool as follows:

i. An amount equal to fifty (50) percent of the General Allocation Pool shall be reserved for allocations for Housing Bonds;

ii. An amount equal to forty-five (45) percent of the General Allocation Pool shall be reserved for allocations for Economic Development Bonds; and

iii. An amount equal to five (5) percent of the General Allocation Pool shall be reserved for allocations for Industrial Bonds.

B. On September 1 of each year, any amounts remaining and not allocated for the purposes described in Section 3(A) (1) through (4) shall be combined, and allocations from such amounts remaining shall be granted, at the discretion of the governor, without regard to any reservation for particular use.

C. The allocation of the ceiling from the General Allocation Pool shall be considered by the governor on the basis of criteria established by the governor.

D. The issuance of an executive order by the governor, awarding a portion of the ceiling to a particular issue of Bonds, shall be evidence of each allocation granted pursuant to this Order. A copy of such an executive order shall be furnished to the Louisiana State Bond Commission upon issuance.

Section 4: Application Procedure for Allocations

A. All issuers in and of the state of Louisiana may apply for allocations.

B. An issuer who proposes to issue Bonds for a specific project or purpose must apply for an allocation of a portion of the ceiling for the particular project or purpose by submitting a volume cap allocation request to the Louisiana State Bond Commission staff, with a copy to the governor or the governor’s designee, as part of the initial submission of debt application request. The allocation form, if any, may be revised from time to time at the discretion of the governor. However, at a minimum, all applications must contain the following information:

i. The name and the address of the issuer of the Bonds;

ii. In the case of Bonds, other than Qualified Mortgage Bonds, the name and mailing address of (a) the initial owner or operator of the project, (b) an appropriate person from whom information regarding the project can be obtained, and (c) the person to whom notification of the allocation should be made;

iii. If required by the Code, the date of adoption by the issuer of an inducement resolution adopted for the purpose of evidencing “official intent”;

iv. The amount of the ceiling which the issuer is requesting be allocated for the project or purpose of the application, including, without limitation, a statement of the minimum amount of allocation that will support the issuance of the Bonds and a general description of the project (including the address or other description of its location) or the purpose to be financed; and

v. In the case of Housing Bonds for Qualified Residential Rental Project Bonds, the following criteria must be included on the application for the project:

a) Identify whether the project promotes neighborhood revitalization and/or in-fill development, including new development on vacant or adjudicated properties, and whether the buildings are complimentary to the existing architecture in the neighborhood;

b) Identify whether the project is for scattered site single family units, or, if the project is for a multiple unit dwelling or dwellings, the number of buildings in the project and the number of units that each dwelling contains;

c) Identify whether the project is located proximate to a central business district or within a targeted area within the meaning of the Internal Revenue Code of 1986, as amended;

d) Identify whether the project leverages other governmental or private equity funds and/or governmental incentives, and, if so, what the sources and amounts are; and

e) Identify whether a workforce training program is a component of the project’s development plan.

vi. In the case of Industrial Bonds and Economic Development Bonds requested for manufacturing purposes, the following criteria must be included on the application:

a) Identify the North American Industrial Classification System code reported to the federal government and the Department of Labor;

b) Report the economic impact over ten years as determined by the Department of Economic Development;

c) Identify the number of jobs to be created and/or retained and the average salary for both new and retained jobs as well as the amount of the capital investment made or to be made; and

d) Identify other state programs that provide any financial or business incentives as part of this expansion or new location;

vii. Either (a) a bond purchase agreement or other written commitment to purchase the Bonds for which an allocation is requested, executed by one or more purchasers, setting forth in detail the principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds; (b) in the case of a public offering of the Bonds for which the allocation from the ceiling is requested, a binding bond purchase or underwriting agreement obligating the underwriter or underwriters to sell or purchase the Bonds within ninety (90) days of the receipt of an allocation, setting forth in detail the proposed principal and interest payment provisions and the security for the Bonds, accepted by the issuer or the beneficiary of the Bonds; or (c) a \$7,500 escrow deposit which will be forfeited in the event the Bonds for which any

allocation or carry forward allocation is granted are not delivered prior to the expiration of such allocation as provided in Section 4(E). The \$7,500 escrow deposit shall be returned to the party depositing the same without interest upon the substitution of the items described in (a) or (b), *supra*, or delivery of the Bonds within the allocation period. In the event that such Bonds are not delivered within the allocation period, the deposit shall be forfeited and deposited in the State Treasury, unless the failure to deliver such Bonds is the result of the Louisiana State Bond Commission denying approval of such Bonds, in which case the deposit shall be returned to the party depositing same, without interest;

viii. A specific date as to when the bond allocation is required and when the project financing is intended to close;

ix. A schedule showing the project time or projected timing of the use of the bond proceeds;

x. Information necessary to evidence compliance with the criteria established by the governor; and

xi. A letter from bond counsel, addressed to the governor, expressing that the Bonds for which an allocation is requested are subject to the ceiling.

C. Upon receipt of the application required by Section 4(B), the SBC staff shall determine if the requirements of Section 4(B) have been met. When it is determined the requirements have been met, the SBC staff shall immediately forward a copy of the application to the governor.

D. Any allocation from the ceiling (other than carry forward allocations described in Section 4(H), *infra*) shall expire unless the Bonds receiving the allocation are delivered by the earlier of (1) one hundred and twenty (120) days from the date of the executive order awarding the allocation, or (2) December 31st of the calendar year granted. In the event the allocation of the ceiling for a particular project or purpose expires as provided in this section, the issuer may resubmit its application for an allocation of a portion of the ceiling for such project or purpose. The application of the issuer relating to such project or purpose shall be reviewed in chronological order of receipt of the resubmission.

E. On September 1 of each year, the SBC staff shall determine the remaining amounts of the ceiling and shall submit to the governor for consideration all applications for allocations of Bonds in excess of the permitted amounts.

F. The SBC staff shall maintain accurate records of all allocations and all Bonds delivered. All issuers of Bonds that have received an allocation shall notify the SBC staff of the delivery of Bonds within ten (10) days after the delivery of such Bonds and shall specify the total principal amount of Bonds issued. The SBC staff shall provide to any person so requesting, within a reasonable time:

(1) the amount of unallocated ceiling remaining on the date such request is made;

(2) a list of allocations (naming the issuer and amount of allocation) which have been made and the date of each allocation;

(3) a list of applications being held by the SBC staff which have requested a larger allocation than permitted; and

EXECUTIVE ORDER JBE 24-124

Drug Control and Violent Crime Policy Board

(4) a list of Bonds which have been given an allocation and have been delivered.

G. If the ceiling exceeds the aggregate amount of Bonds issued during any year by all issuers, the governor may allocate such to issuers for use as a carry forward for one or more carry forward projects permitted under the Act by issuing an executive order for all carry forward projects for which an application has been submitted that contains the elements required by Section 4(B), and for which a request to be treated as a carry forward project has been received by the SBC staff. The SBC staff shall notify the issuers which are allocated a portion of the ceiling for a carry forward project at least five (5) days prior to the last date an election to carry forward a portion of the ceiling may be made.

H. This Order only relates to Bonds subject to the private activity bond volume limitation set forth in the Act. No issuer shall apply for or be entitled to an allocation from the ceiling for Bonds that are not subject to the private activity bond volume limitation set forth in the Act.

I. The governor may modify, amend, supplement, or rescind this Order to reflect any change in federal or state legislation; provided, however, that any modification, amendment, supplementation or rescission shall not rescind any allocation granted for a project or purpose pursuant to the terms of this Order if such allocation is required under federal law in order to maintain the tax-exempt status of the Bonds issued for such project or purpose.

J. Notwithstanding any provision in this Order to the contrary, if the governor determines it to be in the best interest of the State of Louisiana, because a project or purpose serves a crucial need or provides an extraordinary benefit to the State of Louisiana or to an area within the State of Louisiana, through the issuance of an executive order, the governor may authorize allocations in any amount or grant any or every portion of the ceiling, and for any purpose.

Section 5: Miscellaneous Provisions

A. The responsibility of the SBC staff as set forth in this Order shall be exercised by the SBC staff independent of any of its other duties and responsibilities owed to the Louisiana State Bond Commission.

B. The governor will certify in each executive order that grants a portion of the ceiling to a particular issue of Bonds that said bond issue meets the requirements of Section 146 of the Code.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#030

WHEREAS, incidents of violent crimes and drug abuse are problematic for the State of Louisiana;

WHEREAS, the federal government provides financial assistance to the State of Louisiana to improve the operational effectiveness of our drug and violent crime control efforts through such programs as the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C.A. §13701 *et seq.*, and the Edward Byrne Memorial Justice Grant Assistance (JAG) Program, 42 U.S.C.A. §3750 *et seq.*; and

WHEREAS, the interests of the citizens of the State of Louisiana would be best served through the utilization of a single coordinating board to administer these federal assistance programs in order to function as a communication forum and to facilitate the coordination of drug abuse and violent crime projects within the State.

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

Section 1: The Louisiana Drug Control and Violent Crime Policy Board (“Board”) is reestablished within the executive department, Office of the Governor.

Section 2: The duties of the Board shall include, but are not limited to, the following:

A. Serve as an advisory body to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice;

B. Develop a statewide drug control and violent crime strategy encompassing all components of the criminal justice system; and

C. Perform any duties and functions requested by the Governor and/or the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

Section 3: The Board shall be composed of a maximum of eighteen (18) members, who unless otherwise specified, shall be designated by and serve at the pleasure of the Governor. The membership of the Board shall be as follows:

A. The Superintendent of State Police, or the Superintendent’s designee;

B. Three (3) district attorneys, one each from the eastern, the western, and the middle areas of the state;

C. The executive director of the Louisiana District Attorneys Association, or the executive director’s designee;

D. Three (3) sheriffs, one each from the eastern, the western, and the middle areas of the state;

E. The executive director of the Louisiana Sheriffs’ Association, or the executive director’s designee;

F. Three (3) chiefs of police, one each from the eastern, the western, and the middle areas of the state;

G. One (1) marshal or constable selected from either the eastern, the western, or the middle areas of the state; and

H. Five (5) at-large members who are private citizens and/or former members of the state judiciary and who are active in community drug control and prevention.

Section 4: The chair of the Board shall be appointed by the Governor from the membership of the Board. All other officers, if any, shall be elected from the membership of the Board.

Section 5: The Board shall meet at regularly scheduled intervals and at the call of the chair.

Section 6: Board members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council.

Board members who are employees or elected public officials of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Board members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

Section 7: Support staff, facilities, and resources for the Board shall be provided by the Office of the Governor.

Section 8: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Board in implementing the provisions of this Order.

Section 9: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#031

EXECUTIVE ORDER JBE 24-125

Flags at Half-Staff—Corporal Segus Jolivet

WHEREAS, on July 25, 2024, Senior Corporal Segus Jolivet tragically lost his life in the line of duty, while serving and protecting our community. He was 35 years old;

WHEREAS, Corporal Jolivet's unwavering commitment to protecting and serving others began early in life, at the Opelousas Police Department's Junior Police Academy. This experience ignited a passion in law enforcement that would shape his life;

WHEREAS, at just 19 years old, Corporal Jolivet became a reserve officer with the Opelousas Police Department, and his dedication quickly propelled him to a full-time role;

WHEREAS, Corporal Jolivet's pursuit of public service and justice continued, and he later joined the Lafayette Police Department, where he served on the SWAT team;

WHEREAS, Corporal Jolivet's influence extended beyond his tactical roles. As a School Resource Officer, he inspired and mentored Lafayette's youth, leaving an indelible mark on their lives and providing an outstanding example of bravery and service;

WHEREAS, he also served in many roles, including as a detective, in the Explorer Program, and on patrol;

WHEREAS, his commitment to his community was demonstrated by his charitable spirit, such as personally donating clothing to children in need he would encounter while performing his duties;

WHEREAS, on the day of his passing, Corporal Jolivet was performing the critical role of hostage negotiator, demonstrating remarkable bravery in a perilous situation. His courage and commitment to safeguarding lives were evident until the very end;

WHEREAS, Corporal Jolivet's legacy is etched in the hearts of all who knew him, a testament to his selfless dedication and heroism. His life was a beacon of hope and safety for many, and his sacrifice will be remembered with profound respect and admiration;

WHEREAS, Corporal Jolivet exemplified the courage and commitment of those who stand on the Thin Blue Line, a symbol of the brave men and women who dedicate their lives to protecting our communities. Corporal Jolivet, like so many others, faced the dangers and challenges of law enforcement with unwavering resolve, embodying the ideals of justice and service. As we remember Corporal Jolivet, we honor not only their ultimate sacrifice but also the profound impact of his brothers and sisters in uniform who stood resolutely on that Thin Blue Line, preserving the safety and peace of our communities;

WHEREAS, Corporal Jolivet leaves behind his beloved wife, Alexis, five young children, Ajah, Segus Jr., Grayson, Asher, Austyn, his mother, Mary Jolivet, his father and stepmother, Dr. AbdulRahman Al-Lahiq Al-Naimi and Dr. Maha Al-Lahiq Al-Naimi, his siblings, Vanessa Cardoso, Derrick Jolivet-Davis, Yasmine Al-Lahiq Al-Naimi, Zenah Al-Lahiq Al-Naimi, Zahirah Al-Lahiq Al-Naimi, and Mohammad Al-Lahiq Al-Naimi, and many other family members and friends who now bear the weight of his absence. His legacy will continue to shine through their lives and the countless lives of family, friends, and community he touched throughout his service;

WHEREAS, Corporal Jolivet was a man of faith, serving his community and family as a Christian, and he was a member of Our Savior's Church;

WHEREAS, Senior Corporal Segus Jolivet is a true hero, whose life and sacrifice will forever inspire and resonate within our community.

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

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

Section 2: This Order is effective upon signature and shall remain in effect until sunset, August 1, 2024.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 31st day of July 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#032

EXECUTIVE ORDER JBE 24-126

Flags at Half-Staff—U.S. Army PFC Joseph C. Murphy

WHEREAS, on June 24, 2024, the Defense POW/MIA Accounting Agency (“DPAA”) announced with profound reverence that U.S. Army PFC Joseph C. Murphy, who was captured and died as a prisoner of war during World War II, has finally been accounted for, as of April 1, 2024;

WHEREAS, PFC Murphy was originally from Bogalusa, Louisiana, and attended the Long Avenue School. Prior to enlisting in the U.S. Army, he was employed by the Red Bird Ice Cream Company;

WHEREAS, he became a private first class in the U.S. Army during World War II, and in 1942, PFC Murphy was a member of Company 1, 31st Infantry Regiment when Japanese forces invaded the Philippine Islands that December. His bravery, alongside that of his fellow soldiers, continued through the fierce battles that led to the surrender of the Bataan Peninsula on April 9, 1942, and of Corregidor Island on May 6, 1942;

WHEREAS, thousands of U.S. and Filipino service members were captured and interned at POW camps. PFC Murphy was among those reported captured when U.S. forces in Bataan surrendered to the Japanese. He endured the grueling 65-mile Bataan Death March, and he was then imprisoned at the Cabanatuan POW Camp #1 in Nueva Ecija Province, a place of immense suffering. The camp lacked proper food and water resources, leading to widespread starvation, malnutrition, and disease. Unfortunately, Joseph C. Murphy, 20 years old, was one of the deceased;

WHEREAS, according to prison camp and other historical records, PFC Murphy passed away on October 28, 1942, as a result of malnutrition and dysentery. He was buried among his fallen comrades in the local Cabanatuan Camp Cemetery in Common Grave 713;

WHEREAS, PFC Murphy’s family members were notified of his death and given a letter from U.S. General Douglas MacArthur. He was survived by his father, four sisters, and one brother;

WHEREAS, following the war, the American Graves Registration Service (“AGRS”) undertook the solemn duty of exhuming and relocating the remains from Cabanatuan to a temporary U.S. military mausoleum near Manila. In 1947, the AGRS examined the remains to identify them. Many were declared unidentifiable and laid to rest as Unknowns at the Manila American Cemetery;

WHEREAS, in April 2019, as part of the Cabanatuan Project, the DPAA undertook the painstaking task of exhuming the remains associated with Common Grave 713, sending them to the DPAA laboratory for comprehensive

analysis, reflecting a commitment to honoring those who served with valor. On April 1, 2024, scientists positively identified PFC Murphy’s remains;

WHEREAS, PFC Murphy’s resting place was marked as Unknown for over seven decades, but the American Battle Monuments Commission (“ABMC”) meticulously tended his grave. Today, his name is inscribed on the walls of the Missing at the Manila American Cemetery and Memorial, and a rosette will be placed beside it to signify his long-awaited identification and return;

WHEREAS, PFC Murphy’s remains are scheduled to arrive back home in Bogalusa, Louisiana, where they will be buried properly on August 3, 2024;

WHEREAS, U.S. Army PFC Joseph C. Murphy’s story embodies the essence of sacrifice, valor, and unwavering dedication. His bravery and suffering remind us of the high price of freedom and the enduring spirit of our nation;

WHEREAS, he should be honored and remembered as a hero, not only in Louisiana but also across the entire nation. His legacy is etched in the annals of American history and the hearts of a grateful country; and

WHEREAS, we commemorate the indomitable spirit and enduring legacy of the U.S. Army PFC Joseph C. Murphy, affirming our solemn pledge to honor his memory and that of all who served with equal valor, with deep respect and everlasting gratitude.

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

Section 1: As an expression of respect and to honor U.S. Army PFC Joseph C. Murphy, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on August 2, 2024.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 31st day of July, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#033

EXECUTIVE ORDER JBE 24-127

Renewal of State of Emergency—Hurricane Ida

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

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

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 24-101, which is in effect through Friday, August 2, 2024;

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 7: This Order is effective upon signature and shall continue in effect from Friday, August 2, 2024 to Sunday, September 1, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 2nd day of August 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#034

EXECUTIVE ORDER JBE 24-128

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

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

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-102 which is in effect through Friday, August 2, 2024;

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

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

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the

area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

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

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

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

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

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

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

Section 4: This Order is effective upon signature and shall continue in effect from Friday, August 2, 2024 to Sunday, September 1, 2024, unless amended, modified, or terminated sooner.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#035

EXECUTIVE ORDER JBE 24-129

Amending Governor's Task Force on Impaired Driving

WHEREAS, JML 24-43 reestablishes the Governor's Task Force on Impaired Driving;

WHEREAS, the Governor desires to amend the membership of the Governor's Task Force on Impaired Driving;

WHEREAS, in 2023, preliminary data show that 736 people were killed or seriously injured in Louisiana in alcohol-involved traffic crashes, while 428 people were killed or seriously injured in traffic crashes where the driver(s) were suspected of having used drugs or a combination of alcohol and other drugs;

WHEREAS, in 2023, preliminary data show that 46% of Louisiana's traffic fatalities involved at least one driver suspected of using drugs or a combination of alcohol and at least one other drug;

WHEREAS, in 2023, preliminary data shows that 26% of Louisiana's traffic fatalities involved at least one driver with a blood alcohol concentration of .08% BAC or higher;

WHEREAS, in 2023, an average of 4.5 drugs other than alcohol were detected in blood samples submitted to the Louisiana State Police Crime Laboratory as a result of traffic investigations;

WHEREAS, in 2024, Louisiana automobile owners pay high premiums for motor vehicle liability insurance, ranking third highest in the nation in costs for insurance, with an average premium of \$3,629.00;

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

Section 1: Executive Order Number 24-43 reestablishing the Governor's Task Force on Impaired Driving is hereby amended.

Section 2: The duties of the Task Force shall include, but are not limited to, the following:

A. Addressing the high incidence of driving while intoxicated or under the influence of drugs, data collection and analysis on DWI conviction rates, the prevalence of drivers refusing to submit to tests as directed by law enforcement and strategies to reduce such incidences, and the frequency of arrest, prosecution, and conviction of drug-impaired drivers;

B. Identifying and implementing effective impaired driving countermeasures, such as substance abuse assessment/treatment, electronic monitoring, DWI offender monitoring, alcohol interlock devices, sanctions, etc., in order to reduce impaired driving;

C. Analyzing data trends related to alcohol and other drug-involved fatal or serious injury crashes;

D. Soliciting input and recommendations from all agencies, departments, commissions, boards, or offices that are involved in impaired driving enforcement, prevention, and countermeasures, particularly law enforcement officers at the state, parish, and local levels to aid in the implementation of the provisions of this Order;

E. Conducting regular analysis and assessment of Louisiana's impaired driving statutes and recommending changes as needed;

F. Aligning priorities to support the Louisiana Statewide Impaired Driving Plan updated annually by the Louisiana Highway Safety Commission and the Strategic Highway Safety Plan updated annually by the Louisiana Department of Transportation and Development; and

G. Acting in an advisory capacity to the Governor, Drug Policy Board, the Louisiana Highway Safety Commission, the Alcohol and Tobacco Control Commission, and the Louisiana Department of Health-Office of Behavioral Health.

Section 3: By December 1, 2024, and annually thereafter, the Task Force shall submit a comprehensive written report to the Governor on the issues set forth in Section 2 of this Order.

Section 4: The Task Force shall be composed of a maximum of twenty-one (21) members who are selected as follows.

1. The attorney general, or the attorney general's designee;

2. One (1) member of the Louisiana House of Representatives, designated by the Speaker of the Louisiana House of Representatives;

3. One (1) member of the Louisiana State Senate, designated by the President of the Louisiana Senate;

4. The commissioner of the Office of Alcohol and Tobacco Control, Department of Revenue, or the commissioner's designee;

5. The commissioner of the Department of Public Safety, Office of Motor Vehicles, or the commissioner's designee;

6. The executive director of the Louisiana Highway Safety Commission;

7. The assistant secretary of the Louisiana Department of Health, Office of Behavioral Health, or the assistant secretary's designee;

8. A representative of the Louisiana State Police, designated by the Superintendent of State Police;

9. The director of the Office of Drug Policy, Office of the Governor;

10. A representative of the Louisiana State Police Crime Lab designated by the commander of the Louisiana State Police Crime Lab;

11. The secretary of the Department of Transportation and Development, or the secretary's designee;

12. The director of the Louisiana Property and Casualty Insurance Commission, or the director's designee;

13. A representative of the Louisiana District Attorneys Association, designated by the president of the Louisiana District Attorneys Association;

14. A representative of the Louisiana Sheriff's Association, designated by the president of the Louisiana Sheriff's Association;

15. A representative of the Louisiana Association of the Chiefs of Police designated by the president of the Louisiana Association of Chiefs of Police;

16. A representative of Mothers Against Drunk Driving, designated by the highest-ranking staff member of the Louisiana State Office of Mothers Against Drunk Driving;

17. A representative of the Louisiana Restaurant Association, designated by the president of the Louisiana Restaurant Association; and

18. The director of the Louisiana Supreme Court Drug and Specialty Court Office, or the designee of the director with expertise in Drug/DWI court administration; and

19. Three (3) at-large members appointed by the governor, at least one of whom shall be a victim or family member of a victim of impaired driving.

Section 5: The executive director of the Louisiana Highway Safety Commission shall serve as chair of the Task Force. The Task Force may elect other officers, as deemed necessary.

Section 6: The Task Force shall meet at least four times per calendar year and at the call of the chair.

Section 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force.

A Task Force member who is an employee or an elected public official of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from his or her employing and/or elected department, agency and/or office.

A Task Force member who is also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for his or her attendance.

Section 8: Support staff, facilities, and resources for the Task Force shall be provided by the Office of the Governor, Office of Drug Policy and the Louisiana Highway Safety Commission.

Section 9: Executive Order JBE 18-03, issued on February 7, 2018, and Executive Order JBE 18-23, issued on September 13, 2018, are hereby rescinded.

Section 10: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

Section 11: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR

Nancy Landry
Secretary of State
2408#036

EXECUTIVE ORDER JBE 24-130

Renewal of State of Emergency—Tropical Storm Beryl

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order No. JML 24-105, which expires on August 7, 2024;

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

preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

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

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

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

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

WHEREAS, numerous tornadoes caused by Tropical Storm Beryl struck multiple parishes in northwest Louisiana, causing one fatality, multiple injuries to survivors, and widespread debris; and

WHEREAS, certain parishes continue to require state assistance to recover from this event and to protect public health and safety.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, the state of emergency declared in JML 24-105 continues to exist as a result of the emergency conditions that occurred on July 8, 2024, and that continue to threaten the lives, safety, and property of the citizens in Louisiana.

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

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

B. Shelter Assistance: The State will provide assistance in the form of 75% of costs related to sheltering

that are incurred within seven (7) days of July 8, 2024 for the following parishes: *Bossier, DeSoto, and Webster*.

C. Emergency Protective Measures: The State will provide assistance in the form of 75% of costs attributable to emergency protective measures (limited to overtime pay) related to this event for the following parishes: *Bossier, DeSoto, and Webster*.

Section 3: The State will review resource requests submitted through WebEOC from all parishes, and may allocate additional resources as necessary to assist parishes in their recovery efforts.

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

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

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

Section 7: This Order is effective upon signature and shall continue in effect from Wednesday, August 7, 2024, until Friday, September 6, 2024, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 7th day of August, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2408#067

Emergency Rules

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Juvenile Justice

Juvenile Detention Facilities
(LAC 67.V.Chapter 75)

The Office of Juvenile Justice (OJJ) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:962 to amend LAC 67:V, Subpart 8, Chapter 75. This Emergency Rule shall be effective July 24, 2024, and shall remain in effect for a period of 180 days. Chapter 75, Juvenile Detention Facilities is being amended in accordance with R.S. 15:1110.3 which requires transfer of licensure and regulation from the Department of Children and Family Services to OJJ. This law requires the amendment of licensing standards for juvenile detention facilities to be promulgated and in place by July 2024. All juvenile detention facilities are mandated to be licensed.

Regulatory functions have been amended to prevent imminent peril to health, safety, or welfare of youth, support staff, and the general public. Emergency action is necessary to ensure that OJJ is in compliance with the above mentioned statute.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 75. Juvenile Detention Facilities

§7503. Authority

A. - B.2. ...

C. Waiver Request

1. In specific instances, the deputy secretary of OJJ may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or youth are not imperiled.

a. ...

b. An application for a waiver shall be submitted by a provider using the request for waiver from licensing standards form. The form shall be submitted to the OJJ Licensing Section. A request for a waiver shall provide the following information: a statement of the provisions for which the waiver is being requested, an explanation of the reasons why the provisions cannot be met, including information demonstrating that the economic impact is sufficiently great to make compliance impractical, and a description of alternative methods proposed for meeting the intent of the regulation sought to be waived.

c. All requests for a waiver will be responded to in writing by the OJJ deputy secretary or designee. A copy of the waiver decision shall be kept on file at the facility and presented to licensing staff during all licensing inspections.

d. A waiver is issued at the discretion of the deputy secretary and continues in effect at his/her pleasure. The waiver may be revoked by the deputy secretary at any time,

either upon violation of any condition attached to it at issuance, or upon failure of any of the statutory prerequisites to issuance of a waiver (i.e., the cost of compliance is no longer so great as to be impractical or the health or safety of any staff or any child in care is imperiled), or upon his/her determination that continuance of the waiver is no longer in the best interest of OJJ.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April 2013), effective July 1, 2013, repromulgated LR 39:1264 (May 2013), amended by the Department of Children and Family Services, Licensing Section, LR 47:230 (February 2021), effective March 1, 2021, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7505. Definitions

Chemical Agent—any product which is dispensed by means of an aerosol spray to control an individual's combative and/or resistive behavior.

Department (OJJ)—Office of Juvenile Justice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7507. Licensing Requirements

A. - A.1.b. ...

2. Effective July 1, 2013, it is mandatory to obtain a license from the department prior to beginning operation. Effective July 1, 2024, all juvenile detention facilities, including facilities owned or operated by any governmental, for profit, nonprofit, private or public agency, shall be licensed and regulated by the Office of Juvenile Justice.

3. - 4. ...

5. The provider shall allow representatives of OJJ access to the facility, the youth, and all files and records at any time during hours of operation and/or anytime youth are present. OJJ staff shall be allowed to interview any staff member or youth. OJJ staff shall be admitted immediately and without delay, and shall be given access to all areas of a facility, including its grounds. If any portion of a facility is set aside for private use by the facility's owner, OJJ representatives shall be permitted to verify that no youth is present in that portion and that the private areas are inaccessible to youth.

6. - 11. ...

12. OJJ is authorized to determine the period during which the license shall be effective. A license shall be valid until the expiration date shown on the license, unless the

license is modified, extended, revoked, suspended, or terminated.

13. Once a license has been issued, OJJ shall conduct licensing inspections at intervals (not to exceed one year) deemed necessary by OJJ to determine compliance with licensing standards, as well as other required statutes, laws, ordinances, rules, and regulations. These inspections shall be unannounced.

14. Whenever OJJ is advised or has reason to believe that any person, agency, or organization that holds a license or has applied for a license is operating in violation of the JDF regulations or laws, OJJ shall conduct an investigation to ascertain the facts.

15. ...

a. When an individual is listed on the licensing application submitted and/or registered as an officer of the board with the Louisiana Secretary of State and does not have access to children/youth in care or children/youth who receive services from the provider and/or who is not present, unless directly supervised by a paid employee of the facility, a OJJ approved attestation form signed and dated by the individual is acceptable in lieu of the state central registry clearance and a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

B. Initial Licensing Application Process

1. An initial application for licensing as a JDF shall be obtained from OJJ. A completed initial license application packet along with a fee as required by law shall be submitted to and approved by OJJ prior to an applicant providing JDF services. The completed initial licensing packet shall include:

B.1.a. - 2. ...

C. Initial Licensing Inspection

1. In accordance with R.S. 15:1110(E), prior to the initial license being issued to the JDF, an initial licensing inspection shall be conducted on-site at the JDF to assure compliance with all licensing standards. No youth shall be provided services by the JDF until the initial licensing inspection has been performed and OJJ has issued a license. The licensing inspection shall not be completed if the provider is found in operation prior to the issuance of a license and the application shall be denied.

2. In the event the initial licensing inspection finds the JDF is compliant with all licensing laws and standards, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees, OJJ may issue a license to the JDF. The license shall be valid until the expiration date shown on the license, unless the license is modified, extended, revoked, suspended, or terminated.

3. ...

D. Fees

1. An annual fee as established by R.S. 15:1110(F), shall be payable to OJJ prior to the date of expiration of the current license by certified check, or money order. Non-payment of fee prior to the date of expiration of the current license shall result in the nonrenewal of the license. The licensee is responsible for ensuring receipt of the annual fee by the Licensing Section.

* * *

D.2. - F.2. ...

3. When a facility changes ownership, the current license is not transferable. A change of ownership occurs when the license and/or facility is transferred from one natural or juridical person to another, or when an officer, director, member, or shareholder not listed on the initial application exercises or asserts authority or control on behalf of the entity. The addition or removal of members of a board of directors shall not be considered a change of ownership where such addition or removal does not substantially affect the entity's operation and shall require only notice be given to the OJJ of such addition or removal.

a. - a.viii. ...

ix. documentation of a fingerprint-based satisfactory criminal record clearance for all staff, including owners and operators. CBC shall be dated no earlier than 60 days before the application has been received by the Licensing Section. The prior owner's documentation of satisfactory criminal background checks is not transferrable; and

a.x. - e. ...

4. The JDF shall provide written notification to the department within 30 calendar days of changes in the administrator. A statement with supporting documentation of qualifications for the new administrator shall be submitted to OJJ.

G. - G.1.j. ...

k. a history of non-compliance with licensing statutes or standards, including but not limited to failure to take prompt action to correct deficiencies, repeated citations for the same deficiencies, or revocation or denial of any previous license issued by OJJ;

l. - o. ...

H. Disqualification of Facility and/or Provider

1. If a facility's license is revoked or not renewed due to failure to comply with state statutes or licensing rules or surrendered to avoid adverse action, OJJ may elect not accept a subsequent application from the provider for that facility, or any new facility, up to but not exceeding a period of 24 months after the effective date of revocation, non-renewal due to adverse action, or surrender to avoid adverse action, or for a period up to but not exceeding 24 months after all appeal rights have been exhausted, whichever is later (the disqualification period). The effective date of a revocation, denial, or non-renewal of a license shall be the last day for applying to appeal the action, if the action is not appealed. Any pending application by the same provider shall be treated as an application for a new facility for purposes of this section and may be denied and subject to the disqualification period. Any subsequent application for a license shall be reviewed by the secretary or designee prior to a decision being made to grant a license. OJJ reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

2. - 3. ...

4. If the applicant has had a history of non-compliance, including but not limited to revocation of a previous license, operation without a license, or denial of one or more previous applications for licensure, OJJ may refuse to accept a subsequent application from that applicant for a minimum period of 24 months after the effective date of denial.

5. ...

6. If a facility's license was revoked due solely to the disapproval from any agency whose approval is required for licensure or due solely to the facility being closed and there are no plans for immediate re-opening within 30 calendar days and no means of verifying compliance with minimum standards for licensure, the disqualification rule (or period) may not apply. OJJ may accept a subsequent application for a license that shall be reviewed by the secretary or designee prior to a decision being made to grant a license. OJJ reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

7. In the event a license is revoked or renewal is denied, (other than for cessation of business or non-operational status), or voluntarily surrendered to avoid adverse action any owner, officer, member, manager, or administrator of such licensee may be prohibited from owning, managing, or operating another licensed facility for a period of not less than 24 months from the date of the final disposition of the revocation or denial action. The lapse of 24 months shall not automatically restore a person disqualified under this provision eligibility for employment. OJJ, at its sole discretion, may determine that a longer period of disqualification is warranted under the facts of a particular case.

I. Appeal Process

1. The OJJ Licensing Section, shall advise the administrator or owner in writing of the reasons for non-renewal or revocation of the license, or denial of an application, and the right of appeal. If the administrator or owner is not present at the facility, delivery of the written reasons for such action may be made to any staff of the facility. Notice to a staff shall constitute notice to the facility of such action and the reasons therefore. A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for revocation, denial, or non-renewal, together with the specific areas of the decision the appellant believes to be erroneous and/or the specific reasons the decision is believed to have been reached in error, and shall be mailed to: Office of Juvenile Justice, Licensing Section, P.O. Box 66458, Audubon Station, Baton Rouge, LA 70806.

2. - 4. ...

5. The OJJ Legal Section shall notify the Division of Administrative Law of receipt of an appeal request. Division of Administrative Law shall conduct a hearing. The appellant will be notified by letter of the decision, either affirming or reversing the original decision.

6. If the decision of OJJ is affirmed or the appeal dismissed, the provider shall terminate operation of the JDF immediately. If the provider continues to operate without a license, the OJJ may file suit in the district court in the parish in which the facility is located for injunctive relief.

7. If the decision of OJJ is reversed, the license will be re-instated and the appellant may continue to operate.

J. Corrective Action Plan (CAP)

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The request for submission of the CAP does not restrict the actions which may be taken by OJJ. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be

submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the juvenile detention facility. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the juvenile detention facility provider plans to take in order to prevent further deficiencies from being cited in these areas and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days.

2. ...

3. The statement of deficiencies for which a review has been requested will not be placed on the internet for viewing by the public until a decision has been reached. As a result of the licensing deficiency review request, a deficiency may be upheld with no changes, the deficiency may be removed, or the deficiency may be upheld and revised to include pertinent information that was inadvertently omitted. Once a decision has been reached, provider will be informed in writing of the decision and the reason for the decision. If information within the deficiency was cited in error or the cited deficiency is revised by the OJJ Licensing Section staff, provider will receive a revised "statement of deficiencies" with the decision letter. If any enforcement action was imposed solely because of a deficiency or finding that has been deleted through the licensing deficiency review process, the action will be rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 49:848 (May 2023), effective June 1, 2023, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7508. State Central Registry

A. ...

B. Current Owners as of November 1, 2018

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, provider shall submit a state central registry request, or applicable attestation form, for each owner/operator including board members who meet the definition of an owner to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than November 16, 2018. For owners/operators including board members who meet the definition of an owner who have resided in another state within the proceeding five years, provider shall submit a request to that state's child abuse and neglect registry no later than November 16, 2018. Documentation of request shall be available for review.

1.a. - 2....

3. Provider shall submit a state central registry request to child welfare every five years from the issue date noted on the state central registry clearance form for all owners/operators who meet the definition of an owner and at any time upon the request of OJJ when reasonable suspicion

exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry clearance form.

B.4. - C.2. ...

3. Provider shall submit a state central registry request to child welfare every five years from the issue date noted on the state central registry clearance form for all owners/operators including board members who meet the definition of an owner and at any time upon the request of OJJ if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry clearance form.

C.4. - D.2. ...

3. Provider shall submit a state central registry request to child welfare every five years from the issue date noted on the state central registry clearance form for all staff and at any time upon the request of OJJ if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years for this staff from the issue date noted on the previous year's registry check form.

D.3.a. - E. ...

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. For staff persons who have resided in another state within the preceding five years, provider shall request a state central from that state's child abuse and neglect registry prior to hire. While awaiting the results of the out of state central registry results, the individual shall be directly supervised by a paid staff (employee) of the juvenile detention facility at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not also be awaiting the results of an out of state central registry clearance. Under no circumstances shall the individual awaiting out of state central registry results be left alone and unsupervised with a child/youth pending the official determination from that state that the individual is or is not listed on the state central registry. Louisiana state central registry clearances shall be dated no earlier than 60 days prior to the staff being present on the premises or having access to children/youth. Out-of-state state central registry clearances shall be dated no earlier than 120 days prior to staff being present on the premises or having access to children/youth in the facility.

1.a. - 2....

3. Provider shall submit a state central registry request to child welfare every five years for staff from the issue date noted on the state central registry clearance form and at any

time upon the request of OJJ if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years for this staff from the issue date noted on the previous year's registry clearance form.

E.3.a. - F.2. ...

3. Provider shall submit a state central registry request to child welfare every five years for contractors and LDE staff from the issue date noted on the state central registry clearance form and at any time upon the request of OJJ when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor or LDE staff resides in another state and provides services in a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years for this contractor or LDE staff from the issue date noted on the previous year's registry clearance form.

F.3.a. - G.

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, an inquiry of the state central registry for all contractors and LDE staff shall be conducted prior to providing contracted services or having access to children/youth. For contractors and LDE staff who have resided in another state within the preceding five years, provider shall request a state central registry check from that state's child abuse and neglect registry prior to the individual providing services or having access to children/youth. While awaiting the results of the out of state central registry results, the individual shall be directly supervised by a paid staff (employee) of the juvenile detention facility at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not also be awaiting the results of an out of state central registry clearance. Under no circumstances shall the individual awaiting out of state central registry results be left alone and unsupervised with a child/youth pending the official determination from that state that the individual is or is not listed on the state central registry. Louisiana state central registry clearances shall be dated no earlier than 60 days prior to the individual providing services or having access to children/youth. Out-of-state state central registry clearances shall be dated no earlier than 120 days prior to contractors and LDE staff being present on the premises or having access to children/youth in the facility.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

2. ...

3. Provider shall submit a state central registry request to child welfare every five years for contractors and LDE staff from the issue date noted on the state central registry clearance form and at any time upon the request of OJJ if reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor or LDE staff resides in another state but provides services in a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child

abuse and neglect registry every five years for the contractor or LDE staff from the issue date noted on the previous year's registry clearance form.

4. ...

5. The state central registry clearance form shall be dated no earlier than 60 days of the individual being present on the juvenile detention facility premises or having access to children/youth.

G.6. - H.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.2.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:653 (May 2019), effective June 1, 2019, amended LR 47:1850 (December 2021), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7509. Administration

A. - B.1. ...

2. The administrator, or designee, shall be accessible to OJJ 24 hours per day, seven days per week.

C. - E.5.c. ...

d. If a case is referred to a law enforcement agency for possible investigation and/or prosecution, efforts shall be made as soon as possible to notify or attempt to notify the parent/guardian of the incident and referral.

F. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1564 (July 2012), amended LR 39:1007 (April 2013), effective July 1, 2013, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7511. Facility Responsibilities

A. - A.3.e. ...

B. Background Clearances

1. No staff of the facility shall be hired until such person has submitted his/her fingerprints to the Louisiana Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. CBC shall be dated no earlier than 60 days prior to the date of hire. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense involving a juvenile victim, that person shall not be hired. No staff shall be present on the JDF premises until such a clearance is received.

2. ...

3. A criminal record check shall be conducted on all volunteers that interact with the youth. No volunteer of the facility shall be allowed to work with youth until such person has submitted his/her fingerprints to the Louisiana Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. CBC shall be dated no earlier than 60 days prior to the volunteer being present on the JDF premises. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense

involving a juvenile victim, that person shall not be allowed to volunteer with youth at the JDF. No volunteer shall be present on the JDF premises until such a clearance is received.

4. - 5.a. ...

b. For the first school year that a LDE staff person or local school district staff person provides services to a child, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record check as required by §7511.B.5 or shall provide the original, completed, signed, notarized, OJJ-approved affidavit to the provider prior to being present and working with a child or children at the facility. If the LDE Staff person has a break of employment for more than one year, a new CBC or affidavit shall be completed.

i. - iii. Repealed

B.5.c. - F.3.a.ii.(j). ...

b. All support (non-direct care) staff shall receive an additional 14 hours of training during their first year of employment. The training shall include, at a minimum, the following:

i. detecting and reporting suspected abuse and neglect (mandatory reporting guidelines);

ii. sexual misconduct including but not limited to the following:

(a). youth's rights to be free from sexual misconduct, and from the retaliation for reporting sexual misconduct;

(b). dynamics of sexual misconduct in confinement;

(c). common reactions of sexual misconduct victims; and

(d). agency policy for prevention and response to sexual misconduct;

iii. first aid/ CPR; and

iv. basic safety and security practices.

F.4. - I.1.b.ii. ...

iii. OJJ Licensing Section management staff; and

iv. judge of record.

I.1.c. - L.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1565 (July 2012), amended LR 39:1007 (April 2013), effective July 1, 2013, amended LR 42:396 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:657 (May 2019), effective June 1, 2019, LR 49:849 (May 2023), effective June 1, 2023, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7515. Youth Protections

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

F. Staff Intervention/Restraints

1. The provider shall have written policies and procedures and practices regarding the progressive response for a youth who poses a danger to themselves, others, or property. Approved physical escort techniques, physical restraints and mechanical restraint devices are the only types of interventions that may be used in the facility. Physical, chemical agents, and mechanical restraints shall only be used in instances where the youth's behavior threatens imminent harm to the youth or others, or serious property

destruction, and shall only be used as a last resort. Plastic cuffs shall only be used in emergency situations. Use of any percussive or electrical shocking devices or chemical restraints is prohibited.

2. Chemical Agent Usage

a. Facility director may authorize the use of chemical agents when the situation is such that the youth:

i. is armed /and/or barricaded; or
ii. can be approached without danger of bodily harm to self or others; and it is determined that a delay in bringing the situation under control would constitute a serious hazard to the youth or others, or would result in a major disturbance or serious property damage.

b. Chemical agents must not be used upon youth for purely punitive or malicious purposes – use must be justified upon circumstances that meet the standards

c. Chemical agents shall be stored in a secured locker with inventory and Safety Data Sheets nearby.

i. After an incident involving the use of chemical agents, all chemical agent containers shall be weighed and the weight recorded. If an inventory check reveals more than a .1 gram in weight difference in the amount of chemical agent stored in a container from the last inventory check, additional documentation is needed to explain the difference in weight. Internal investigation shall be completed to determine justification of dispensed chemical agent.

d. Qualified health personnel shall be consulted prior to staff using chemical agents unless the circumstance require an immediate response. If possible, the youth's medical file must be reviewed by qualified health personnel to determine whether the youth has any diseases or conditions which would be dangerously affected if chemical agents are used. This includes, but is not limited to: asthma, emphysema, bronchitis, tuberculosis, obstructive pulmonary disease, angina pectoris, cardiac myopathy or congestive heart failure.

e. For staff to be able to use chemical agents, they must be fully trained and current in certification for Defensive Tactics and chemical agents.

f. The highest ranking officer on duty shall be the person to administer the chemical agent.

g. During an event involving the use of chemical agents, the following procedures shall be followed.

i. Staff shall try to first de-escalate the situation. When possible, staff shall seek assistance of mental health and/or qualified health personnel at the onset of violent behavior to assist staff with attempts to de-escalate.

ii. If staff is not able to de-escalate the situation, staff shall seek authorization for use of chemical agents. Authorization must be obtained from the facility administrator.

iii. All attempts to receive authorization shall be logged as well as from whom the authorization was received, including date and time.

iv. Video recording is required during an event that involves the use of chemical agents.

v. Upon gaining physical control, staff shall seek the assistance of qualified health personnel who shall examine the youth and treat any injuries. If any staff involved in a use of chemical agents event reports an injury, qualified health personnel should provide an immediate examination and initial emergency treatment as required.

vi. After an event involving the use of chemical agents, the cell, room, or common area cannot again be used until the area has been cleaned and disinfected and the agent or agents neutralized.

3. Restraints shall not be used for punishment, discipline, retaliation, harassment, intimidation or as a substitute for room restriction or confinement.

4. When a youth exhibits any behavior that may require staff intervention, the following protocol shall be adhered to when implementing the intervention unless the circumstances do not permit a progressive response:

a. Staff shall begin with verbal calming or de-escalation techniques.

b. Staff shall use an approved physical escort technique when it is necessary to direct the youth's movement from one place to another.

c. Staff shall use the least restrictive physical or mechanical restraint necessary to control the behavior.

d. If physical force is required, the use of force shall be reasonable under the circumstances existing at the moment the force is used and only the amount of force and type of restraint necessary to control the situation shall be used.

e. Staff may proceed to a mechanical restraint only when other interventions are inadequate to deal with the situation.

f. Staff shall stop using the intervention as soon as the youth regains self-control.

5. During the period of time a restraint is being used:

a. the youth shall be checked by a staff member at least every 15 minutes. Documentation of these checks shall be recorded and maintained in the youth's file. If the use of the restraint exceeds 60 minutes, a health professional must authorize the continued use of the restraint. However, restraints cannot be used for longer than four hours;

b. there shall be a means for the youth to communicate with staff at all times;

c. staff shall not withhold food while a youth is in a mechanical restraint;

d. the youth shall have access to bathroom facilities, including a toilet and washbasin.

6. In all situations in which a restraint or chemical agent is used, staff involved shall record an incident report with the shift supervisor by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in a central incident report file. At a minimum, the incident report shall contain the following:

a. the name of the youth;
b. the date, time, and location the intervention was used;

c. the type of intervention used;
d. the name of the staff member requesting use of the intervention;

e. the name of the supervisor authorizing use of the intervention;

f. a brief description of the incident and the reason for the use of the intervention;

g. the efforts made to de-escalate the situation and alternatives to the use of intervention that were attempted;

h. any other youth and/or staff involved in the incident;

- i. any injury that occurred during the intervention restraint and immediate treatment provided if any;
- j. the date and time the youth was released from the intervention;
- k. the name and title of the health professional authorizing continued use of a restraint if necessary beyond 60 minutes;
- l. signature of the staff completing report; and
- m. any follow-up required.

7. The youth shall receive a list of the prohibited practices. There shall be documentation of acknowledgement of receipt of the list of prohibited practices by the youth in the youth's file.

8. Facility staff shall not use physical restraints or mechanical restraints unless they have been trained in the use of such restraints. Training shall include methods of monitoring and assessing a restrained youth for injuries and loss of circulation as a result of the use of mechanical restraint.

9. After any incident of use of a restraint, medical follow-up shall occur as soon as a qualified medical professional is available at the facility, or sooner if medically necessary as determined by the facility administrator.

G. Prohibited Practices When Using Restraints

1. The provider shall have a written list of prohibited practices by staff members when using a restraint. This following are prohibited:

- a. restraints that are solely intended to inflict pain;
- b. restraints that put a youth face down with sustained or excessive pressure on the back, chest cavity, neck or head;
- c. restraints that obstruct the airway or impair the breathing of the youth;
- d. restraints that restrict the youth's ability to communicate;
- e. restraints that obstruct a view of the youth's face;
- f. any technique that does not allow monitoring of the youth's respiration and other signs of physical distress during the restraint;
- g. any use of four or five-point restraints, straightjackets, or restraint chairs;
- h. mechanical restraint devices that are so tight they interfere with circulation or that are so loose they cause chafing of the skin;
 - i. use of a waistband restraint on a pregnant youth;
 - j. use of a mechanical restraint that secures a youth in a position with his/her arms and/or hands behind the youth's back (hog-tied) or front, with arms or hands secured to the youth's legs; and/ or
 - k. use of a mechanical restraint that affixes the youth to any fixed object, such as room furnishings or fixtures.

2. A youth in mechanical restraints shall not participate in any physical activity, other than walking for purposes of transportation.

3. A list of these prohibitions shall be posted in the facility.

4. The youth shall receive a list of the prohibitions when using a restraint. There shall be documentation of acknowledgement of receipt of the list of prohibitions in the youth's file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1572 (July 2012), amended LR 42:399 (March 2016), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7517. Facility Services

A. - A.2. ...

3. Prior to the end of the first official school day following admission, the youth shall receive a brief educational history screening with respect to their school status, special education status, and grade level. Staff shall use this information to determine initial placement in the facility educational program.

4. ...

5. Within three school days of the youth's arrival at the facility, the provider shall request educational records from the youth's previous school.

6. The youth shall attend the facility school at the earliest possible time but within three school days of admission to the facility.

7. The provider shall ensure youth have access to vocational training, GED programs, and other alternative educational programming if available from the local school district.

8. Youth in restricted, disciplinary, or high security units shall receive an education program comparable to youth in other units in the facility consistent with safety needs.

9. When youth are suspended from the facility school, the suspension shall comply with local jurisdiction due process requirements.

10. Behavior intervention plans shall be developed for a youth whose behavior interferes with their school attendance and progress.

11. The provider shall have available reading materials geared to the reading levels, interests, and primary languages of confined youth.

12. The school classes shall be held in classrooms/multi-purpose rooms. The provider shall ensure that the educational space is adequate to meet the instructional requirements of each youth.

13. The provider shall ensure that youth are available for the minimum minutes in a school day required by law.

14. The administrator shall immediately report in writing to the local school district if the facility school is not being staffed adequately to meet state student to teacher ratios for education, including not but not limited to, special education staff and substitute teaching staff.

B. - D.1.d. ...

e. Each provider shall provide an appropriate room or rooms for examinations.

2. Medical Care

a. - f. ...

g. Medical staff shall obtain informed consent from a youth and/or parent/legal guardian as required by law, and shall honor refusals of treatment.

h. When medical and/or mental health staff believe that involuntary treatment is necessary, the treatment shall be conducted in a hospital and not at the facility after compliance with legal requirements.

i. Staff shall document the youth and/or parent/legal guardian's consent or refusal, including counseling with respect to treatment, in the youth's medical file.

j. Pregnant youth shall be provided prenatal care. Any refusal for prenatal care by the pregnant youth shall be documented in their file.

k. Youth who are victims of sexual assault shall receive immediate medical treatment, counseling, and other services.

1. Files of all medical examinations, follow-ups and services, together with copies of all notices to a parent/legal guardian shall be kept in the youth's medical file.

m. Youth placed in medical isolation shall participate in programming as determined by the facility's qualified medical professional.

D.3. - E.3.

4. The provider shall provide functioning recreational equipment and supplies for physical education activities.

5. Youth shall be provided free time. There shall be an adequate supply of games, cards, writing, and art materials for use during recreation time.

E.6. - F.5. ...

6. Youth shall not be permitted to drive facility vehicles, unless part of a certified driver's education program and under the supervision of a certified instructor through the state of Louisiana.

7. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1575 (July 2012), amended LR 42:398 (March 2016), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7523. Safety Program

A. - B.1. ...

2. Staff shall accompany private contractors, who have not received the appropriate background checks, and CANS check, when in the presence of youth.

3. The provider shall ensure that a properly equipped first aid kit is located near each living unit.

C. - C.2.a.ii.

iii. staff shall conduct a periodic head count;

iv. instruction shall be provided for staff escorting youth within and outside the facility;

v. prohibition of the supervision of youth by youth; and

vi. shift assignments, including the use, location, and scope of assignment.

3. - 5.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1581 (July 2012), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

§7525. Data

A. - A.1.c.iii.

d. - d.ii. Repealed.

B. - B.1.c. ...

C. Detention Screening Data

1. The provider shall maintain accurate records on all risk assessment instrument (RAI) on new admissions conducted, to include the following data fields:

a. - d.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1582 (July 2012), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 50:

Kenneth A. Loftin
Deputy Secretary

2408#004

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections

**Public Safety Services
and**

**Division of Administration
Office of the Commissioner**

Louisiana State Police Video Public Records Requests
(LAC 55:1.903)

In accordance with the emergency provisions of R.S. 49:962(A)(1), Department of Public Safety and Corrections, Public Safety Services hereby recognizes exigent circumstances requiring utilization of the emergency process for implementation of the attached Emergency Rule relative to state police video public records. Statistical analyses show a projected increase of public records requests for body-worn camera (BWC) and in-car camera (ICC) video footage. Public Safety Services operating costs increase parallel with the linear trend of increased BWC/ICC requests. Setting a fee schedule for providing electronic records and video footage is justifiable based on the costs to the agency, both now and in the future. Louisiana courts recognize the evolution of technology and a contemporarily developing body of law. Johnson v. Pineville, 08-1234, (La. App. 3 Cir. 4/8/09), 9 So.3d 313. In accordance with the provisions of R.S. 49:962, R.S. 39:241, and R.S. 44:32, the Division of Administration, Office of the Commissioner hereby adopts §903 as a supplement to the Uniform Fee Schedule to provide for state police video public records.

This Emergency Rule shall have the force and effect of law on July 18, 2024, and will remain in effect for 180 days, unless renewed by the department, or until permanent rules are promulgated in accordance with law.

Title 55
PUBLIC SAFETY
Part I. State Police

Chapter 9. Photographs and Videos

§903. Videos Related to Louisiana State Police Public Records Requests

A. Copies of Louisiana state police video public records furnished to a person so requesting shall be provided at fees according to the following schedule:

1. \$10 per video less than or equal to 20 minutes in length;

2. \$0.50 per minute for videos longer than 20 minutes in length.

3. For purposes of this Section, “minute” includes one full minute, and no charge shall be given based on rounding up any additional seconds between full minute increments.

B. The fee for production of such videos shall be provided to the requester by Louisiana state police in advance of production.

C. This schedule does not apply to copies of Louisiana state police video public records requested from another state agency.

D. For the purposes of this Part, Louisiana state police video public records include but are not limited to: body-worn camera footage retained by Louisiana state police regardless of law enforcement agency, in-car dash camera video retained by Louisiana state police regardless of law enforcement agency, and third party videos, including security video, retained by Louisiana state police.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:241, R.S. 44:32., and R.S. 36:406.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, and Division of Administration, Office of the Commissioner LR 50:

LTC Gregory Graphia
Deputy Superintendent

2408#002

DECLARATION OF EMERGENCY

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

Fall Inshore Shrimp Season Opening Dates

The Wildlife and Fisheries Commission received information regarding biological sampling for white shrimp in state inshore waters. The Department of Wildlife and Fisheries (LDWF) provided the commission with data that projected the date when white shrimp will reach marketable size. After considering biological information and public input, the commission took action to set the fall shrimp season within state inshore waters. Notice of any opening, delaying or closing of a season by the Wildlife and Fisheries Commission will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which

provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries Commission does hereby set the 2024 fall shrimp season in Louisiana state waters to open as follows:

That portion of state inside waters from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River to open at 6 a.m., August 5, 2024 except for the area as described below which will open at 6 a.m., August 12, 2024:

From a point at the intersection of the eastern shore of the MRGO and the Shell Beach Cut at 29 degrees 51 minutes 29.40 seconds north latitude, 89 degrees 40 minutes 37.99 seconds west longitude; thence northerly to a point where Shell Beach Cut and the south shore of Lake Borgne intersect (29 degrees 52 minutes 00.35 seconds north latitude, 89 degrees 40 minutes 25.33 seconds west longitude); thence easterly and northerly following the southern shore of Lake Borgne and the western shore of the Biloxi Marsh to Pointe Aux Marchettes (29 degrees 59 minutes 26.87 seconds north latitude, 89 degrees 34 minutes 44.91 seconds west longitude); thence northeasterly to Malheureux Point (30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude); thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes 00.00 seconds north latitude, 89 degrees 22 minutes 23.00 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.50 seconds north latitude, 89 degrees 11 minutes 15.50 seconds west longitude), which is a point on the double-rig line as described in R.S. 56:495.1(A)2; thence southerly following the double rig line to where it intersects with the MRGO (29 degrees 40 minutes 40.11 seconds north latitude, 89 degrees 23 minutes 07.71 seconds west longitude); thence northwesterly along the eastern shore of the MRGO to the point of origin.

That portion of state inside waters from the eastern shore of South Pass of the Mississippi River westward to the Atchafalaya River Ship Channel at Eugene Island as delineated by the red Channel Buoy Line to open at 6 p.m., August 5, 2024; and,

That portion of state inside waters from the Atchafalaya River Ship Channel at Eugene Island as delineated by the red Channel Buoy Line westward to the western shore of the Freshwater Bayou Canal to open at 6 a.m., August 5, 2024; and,

That portion of state inside waters from the western shore of the Freshwater Bayou Canal westward to the Louisiana/Texas state line to open at 6 a.m., August 12, 2024.

The commission also hereby grants authority to the secretary of LDWF to delay or advance these opening dates if biological and/or technical data indicate the need to do so, and, to close any portion of Louisiana's inside or outside waters to protect small juvenile white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

The secretary is further granted the authority to open any area, or re-open any previously closed area, and to open and close special shrimp seasons in any portion of state waters.

Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Brandon J. DeCuir
Chairman

2408#008

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Reopening of the Oyster Season in Vermilion Bay/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds

In accordance with the emergency provisions of Revised Statutes (R.S.) 49:962, which allows the Wildlife and Fisheries Commission (commission) to use emergency procedures to set oyster seasons, and under the authority of R.S. 56:433 which provides that the commission may extend the taking of oysters on natural reefs if it is determined that sufficient quantities of oysters are available, the commission does hereby reopen the oyster season in that portion of the Louisiana public oyster seed grounds as described below:

Vermilion Bay/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509, shall reopen to the harvest of seed oysters for bedding purposes only at one-half hour before sunrise on Monday, August 5, 2024, and shall close at one-half hour after sunset on Saturday, August 31, 2024. Harvestable quantities of oyster resources exist in these public areas, and the high flow of the Atchafalaya River may place those resourced in imminent peril. As significant oyster mortalities could be experienced due to the anticipated depression of salinity, allowing limited harvest of the resource prior to the possible oyster mortality is in the best interest of the public.

During this bedding-only season, the following provisions shall be in effect:

1. A vessel is limited to harvesting seed oysters for bedding purposes only.

2. All vessels harvesting seed oysters in the open public oyster areas shall not have sacks or other containers typically used to hold oysters on board the harvest vessel.

3. If any person on a vessel takes or attempts to take oysters from the public oyster seed grounds described above,

all oysters contained on that vessel will be deemed to have been taken from said public oyster seed grounds from the time harvest begins until all oysters are off-loaded.

4. The harvest of seed oysters from this open area shall be for the purpose of moving the live oyster resource. The removal of more than 15 percent of non-living reef material in bedding loads is prohibited. All vessels shall allow on-board inspection and sampling of seed oyster loads by LDWF biologists and/or agents.

5. No harvester shall sell, or transport with his vessel, oysters intended for market sales from the open public seed grounds described above.

6. Any individual actively harvesting oysters in the public oyster seed grounds designated as "closed" by LDH shall be properly permitted for such transplant by LDH in accordance with the state sanitary code.

7. All vessels located in public oyster areas, seed grounds or reservations during those times between one-half hour after sunset and one-half hour before sunrise must have all oyster scrapers unshackled.

8. Every vessel harvesting oysters from the open public oyster seed grounds shall report harvest information to the department before 9 p.m. of each day fished. Vessels shall provide the following information: captain's name, date of harvest, oyster harvester number, vessel number, the total number of barrels of seed removed, and the oyster harvest area fished. Electronic reporting shall be required and shall be performed in a manner prescribed by the department.

The secretary of LDWF is authorized to take emergency action as necessary to:

1. Close areas if oyster mortalities are occurring, to delay the season or close areas where significant spat catch has occurred with good probability of survival, where it is found that there are excessive amounts of non-living reef material in seed oyster loads, if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

2. Reopen an area previously closed if the threat to the resource has ended, or open areas if substantial oyster resources are located.

Prior to any action, the secretary shall notify the chair of the commission of the intention to make any or all of the changes indicated above.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Department of Health for public health concerns.

Brandon J. DeCuir
Chairman

2408#009

Rules

RULE

Department of Agriculture and Forestry Board of Veterinary Medicine

Continuing Education
(LAC 46:LXXXV.400, 403, 405, 409,
411, 413, 800, 811, 812, 1200, and 1227)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board (“board”) of Veterinary Medicine has amended LAC 46:LXXXV.400, 403, 405, 409, 411, 413, 800, 811, 812, 1200, and 1227 regarding continuing veterinary education requirements for Doctor of Veterinary Medicine (DVM), Registered Veterinary Technician (RVT) and Certified Animal Euthanasia Technician (CAET) licensees and certificate holders to better define online participation for continuing education hours in §§400, 800 and 1200. Additional amendments to these sections have been made to provide greater uniformity and clarity to the continuing education language for DVMs, RVTs, and CAETs. This Rule is hereby adopted on the date of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 4. Continuing Education

§400. Definitions

Active Status—a veterinarian who has met all of the requirements for annual licensure and is entitled to practice veterinary medicine in the state of Louisiana.

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Continuing Veterinary Education—approved, accredited experience obtained from participation in post graduate veterinary studies, institutes, seminars, lectures, conferences, workshops, and other authorized forms of educational experiences so as to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana. A continuing veterinary education program accepted by another state’s regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board, shall be accepted as units or hours of continuing education; however, all other programs and/or their participants, including in-house programs, shall be required to obtain pre-approval from the board in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively.

Continuing Veterinary Education Units—units of measure approved by the board for the purpose of accreditation of various continuing education activities. One continuing education unit is equivalent to one hour of activity.

Inactive Status—a veterinarian who wishes to retain a Louisiana license, but who has not met all of the requirements for active status and, therefore, is not entitled to practice veterinary medicine in the state of Louisiana.

Online Participation—mediums regarded as online participation include:

1. pre-recorded, self-test audio or video presentations with third-party grading;
2. non-interactive audio or video presentations in real-time available via the internet; and
3. interactive or “live” audio or video presentations or webinars in real-time available via the internet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 33:648 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 37:1152 (April 2011), LR 38:1592 (July 2012), LR 50:1135 (August 2024).

§403. Continuing Education Requirements

A. A minimum of 20 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of a license; however, a maximum of 10 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.400.

B. A continuing veterinary education program accepted by another state’s regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board; however, any other programs and/or their participants, including in-house programs, shall be submitted to the board for pre-approval of the units or hours of continuing education in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively;

C. The 20-hour requirement for annual renewal of a license may be taken in any combination of the following board-approved programs regarding subject matter content: clinical, alternative, regulatory, practice management, and/or research; however, online participation hours are limited to the 10-hour maximum set forth in Subsection A. of this Section.

D.1. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- a. the DVM’s full name;
 - b. the name of the course/program;
 - c. the name of the sponsor and/or presenter;
 - d. the date(s) of attendance;
 - e. the total number of hours completed;
 - f. the delivery method; and
 - g. the specific subject matter completed.
2. All completed proof of attendance must be submitted to the board by September 30.

E. All hours shall be obtained in the 12 months preceding the renewal period of the license. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late and shall require payment of a late fee and possible fine as set forth in §411.B. Hours submitted late, if accepted by the board in accordance with §413.D, cannot be applied to other renewal periods.

F. Employment at an accredited school or college of veterinary medicine will not be accepted in lieu of completion of the required continuing education hours.

G. Presenters of approved continuing education programs may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated as §405 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 23:1147 (September 1997), LR 28:1208 (June 2002), LR 33:649 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:587 (March 2018), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1135 (August 2024).

§405. Exceptions and Exemptions

A. The board may grant an extension of no more than 90 days for extenuating circumstances. The licensee requesting the extension must petition the board at least 30 days prior to the September 30 license expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension. The board may also assess a late fee and/or fine as a result of granting the extension of time pursuant to §411.B.

B. Exemptions from these continuing veterinary education requirements may be made for persons in the following categories:

1. disabled licensees for whom completion of the continuing veterinary education requirements represents undue hardship. A request for a disability exemption must be documented by submitting a physician's statement of total disability without probability of return to practice for the annual renewal period. The documentation must be submitted annually in each renewal period;

2. a licensee who submits an affidavit of retirement for inactive status as provided by the board is entitled to a waiver of continuing veterinary education if he has reached the age of 65 years, or he submits an affidavit of disability and physician's statement of total disability without probability of return to practice for the annual renewal period:

a. once an affidavit is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant demonstrates that he has successfully obtained all continuing veterinary education hours for the past years at issue, as well as the current year;

b. a request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement;

c. once an affidavit is received by the board, a written request for reinstatement of a license may be

submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations; and

d. a request for reinstatement shall be made in writing for review and consideration by the board;

3. licensees on active military duty. An affidavit, or other sworn document from the licensee's commanding officer must be submitted annually in each renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 29:1478 (August 2003), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 38:1592 (July 2012), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1136 (August 2024).

§409. Approved Continuing Education Programs

A. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana licensed veterinarians as follows.

1. All units or hours from contact participation and online participation programs as defined in LAC 46:LXXXV.400 listed on the pre-approved list of the board shall be accepted, as well as all units or hours from contact participation and online participation and online participation from programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

2. ...

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. An in-house continuing veterinary education program may be approved by the board if such program's subject matter content complies with the board's rules, and the program is open by invitation/advertisement to interested veterinarians in general who are not associated with the in-house practice. The general requirements regarding continuing education, including timely submission for pre-approval of the program by the board, continue to apply.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1136 (August 2024).

§411. Fees

A. Each license holder must fulfill his annual continuing veterinary education requirements at his own expense. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

B. A late fee of \$25 shall be paid for any late continuing education hours taken after the beginning of the renewal period. A fine of up to \$50 may also be levied for non-compliance with these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1136 (August 2024).

§413. Non-Compliance

A. - B. ...

C. Failure to submit all satisfactory proof of attendance for continuing veterinary education hours by the September 30 deadline pursuant to §403 or §403 or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

D. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 license expiration date may be granted by petitioning the board in accordance with §405.A.

E. A licensee who fails to obtain the required minimum of 20 approved hours within the prescribed 12-month period will not meet the requirements for renewal of his license. Such a license shall expire on September 30 for any licensee who does not timely and properly comply with the annual continuing veterinary education requirements. Thereafter, a licensee may apply for renewal of his expired license; however, he shall be unable to lawfully practice veterinary medicine with an expired license and may be subject to disciplinary action by the board, until such time as all requirements for renewal have been met and documented to the satisfaction of the board. Any late fees and/or fines assessed by the board shall be paid before the renewal is issued.

F. The promulgation of rule amendments by the board published in the *Louisiana State Register* on January 20, 2011 shall become effective for the period of time (July 1, 2010 - June 30, 2011) for the 2011-2012 annual license renewal and every annual license renewal period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:320 (February 2010), LR 37:1152 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1137 (August 2024).

Chapter 8. Registered Veterinary Technicians

§800. Definitions

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Online Participation—mediums regarded as online participation include:

1. pre-recorded, self-test audio or video presentations with third-party grading;
2. non-interactive audio or video presentations in real-time available via the internet; and

3. interactive or “live” audio or video presentations or webinars in real-time available via the internet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1137 (August 2024).

§811. Certificate Renewal and Late Charges

A. - C. ...

D. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 23:1686 (December 1997), LR 26:84 (January 2000), LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1137 (August 2024).

§812. Continuing Education

A. Basic Requirements

1. A minimum of 10 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of certification; however, a maximum of 5 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.800. An RVT who fails to obtain a minimum of 10 continuing education hours within the applicable fiscal period will not meet the requirements for renewal of his certificate.

2.a. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- i. the RVT's full name;
- ii. the name of the course/program;
- iii. the name of the sponsor and/or presenter;
- iv. the date(s) of attendance;
- v. the total number of hours completed;
- vi. the delivery method; and
- vii. the specific subject matter completed.

b. All completed proof of attendance must be submitted to the board by September 30.

3. All hours shall be obtained in the 12 months preceding the renewal period of the certificate. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late. Hours submitted late, if accepted by the board, cannot be applied to other renewal periods.

4. Each RVT must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

5. Employment at an accredited school or college will not be accepted in lieu of completion of the required continuing education hours.

6. Presenters of an approved continuing education program may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

B. Approved Continuing Education Programs. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana registered veterinary technicians as follows.

1. Hours may be taken from any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours of annual continuing education. All other continuing education programs must be approved by the board prior to attendance with the subject matter content properly addressing the duties of a registered veterinary technician. Those continuing education programs not timely submitted in accordance with Subsection F below will not be allowed for annual continuing education credit.

2. The list of programs for which pre-approval has been granted will be updated as needed and published by the board on its website, as well as those programs which are accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, and those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. In order to qualify for board approval, all continuing education programs must be open by invitation/advertisement to interested registered veterinary technicians in general.

C. Non-Compliance with Continuing Education Requirements

1. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

2. Failure to submit proof of attendance for continuing education hours by the September 30 deadline pursuant to Subsection A.2 or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

3. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 certificate expiration date may be granted by petitioning the board in accordance with Paragraph 4 below.

4. The board may grant an extension of no more than 90 days for extenuating circumstances. The RVT requesting the extension must petition the board at least 30 days prior to the September 30 certificate expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

5. An RVT who fails to obtain the required minimum of ten approved hours within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Such a certificate shall expire on September 30 for any RVT who does not timely and properly comply with the annual continuing education requirements. Thereafter, an RVT may apply for renewal of his expired certificate; however, he shall be unable to lawfully perform the allowed duties of an RVT and may be subject to disciplinary action by the board,

until such time as the requirements for renewal have been met and documented to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1137 (August 2024).

Chapter 12. Certified Animal Euthanasia Technicians §1200. Definitions

A. All definitions used in this chapter shall have the meaning assigned to them in R.S. 37:1552. In addition, the following definitions shall be applied.

Certified Animal Euthanasia Technician—a person who is instructed in a board approved program in the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the board, in proper security precautions, in proper record keeping, and related skills, and who has been issued a certificate by the board. Only a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board may legally perform pre-euthanasia chemical restraint and/or chemical euthanasia. Pre-euthanasia chemical restraint and/or chemical euthanasia cannot be delegated to another person who is not a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board.

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Full Certification—a certificate of approval granted to an applicant who has fulfilled all requirements of this Chapter. Such certificates shall expire annually. The certificate shall entitle the CAET to perform pre-euthanasia chemical restraint and/or chemical euthanasia only at the facility site of the certificate holder's employment, which may include an animal control shelter's mobile vehicle, and only one certificate shall be issued to a certificate holder at any one time.

Lead Certified Animal Euthanasia Technician or Lead CAET—a CAET who also meets the requirements of R.S. 37:1552(4). There shall be only one Lead CAET per animal control shelter or facility.

Online Participation—mediums regarded as online participation include:

- a. pre-recorded, self-test audio or video presentations with third-party grading;
- b. non-interactive audio or video presentations in real-time available via the internet; and
- c. interactive or "live" audio or video presentations or webinars in real-time available via the internet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 26:317 (February 2000), LR 38:357 (February 2012), LR 40:309 (February 2014), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1138 (August 2024).

§1227. Continuing Education

A. Basic Requirements

1. A minimum of 6 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of certification; however, a maximum of 3 hours

shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.1200. An CAET who fails to obtain a minimum of 6 continuing education hours within the applicable fiscal period will not meet the requirements for renewal of his certificate.

2.a. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- i. the CAET's full name;
- ii. the name of the course/program;
- iii. the name of the sponsor and/or presenter;
- iv. the date(s) of attendance;
- v. the total number of hours completed;
- vi. the delivery method; and
- vii. the specific subject matter completed.

b. All completed proof of attendance must be submitted to the board by September 30.

3. All hours shall be obtained in the 12 months preceding the renewal period of the certificate. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late. Hours submitted late, if accepted by the board, cannot be applied to other renewal periods.

4. Each CAET must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

5. Presenters of an approved continuing education program may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

B. Approved Continuing Education Programs. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana certified animal euthanasia technicians as follows.

1. Hours may be taken from any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours of annual continuing education with the subject matter content properly addressing the duties of a certified animal euthanasia technician. All other continuing education programs must be approved by the board prior to attendance with the subject matter content properly addressing the duties of a certified animal euthanasia technician. Those continuing education programs not timely submitted in accordance with Subsection C below will not be allowed for annual continuing education credit.

2. The list of programs for which pre-approval has been granted will be updated as needed and published by the board on its website, as well as those programs which are accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, and those

programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. In order to qualify for board approval, all continuing education programs must be open by invitation/advertisement to interested certified animal euthanasia technicians in general.

C. Non-Compliance with Continuing Education Requirements

1. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

2. Failure to submit proof of attendance for continuing education hours by the September 30 deadline pursuant to Subsection A or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

3. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 certificate expiration date may be granted by petitioning the board in accordance with Paragraph 4 below.

4. The board may grant an extension of no more than 90 days for extenuating circumstances. The CAET requesting the extension must petition the board at least 30 days prior to the September 30 certificate expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

5. A CAET who fails to obtain the required minimum of 6 approved hours within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Such a certificate shall expire on September 30 for any CAET who does not timely and properly comply with the annual continuing education requirements. Thereafter, a CAET may apply for renewal of his expired certificate; however, he shall be unable to lawfully perform the allowed duties of a CAET and may be subject to disciplinary action by the board, until such time as the requirements for renewal have been met and documented to the satisfaction of the board.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:321 (February 2000), amended LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:588 (March 2018), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1138 (August 2024).

Jared B. Granier
Executive Director

2408#053

RULE

Department of Agriculture and Forestry Board of Veterinary Medicine

Veterinary Practice (LAC 46:LXXXV.Chapter 7)

Editor's Note: The following sections are being repromulgated in order to notify the public of the review of LAC 46:LXXXV.Chapter 7 in accordance with 2022 *Louisiana Administrative Code* Review.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and the 2022 *Louisiana Administrative Code* Review, the Board of Veterinary Medicine ("Board") has conducted a comprehensive review of Chapter 7 and intends to notify the public with the repromulgation of the sections below as is. The historical notes shall be updated to reflect this Chapter 7 rule review.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 7. Veterinary Practice

703. Consultant

A. The term *consulting* as used in R.S. 37:1514(4) does not include any acts which constitute the practice of veterinary medicine as defined in R.S.37:1513(4).

B. The term *consultant* as used in the definition of a *veterinarian-client-patient relationship* found in §700 may only be applied to a Louisiana licensed veterinarian. To perform a consultation, the consultant veterinarian must speak directly with the patient's primary provider of veterinary care who must also be a licensed veterinarian in Louisiana or in the patient's primary or most recent state of residence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 20:1381 (December 1994), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1140 (August 2024).

§706. Labeling of Medications Dispensed

A. It is the responsibility of the veterinarian to label all medications and/or other veterinary products as dispensed. This label must include the following:

1. name, address and telephone number of clinic;
2. name of veterinarian dispensing medications;
3. patient name and client name;
4. name of medication and/or other veterinary product dispensed;
5. quantity and strength of product;
6. directions for administration;
7. date dispensed; and
8. precautionary statements as required by law, i.e., not for human consumption, poisonous, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), LR 19:1329 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1140 (August 2024).

§708. Anesthesia Services

A. Anesthetic and Drugs. Anesthesia equipment in accordance with the level of surgery performed should be available at all times. The minimum amount of support equipment required for the delivery of assisted ventilation should be:

1. resuscitation bags of appropriate volumes; and
2. an assortment of endotracheal tubes in working condition.

B. Examination and Monitoring

1. Every animal shall be given a physical examination within 12 hours prior to the administration of a general anesthetic.

2. Some method of respiratory monitoring is mandatory, such as observing chest movements, watching the rebreathing bag, or use of a respirometer. Some method of cardiac monitoring is recommended and may include use of a stethoscope or electrocardiographic monitor.

3. The animal under general anesthesia shall be under continual observation until at least the swallowing reflex has returned.

C. No patient should be released from veterinary supervision to the owner/client until it is ambulatory unless it is not ambulatory for reasons unrelated to anesthesia. The only exception to this rule would be the case where the client demands to take the animal home against the advice and judgment of the attending veterinarian. In this case, the veterinarian is recommended to have the client sign a release form stating that the owner/client has been advised to leave the animal, that the owner/client is aware of the risks involved, and that the owner/client is taking the animal against the advice and judgment of the attending veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1140 (August 2024).

§709. Surgical Services

A. Aseptic surgery shall be practiced in all cases in which aseptic surgery is demanded by the profession. Aseptic surgery shall be defined as procedures in which aseptic technique is practiced in patient preparation, instrumentation, and surgical attire.

B. Surgical attire and technique for aseptic surgery is defined as:

1. disinfection of surgeon's hands by scrubbing with a disinfecting surgical scrub solution;
2. sterilized surgical gown with long sleeves is recommended but not required. Clean clothing and sterilized gloves must be worn;
3. aseptic surgery requires sterilization of all appropriate equipment. An acceptable method of sterilization sufficient to kill spores must be used on all instruments,

packs, and equipment intended for use in aseptic surgical procedures;

4. external use of heat sensitive tape type indicators on surgical gowns, packs, and resterilized gloves or the use of "steam clock" type indicators deep in surgical packs shall be required to monitor sterilization efficiency. The date the items were sterilized should be indicated;

5. ancillary personnel in the surgery room should wear clean clothing and footwear.

C. Hot and cold running water should be readily accessible to the surgery room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1140 (August 2024).

§710. Dental Operations

A. Dental operations are included in the definition of the practice of veterinary medicine as found in R.S. 37:1513(4).

B. Nothing in these rules shall prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

C. In branches of veterinary medicine other than equine dentistry and livestock dentistry, with proper training and under the direct supervision of a licensed veterinarian, laypeople and registered veterinary technicians employed by a licensed veterinarian may perform supragingival scaling and polishing of teeth, making and developing dental radiographs, taking impressions, production of dental models, and the charting of dental pathology. All other dental operations must be performed by a licensed veterinarian.

D. In the branch of veterinary medicine dealing with equine dentistry, with proper training and under the direct supervision of a licensed veterinarian, laypeople and registered veterinary technicians employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth, and the removal of deciduous incisor and premolar teeth (caps). All other dental operations, including but not limited to the extraction of teeth, amputation of large molar, incisor, or canine teeth, the extraction of first premolar teeth (wolf teeth) and repair of damaged or diseased teeth must be performed by a licensed veterinarian.

E. In the branch of veterinary medicine dealing with livestock dentistry, with proper training and under the direct supervision of a licensed veterinarian, laypeople and registered veterinary technicians employed by a licensed veterinarian may perform rasping (floating) of premolar and molar teeth, and the removal of deciduous incisor teeth (caps). All other dental operations, including but not limited to the extraction of teeth, amputation of incisors, premolars, and molar teeth, and repair of damaged or diseased teeth must be performed by a licensed veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 25:519 (March 1999), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1141 (August 2024).

§711. Definitions and Classification of Practice Facilities

A. In order to be classified as, advertised as, or use the word "hospital" as defined in §700 in the name of a veterinary facility, all of the following minimum standards and requirements shall be met.

1. Facility shall have a reception room and office, or a combination of the two.

2. An examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client shall be maintained. This room shall have:

a. adequate materials and instrumentation to perform a thorough physical examination; and

b. adequate lighting to perform a thorough physical examination; and

c. immediate access to a sink with hot and cold running water; and

d. an examination table with impervious surface which can be easily cleaned and disinfected.

3. Facility shall have a surgery room which is separate and distinct from all other rooms. This room shall have:

a. lighting adequate to perform surgery;

b. a surgery table with an impervious surface which can be cleaned and easily disinfected;

c. appropriate anesthesia equipment;

d. oxygen readily available;

e. emergency drugs for cardiac and pulmonary resuscitation; and

f. walls and floors constructed with materials capable of being cleaned and disinfected.

4. Facility shall have a surgical scrub or preparation area containing pre-anesthetic medications and surgical scrub.

5. Facility shall have access to a diagnostic X-ray machine and development equipment area kept in compliance with state and federal regulations.

6. A clinical laboratory area shall be available containing diagnostic laboratory equipment, test kits and materials to perform necessary tests. This may be an in-house laboratory or an outside diagnostic laboratory facility which is capable of returning diagnostic results in 24 hours.

7. Facility shall have a kennel or housing area where animals can be retained for treatment and post-surgical observation. This area shall have at a minimum:

a. separate compartments for each animal which provide for comfortable and sanitary conditions; and

b. exercise areas which provide and allow effective separation of animals and their waste products and appropriate cleaning.

8. Facility shall have adequate indoor lighting for halls, wards, reception areas, examining rooms and surgical rooms.

B. Clinic

1. In order to be classified as, advertised as, or use the word "clinic" as defined in §700 in the name of the facility, all standards described under §711.A, shall apply.

2. A facility defined as a clinic is not required to meet the requirements for kennels as described in §711.A.7 except where surgery is being performed.

3. A clinic performing surgery shall provide adequate kennel facilities as per §711.A.7 until the patient is discharged.

C. A *mobile clinic* as defined in §700 shall have a permanent base of operations with a published address, telephone facilities for making appointments or responding to emergencies, and the following.

1. A veterinarian operating or working in a mobile clinic must have a written agreement with a local veterinary hospital or clinic to provide hospitalization, surgery, and radiology if these services are not available at the mobile clinic. *Local* means within a 30-mile radius.

2. A veterinarian operating or working in a mobile clinic must have a written agreement with a local veterinary hospital or clinic to provide emergency services and must display a notice to that effect in public view. The phone number and address for this emergency service provider must be provided to each patron of the mobile clinic. *Local* means within a 30-mile radius.

3. A veterinarian operating or working in a mobile clinic must remain on site until all patients are discharged to their owners and must maintain autonomy for all medical decisions made.

4. A physical examination and history must be taken for each patient at a mobile clinic and the medical records for such patients must meet the requirements for record keeping in §701. These records must be maintained by the veterinarian for five years and must remain accessible to the client for that period.

5. The veterinarian operating or working in a mobile clinic is responsible for consultation with clients and referral of patients when disease is detected or suspected. The veterinarian is also responsible for information and recommendations given to the client by the mobile clinic's staff.

6. The veterinarian operating or working in a mobile clinic must have his current Louisiana veterinary license on display to the clients.

7. Operation of the veterinary medical mobile clinic requires the following:

- a. a clean, safe location;
- b. the mobile clinic must meet local sanitation regulations;
- c. lined waste receptacles;
- d. fresh, running water for cleaning and first aid;
- e. examination areas with good lighting and smooth, easily disinfected surfaces;
- f. examination and surgery preparation areas;
- g. surgical area must be sterile, and the surgery table must have an impervious surface which can be cleaned and easily disinfected;
- h. drugs must be kept according to federal, state, and local laws. If controlled drugs are kept on the premises, they must be kept in a locking, secure cabinet for storage and an accurate controlled substance log must be maintained and available for inspection;
- i. all equipment must be kept clean and in working order;
- j. the mobile clinic must have the capability to deal with sudden emergencies and should have oxygen, resuscitation drugs and equipment, treatment for shock, and fluid administration materials readily available; and

k. the mobile clinic must have all biomedical waste properly disposed of and must have documentation to prove that fact on the premises for inspection.

D. Emergency Facilities

1. An *emergency facility* as defined in §700 shall have the following:

- a. doctors;
- b. support staff;
- c. instrumentation;
- d. medications; and
- e. diagnostic equipment sufficient to provide an appropriate level of emergency care during all hours of operation.

2. If an emergency facility offers surgery services and retains patients in the emergency facility, all facility standards pertaining to *hospital facilities* as defined in §711.A shall be furnished and maintained.

E. A wellness or preventative care clinic shall have a published physical address for the specific location, telephone facilities for responding to emergency situations, and the following.

1. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide laboratory services, hospitalization, surgery, and/or radiology, if these services are not available at the wellness or preventative care clinic.

2. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide emergency care services. A notice of available emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, shall be posted in a conspicuous place at the wellness or preventative care clinic, and a copy of the notice or information shall be given to each client prior to the administration of a vaccine, the performance of an examination and/or a diagnostic procedure to promote good health.

3. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

4. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the medical records for the patients as set forth in the board's rules on record keeping. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be the owner of the medical records of the patients.

5. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for consultation with clients and the prompt referral of patients when disease, illness or a medical condition is diagnosed.

6. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for the information and representations provided

to the clients by the staff at the wellness or preventative care clinic.

7. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place at each location of a wellness or preventative care clinic.

8. Operation of a wellness or preventative care clinic shall also have the following on site at each location:

- a. a clean, safe location;
- b. meet local and state sanitation requirements;
- c. lined waste receptacles;
- d. fresh, running water for cleaning purposes and first aid;
- e. an examination area with good lighting and smooth, easily disinfected surfaces;
- f. all drugs, medicines, or chemicals shall be stored, inventoried, prescribed, administered, dispensed, and/or used in accordance with federal, state and local laws and rules;
- g. all equipment shall be kept clean and in proper working order;
- h. the ability to address sudden life-threatening emergencies which may arise, including the availability, on site, of oxygen, resuscitation drugs, treatment for shock, and fluid administration materials; and
- i. the proper disposal of biomedical waste and the required facilities, on site, for such disposal, as well as documentation on site to verify the proper disposal of biomedical waste.

9. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board's rules, and other applicable laws.

10. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

11. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide a copy of any signed written agreement, including renewal, extension or amendment, required by this rule to the board prior to commencement of the terms of the agreement.

12. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide the board, upon written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule.

F. A mobile practice vehicle shall comply with the following requirements.

1. A mobile practice vehicle shall provide veterinary care where the patient is not taken into the vehicle.

2. A mobile practice vehicle may be an extension of an existing hospital and/or clinic defined in §700. The hospital or clinic associated with the mobile practice vehicle shall operate in compliance with Subsections 711.A and B.

3. The veterinarian operating or providing veterinary care in a mobile practice vehicle which does not have the capabilities of providing aftercare and/or emergency care services, and/or which is not an extension of an existing hospital or clinic, shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide aftercare and/or emergency care services. The written agreement to provide aftercare and/or emergency care services in this Rule shall not be required if the mobile practice vehicle is an extension of an existing hospital or clinic, and/or has the capabilities of providing aftercare and/or emergency care services.

4. A notice of available aftercare and/or emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, or hospital or existing clinic associated with the mobile practice vehicle if applicable, shall be posted in a conspicuous place in or on the mobile practice vehicle, and a copy of the notice or information shall be given to each client prior to the provision of veterinary care.

5. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

6. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the medical records for the patients as set forth in the board's rules on record keeping.

7. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall comply with the requirements for maintaining, administering, dispensing, and prescribing any drug, medicine, chemical, and/or biological agent as set forth in the board's rules.

8. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall be responsible for the information and representations provided to the clients by the staff of the mobile practice vehicle.

9. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place on or in the mobile practice vehicle.

10. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board's rules, and other applicable laws.

11. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall be responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

12. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall provide the board, upon written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule, if such is not the hospital or clinic associated with the mobile practice vehicle and/or the mobile practice vehicle does not

have the capabilities of providing aftercare and/or emergency care services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997), LR 24:2123 (November 1998), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1141 (August 2024).

§713. Microchip Implantation

A. The implantation of a microchip device into an animal shall be performed only by a licensed veterinarian or under the direct supervision of a licensed veterinarian, except that no unlicensed person may perform surgery, diagnosis, prognosis, or prescribe drugs, medicines, or appliances as stated in §702.A.2. The following are exempt from this provision:

1. an animal control agency which is operated by a state or local governmental agency; or

2. a duly incorporated humane society which has a contract with a local governmental agency to perform animal control services on behalf of the local governmental agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:1686 (December 1997), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1144 (August 2024).

§714. Student/Shelters and Faculty Veterinarian

A. A person who is a regular student in an accredited veterinary school who is performing duties or actions assigned by his instructors as part of his curriculum under the direct supervision of a faculty veterinarian who is licensed by the board; however, the student's role shall be limited to assisting the licensed faculty veterinarian in a support capacity during assessment, diagnosis, treatment, and surgery in the shelters pre-approved by the board on shelter animals only. For example, observation of procedures and services by the student and the performance of menial support tasks to assist the licensed faculty veterinarian are legally permissible. However, the licensed faculty veterinarian must be the primary veterinarian, or surgeon of record, in all situations. To allow the student to perform beyond the support capacity as defined in this rule would, in effect, permit the student to enter into the realm of veterinary practice without first having to meet the requirements necessary to have a license as established by the Louisiana Veterinary Practice Act and the Louisiana Board of Veterinary Medicine rules.

B. Direct supervision is defined as "continuous, visual, and on-site supervision" which shall only be performed by a faculty veterinarian licensed by, and accountable to, the Louisiana Board of Veterinary Medicine as per its regulatory authority. Accordingly, the licensed faculty veterinarian and the program shall comply with all requirements established by the Veterinary Practice Act and the board's rules regarding the practice of veterinary medicine including, but not limited to, such practice standards as a proper surgical facility, record keeping, aftercare, prescriptions, drug/device maintenance, etc. The faculty veterinarian as a licensed veterinarian shall be ultimately responsible, and accountable

to the board, for the duties, actions, or work performed by the student; however, at no time shall the student's role extend beyond assisting the licensed faculty veterinarian in a support capacity during assessment, diagnosis, treatment, and surgery in the shelters pre-approved by the board on shelter animals only.

C. The tasks assigned to a student is at the discretion of the supervising faculty veterinarian licensed by the board who shall be ultimately responsible and held accountable by the board for the duties, actions, or work performed by the student, however, at no time shall the student's role extend beyond assisting the licensed faculty veterinarian in a support capacity during assessment, diagnosis, treatment, and surgery. In addition, the tasks assigned to the student shall encompass the care, treatment, and/or surgery of one shelter animal at a time at a shelter pre-approved by the board. Again, the licensed faculty veterinarian must be the primary veterinarian, or surgeon of record, in each individual situation.

D. Prior to commencement of a student's participation in a program, the supervising faculty veterinarian licensed by the board must first notify the board of such on board approved forms.

E. A student shall not be permitted to perform supervision of any nature, as defined in §§ 700 and 702, of the tasks or procedures performed by other personnel of the shelter at issue.

F. A student extern who is working during a school vacation for a licensed veterinarian shall be under continuous, visual, and on-site supervision of a veterinarian licensed by the board. The supervising veterinarian shall be ultimately responsible and held accountable by the board for the duties, actions, or work performed by such person; however, at no time shall the student's role extend beyond observing the supervising veterinarian in a support capacity during assessment, diagnosis, treatment, and surgery. The student extern shall not perform supervision of any nature, as defined in §700 and §702, of the tasks or procedures performed by other personnel of the facility at issue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 29:1479 (August 2003), amended LR 34:1029 (June 2008), amended LR 49:640 (April 2023), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:1144 (August 2024).

Jared B. Granier
Executive Director

2408#001

RULE

Department of Children and Family Services Division of Child Welfare

State Central Registry (LAC 67:V.1103)

Editor's Note: This Rule is being repromulgated to include the correct effective of August 1, 2024. The original Rule was printed on page 946 of the July 20, 2024 *Louisiana Register*.

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

Children and Family Services (DCFS) has amended LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry.

Section 1103 has been amended to allow DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by the Office of Juvenile Justice (OJJ) to OJJ consistent with Act 445 of the 2023 Louisiana Legislative session. Section 1103 has also been amended related to registered family child care providers and registered in-home child care providers to be consistent with BESE Bulletins 137 and 139. This Rule is hereby adopted on the day of promulgation and is effective August 1, 2024.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

A. - F.2. ...

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

1. - 8. ...

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

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

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

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

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

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

10. LDOE is authorized to collect the \$25 fee for the clearance on behalf of DCFS for requests from any owner, operator, current or prospective employee or volunteer of an early learning center licensed by the LDOE or for any provider, current or prospective employee, or resident of a registered family child care provider or registered in-home child care provider registered by LDOE. An owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS or juvenile detention facility licensed by Office of Juvenile Justice shall submit the \$25 fee to DCFS with the written request which shall include the express consent of the applicant to the

departments. DCFS will not disclose such information until there is confirmation of receipt of the \$25 fee by LDOE or DCFS.

11. - 15. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended LR 45:1053 (August 2019), LR 46:14 (January 2020), effective February 1, 2020, LR 49:1028 (June 2023), LR 50:946 (July 2024), effective August 1, 2024, LR 50:1145 (August 2024).

David Matlock
Secretary

2408#003

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System—Strength of Diploma Index (LAC 28:XI.709 and 3503)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The revisions recommend point values for both work-based student internships and apprenticeships within the existing school and system accountability formula. The changes, effective beginning with the 2026 SPS, include the following: cohort member completing internship and work-based learning experience shall earn an additional 5 points; and cohort member completing a Fast Forward aligned apprenticeship shall earn an additional 10 points, up to a maximum of 160 points. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 7. Graduation Cohort, Index, and Rule

§709. Calculating a Strength of Diploma Index

[Formerly §613]

A. Beginning in 2017-2018 (2016-2017 cohort), points shall be assigned for each member of a cohort according to the following table.

Student Results	Points
High School Diploma plus Associate's Degree	160
High School Diploma plus: (a). AP score of 3 or higher; IB score of 4 or higher; or CLEP score of 50 or higher OR (b). Advanced statewide Jump Start credential *Students achieving both (a) and (b) will generate 160 points.	150
High School Diploma plus: (a). At least one passing course grade for TOPS core curriculum credit of the following type: AP**; college credit; dual enrollment; or IB** OR (b). Basic statewide Jump Start credential *Students achieving both (a) and (b) will generate 115 points. **Students must take the AP/IB exam and pass the course to earn 110 points	110
High School Diploma (includes Career Diploma student with a regional Jump Start credential)	100
HiSET plus Jump Start credential	40
HiSET	25
Non-graduate without HiSET	0

B. Beginning with the 2026 SPS, a cohort member completing an internship and work-based learning experience as defined in LAC 28: CXV.3113. (*Bulletin 741*) shall earn an additional 5 points, up to a maximum of 160 points. A cohort member completing a Fast Forward-aligned apprenticeship shall earn the same number of points as a cohort member with an Associate's Degree.

1. - 2. Repealed.

C. The graduation index of a school shall be the average number of points earned by cohort members, except that students assessed using the LEAP Connect shall be included in the graduation index for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

1. Starting with the graduating class of 2017-2018 (2019 SPS), only WIC-approved industry-based certifications (IBCs) will be included as basic statewide credentials.

2. A credential must be earned no later than August 31 following on-time graduation.

D. When related to awarding fifth-year graduate points, the enrollment must be continuous and consist of at least 45 calendar days only if the student graduates from an LEA different than the one to which the student was assigned in the fourth year.

E. To ensure the accuracy of data used to calculate the graduation index, the calculation shall lag one year behind the collection of the data. (The index earned by the graduating class of 2012 will be used for 2013 accountability calculations.)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:1017 (July 2016), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 44:1998 (November 2018), LR 47:448 (April 2021), LR 49:43 (January 2023), LR 49:645 (April 2023), LR 50:1145 (August 2024).

Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability

§3503. Alternative Schools Including Alternative Charter Schools

[Formerly LAC 28:LXXXIII.3503]

A. - D.8.c. ...

d. Beginning in 2023-2024 (2022-2023 cohort) and beyond, points shall be assigned for each member of a cohort in accordance with LAC 28: XI.709 of this Part.

i. Students that begin the year in the eleventh grade and exit as a twelfth grader with a diploma and/or credential based on the table above will be included in both the numerator and denominator.

8.e. - 9....

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:449 (April 2021), LR 49:242 (February 2023), LR 50:1146 (August 2024).

Kimberly Tripeaux
Interim Executive Director

2408#068

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(LAC 28:CXXXIX.4303 and 4321)

Editor's Note: Section 4303 is being repromulgated to correct a manifest typographical error. Section 4321 is being repromulgated to remove a duplicative Section and align rule language within one Section as was the intent in the April 20, 2022 rule change of the *Louisiana Register*. The original Rule can be viewed in the April 20, 2022 *Louisiana Register* on pages 998-1005.

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXIX. Bulletin 126—*Charter Schools* in accordance with legislation enacted during the Louisiana 2021 Regular Legislative Session. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 43. Discipline

§4303. Student Code of Conduct

A. Each charter school shall adopt a student code of conduct for the students in the schools under its jurisdiction.

1. Such student code of conduct shall be in compliance with all existing rules, regulations, and charter school and BESE policies and all state laws regarding student discipline and shall include necessary disciplinary action to be taken against any student who violates the code of conduct.

2. Each charter school shall adopt and incorporate into its student code of conduct a policy prohibiting the bullying of a student by another student, which includes the definition of bullying and all other requirements listed in §1303 of this Bulletin.

3. Each charter school shall include in its student code of conduct the definition of dating violence, data violence warning signs and instructions for reporting or seeking assistance for acts of dating violence.

4. Each charter school shall include in its student code of conduct progressive levels of minor through major infractions and identify corresponding minor through major interventions and consequences.

a. Before an initial referral for student expulsion, codes of conduct shall require the prior administration of interventions in accordance with the minor tiers in the code of conduct, except in instances where the expulsion referral is the result of accumulated minor infractions in accordance with the code of conduct, or the underlying incident threatens the safety and health of students or staff.

b. Expulsions shall be reserved for the major tier of behavioral infractions involving weapons or drugs, or when the safety of students and staff is at risk.

5. Each charter school shall include in its code of conduct information detailing the appeal process for expulsions as described in §4311 of this Bulletin.

6. Each charter school shall include in its code of conduct clearly defined rules of conduct and expectations of students engaged in virtual instruction as well as clearly defined consequences of conduct, that respects the student and family rights to privacy and other constitutional rights while at home or in a location that is not school property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81, R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:477 (March 2013), amended LR 40:2530 (December 2014), LR 48:1000 (April 2022), repromulgated LR 50:1147 (August 2024).

§4321. Corporal Punishment
[Formerly §2803]

A. A charter school shall have discretion with respect to the use of corporal punishment; however, no form of corporal punishment shall be administered to a student with an exceptionality, excluding gifted and talented, as defined in R.S. 17:1942, or to a student who has been determined to be eligible for services under section 504 of the Rehabilitation Act of 1973 and has an individual accommodation plan.

B. *Corporal Punishment*—using physical force to discipline a student, with or without an object, and includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.

C. Corporal punishment does not include:

1. the use of reasonable and necessary physical restraint of a student to protect the student or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student; or

2. the use of seclusion and restraint as provided in R.S. 17:416.21.

D. Should a charter school permit corporal punishment, the school shall adopt such rules and regulations necessary to implement and control such punishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:416.1, R.S. 17:3981, and 17:3996(B)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2479 (December 2017), repromulgated LR 48:1005 (April 2022), LR 50:1147 (August 2024).

Kimberly Tripeaux
Interim Executive Director

2408#054

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Charter Application Approval Cycle
(LAC 28:CXXXIX.511)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXIX in *Bulletin 126—Charter Schools*. The changes allow for a continuous charter application cycle to increase accessibility and flexibility for potential charter applicants. By approving a continuous cycle, qualified eligible applicants may submit applications throughout the year, rather than being constrained to a single submission period. The flexibility would accommodate the varying timelines and readiness of different applicants and allow for a more responsive approach, enabling applicants to apply when they are fully prepared. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools
Chapter 5. Application and Approval Process for
BESE-Authorized Charter Schools

§511. Application Process for BESE-Authorized
Charter Schools

A. - A.3. ...

4. The department may extend approval cycles, provide for additional cycles, or establish a continuous cycle for the submission of type 2, type 4, and type 5 charter school applications, and shall notify BESE of any such changes.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:233 (February 2018), LR 47:571 (May 2021), LR 50:1147 (August 2024).

Kimberly Tripeaux
Interim Executive Director

2408#069

RULE

Board of Elementary and Secondary Education

Bulletin 135—Health and Safety
Administration of Emergency Medication
(LAC 28:CLVII.305)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLVII in *Bulletin 135—Health and Safety*. Current policy requires an initial dose of a medication to be administered by the student's parent/guardian outside the school jurisdiction with sufficient time for observation for adverse reactions. The revision allows for an exemption to this policy for emergency medications. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§305. Administration of Medication

A. - G.3. ...

4. Except in the case of emergency medication, the initial dose of a medication shall be administered by the student's parent/guardian outside the school jurisdiction with sufficient time for observation for adverse reactions.

G.5. - I.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436.1 and R.S. 17:436.1(J).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Board of Nursing, LR 39:1030 (April 2013), amended LR 39:2193 (August 2013), LR 50:1148 (August 2024).

Kimberly Tripeaux
Interim Executive Director

2408#063

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School
Administrators—Work-Based Learning
(LAC 28:CXV.3113 and 3703)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1)

et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions address key areas regarding work-based learning to include the following: expands definition of work-based learning to include experiences such as Registered Apprenticeships; outlines the requirements of teacher certification; and clarifies the required classroom experience and on-the-job training (OJT) components. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 31. Career and Technical Education (CTE)

§3113. Work-Based Learning

A. Work-based learning programs provide opportunities for CTE students to receive on-the-job training and related classroom instruction in all CTE program areas, including activities in which the school system employs students. Where the employing party is the school or school system, the work-based activities must not occur at their own school and the agreement shall be subject to the approval of LDOE. The following are types of work-based learning:

1. Cooperative education features an agreement between schools and employers to provide paid on-the-job training that relates to the areas of technical study in school and is based on objectives jointly developed by the school and the employer.

2. Internships are work-based activities where students work with an employer for a specified period of time to learn about a particular occupation or industry. The workplace activities involved with an internship could include special projects, a sample of tasks from different jobs, or tasks from a single occupation. An internship agreement is set up prior to the experience and outlines the expected objectives to be accomplished by the student. This must include financial compensation.

3. Structured On-the-Job Training (OJT) as part of a Registered Apprenticeship.

a. The OJT is the employment and hands-on experience portion of the program. The apprentice must receive full-time employment, with close mentorship from a subject matter expert or journey worker in the field. At least one journey worker must be present and supervising for every apprentice in the program at all times.

b. Only Registered Apprenticeships recognized by the Louisiana Workforce Commission (LWC) meet the requirements for Structured On-the-Job Training. Pre-Apprenticeships and Youth Apprenticeships are excluded.

B. Students must be scheduled into a work-based learning course code. OJT must comply with Louisiana state laws and can occur outside of the scheduled school day. Related classroom instruction can occur in a virtual setting.

C. Repealed.

D. A work-based learning teacher shall hold:

1. a valid CTTIE certificate or agriculture certification; or

2. a valid level 2 Louisiana teaching certificate and at least three years of work experience other than classroom instruction; or

3. a valid level 2 Louisiana teaching certificate and completion of a work-based learning workshop by an approved provider.

E. Scheduling Work-Based Learning

1. Cooperative education programs shall incorporate classroom instruction and on-the-job training. The classroom phase shall include a total of five hours each week of CTE related classroom instruction. The on-the-job training phase shall include a minimum of 15 hours of on-the-job training per week for the timeframe in which the student is enrolled in the cooperative education program. Program shall be a minimum of one semester for schools on block schedule or one school year. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision. Teacher-coordinators shall be scheduled for one cooperative education supervision period for up to 45 students. Teacher-coordinators with more than 45 students shall be scheduled for two cooperative education supervision periods.

2. Internships shall incorporate classroom instruction and on-the-job training. The classroom phase shall occur a minimum of once per week throughout the course. The classroom instruction and on-the-job training phase shall be a minimum of 7,965 minutes for one Carnegie unit. A student must complete a minimum of 106.2 hours of OJT with an employer in addition to 26.55 hours of classroom instruction. The classroom instruction shall count as no more than 20 percent of the instructional minutes of the total Carnegie unit. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision.

3. Structured OJT as part of a Registered Apprenticeship shall meet all requirements as set forth by LWC. Students should be registered into the appropriate apprenticeship registry.

4. Work-based learning must be documented in the student's Individual Graduation Plan (IGP). Work-based learning should align to the student's career interests. Every effort should be made to place a student at a worksite aligned to the student's career interest or aligned to regional workforce demand.

5. The classroom instruction shall include instruction in, at minimum, career navigation, financial literacy, and workplace behavioral competencies. Workplace and professional behavior competencies include communication, teamwork, leadership, and problem solving.

F. - F.1. Repealed.

G. Teacher-Coordinator for Work-Based Learning

1. The school system shall assign a work-based learning teacher-coordinator or set of teach-coordinator co-teachers to conduct the classroom instruction and monitor the OJT.

2. The school system and the employer shall cooperatively complete a training memorandum for both the classroom phase and the OJT phase. The training memorandum and a list of skill competencies shall be prepared for each student. The list of competencies shall include skills and knowledge to be learned in the classroom and skills to be learned through OJT. The school system and employers must discuss risk management in the training memorandum.

3. The student must have a valid employment certificate. The worksite must be in accordance with R.S. 23:211 et seq.

4. Each teacher-coordinator for work-based programs must maintain documentation of the employment certificate, training memorandum, skill competencies attained by each student, and employer evaluation. These documents must be readily available for monitoring.

5. The teacher-coordinator shall visit each student on the job to observe the student at work, to confer with the employer, and to obtain an evaluation of the student's progress at least four times during the school year or semester or two times during summer months in which the student is employed as part of a work based learning program.

6. The teacher-coordinator shall consult with the employer regarding labor laws for the industry and shall inform the student and parent or legal guardian of labor laws as they apply to minors engaged in work-based learning.

7. Orientation and pre-employment training, as well as safety training, shall be provided for each student prior to the student's placement with a program training sponsor (employer). The final decision of student placement into a work-based learning worksite is at the discretion of the employer.

8. It is recommended that funding for extended employment beyond the school year be provided for each teacher-coordinator.

9. The program training sponsor (employer) shall document and submit to the school system an evaluation of each student's on-the-job performance for each grading period.

10. The teacher-coordinator shall be responsible for determining the student's grade.

H. Work-Based Learning Students

1. Students shall be placed in appropriate training stations within four weeks of the start of the work-based learning program. Students not placed shall be rescheduled into non-work-based learning courses.

2. ...

3. Repealed.

4. Students in work-based learning programs shall meet legal age requirements for work.

4.a. - 5. Repealed.

6. Work-based education students must successfully complete both the classroom and the on-the-job training phase to receive credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1310 (June 2005), amended LR 33:280 (February 2007), LR 39:2228 (August 2013), LR 43:2134 (November 2017), LR 50:1148 (August 2024).

Chapter 37. Glossary

§3703. Definitions

Cooperative Education—programs that provide opportunities for career and technical education students to receive on-the-job training and related classroom instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005), amended LR 39:2231 (August 2013), LR 46:1673 (December

Kimberly Tripeaux
Interim Executive Director

2408#064

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Mentor Teachers (LAC 28:CXXXI.515, 553, and 1369)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions, based on data obtained through an analysis of mentor and resident data for the 2023-2024 school year, allow the LDOE to continue granting case-by-case waivers of policy that requires all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the Mentor Teacher certificate or the Ancillary Provisional Mentor Teacher certificate. As with past waivers, educators who are highly recommended by the mentor's principal and who possess one or more of the specified qualifications could be awarded the waiver to serve as a mentor. The criteria include: two years of highly effective evaluations; National Board Certification; Statewide or national distinction for excellence in teaching; Experience as a TAP mentor, master teacher, executive master teacher, or certified TAP evaluator; Content leader experience, as evidenced by participation in content leader training or redelivery of professional development; or Master's or doctorate degree in education and exemplary experience hosting student teachers/residents. In addition to the above requirements, an individual mutually agreed upon by the school system and the teacher preparation program provider could serve as a mentor for up to two years, using the above waiver. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 5. Teacher Credentials, Licenses, and Certifications

Subchapter A. Standard Teaching Certificates §515. Practitioner Licenses

A. - A.2. ...

3. Practitioner Licenses 1-3. Beginning with the 2020-2021 academic year, in order to obtain the first renewal only of a practitioner license 1, 2, or 3 certificate, practitioner candidates participating in a residency as a teacher of record, must receive mentorship by a school system-based mentor teacher who may collaborate with other personnel providing mentoring support, in accordance with LAC 28:XLV (Bulletin 996).

a. The school system-based mentor teacher must be credentialed in accordance with §553 or §1369 of this Chapter.

A.3.b. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1 – 8.2 and R.S. 17:6, 17:7(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), LR 48:2555 (October 2022), LR 49:39 (January 2023), LR 50:26 (January 2024), amended LR 50:1150 (August 2024).

Subchapter C. Ancillary Teaching Certificates

§553. Mentor Teacher (MT) Ancillary Certificate

A. ...

B. Provisional MT Certification. Individuals serving as mentors who have not successfully completed a BESE-approved mentor training program or mentor assessments will be issued a nonrenewable provisional mentor teacher ancillary certificate, valid for a period of two years from the date of issuance while the holder completes a BESE-approved mentor training program or mentor assessments.

C. - E.9. ...

10. Individuals who currently hold Louisiana Educator Evaluator certification may apply for the certification, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

F. - F.2. ...

G. The requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the mentor teacher certification or the ancillary provisional mentor teacher certificate, may be waived with the following contingencies:

1. Mentor teacher waivers will be granted on an annual case-by-case basis through the application process established by the LDOE and at no fee to the applicant, school system, or teacher preparation provider;

2. The waiver will be issued by the LDOE for educators highly recommended by the mentor's principal and who possess one or more of the following qualifications:

a. two years of highly effective evaluations;

b. - f. ...

3. An individual mutually agreed upon by the LEA and the teacher preparation program provider who does not meet one of the waiver criteria listed in this Subsection may be approved for the waiver for a period of not more than two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), LR 48:442 (March 2022), repromulgated LR 48:1046 (April 2022), amended LR 48:2099 (August 2022), LR 49:1375 (August 2023), amended LR 50:1150 (August 2024).

Chapter 13. Endorsements to Existing Certificates

Subchapter C. All Other Teaching Endorsement Areas §1369. Mentor Teacher

A. - G. ...

H. Individuals who currently hold Louisiana Educator Evaluator certification may apply for the mentor certification, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:1150 (August 2024).

Kimberly Tripeaux
Interim Executive Director

2408#065

RULE

Board of Elementary and Secondary Education

Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act Improving Processes Related to Children with Exceptionalities
(LAC 28:XLIII.120, 152, 301, 322, 503, 504, and 530)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act*. The amendments improve special education policy and processes by facilitating the timeliness and consistency by which the LDOE and LEAs administer the Children with Exceptionalities Act. The changes include: requiring LDOE posting of LEA IDEA monitoring results; establishing response timelines for parent requests for special education evaluation and provision of draft IEPs; and including additional information when considering student placement due to violation of student code of conduct. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act

Subpart 1. Students with Disabilities

Chapter 1. State Eligibility

Subchapter C. Least Restrictive Environment (LRE)

§120. Monitoring Activities

A. - B.2. ...

C. Beginning in fall 2024, redacted information regarding the results of monitoring activities and any necessary corrective action will be posted to the LDOE website.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2040 (October 2008), amended LR 50:1151 (August 2024).

Subchapter J. State Complaint Procedures

§152. Formal Written Complaints Filing and Content Requirements

A. - B. ...

1. a statement that a public agency has violated a requirement of Part B of the IDEA or these regulations, regardless of whether the violation resulted in a loss of FAPE;

2. - 6. ...

C. The complaint shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §151 - 153.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2046 (October 2008), repromulgated LR 36:1500 (July 2010), amended LR 50:1151 (August 2024).

Chapter 3. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Subchapter A. Parental Consent

§301. Parental Consent

A. - A.3.b. ...

4. Within a reasonable amount of time, and not longer than 15 business days, from receipt of a written parental request for a special education evaluation, an LEA shall either request parental consent for evaluation or provide prior written notice of refusal.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2058 (October 2008), amended LR 36:1502 (July 2010), LR 50:1151 (August 2024).

Subchapter D. Individualized Education Programs

§322. Parent Participation

A. - E. ...

F. Parent Copy of Student's IEP. The public agency, upon parent request, shall give the parent a draft of the student's IEP at least three business days prior to an IEP meeting and shall provide the copy of the student's draft and final IEP at no cost to the parent.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2062 (October 2008), amended LR 50:1151 (August 2024).

Chapter 5. Procedural Safeguards

Subchapter A. Due Process Procedures for Parents and Students

§503. Independent Educational Evaluation (IEE)

A. - B.1. ...

2. Within a reasonable amount of time, and not longer than 15 business days, of a parent request for an independent educational evaluation at public expense, the public agency shall, without unnecessary delay, either:

B.2.a. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2068 (October 2008), amended LR 50:1151 (August 2024).

§504. Prior Notice by the Public Agency; Content of Notice

A. Notice. Written notice that meets the requirements of Subsection B of this Section shall be given to the parents of a student with a disability a reasonable amount of time, and no less than 15 business days, before the public agency:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2069 (October 2008), amended LR 50:1151 (August 2024).

Subchapter B. Discipline Procedures for Students with Disabilities

§530. Authority of School Personnel

A. - E. ...

1. Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the student's IEP Team (as determined by the parent and the LEA) shall review all relevant information in the student's file, including the student's IEP, the student's disciplinary and behavioral history and records, any available medical information related to behavior, any teacher observations, and any relevant information provided by the parents to determine:

E.1.a. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2076 (October 2008), amended LR 43:2494 (December 2017), LR 50:1152 (August 2024).

Kimberly Tripeaux
Interim Executive Director

2408#070

RULE

Board of Elementary and Secondary Education

Bulletin 1903—Louisiana Handbook for Students with Dyslexia—General Provisions (LAC 28:XXXV.Chapter 1)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education has amended LAC 28:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*. The revisions, developed in response to Act 266 of the 2023 Regular Legislative Session, set forth the following: update terms and definitions; add team member trained in identification of dyslexia during screening, assessment, and intervention planning; identify information and skilled staff to be included when reviewing a student case; clarify refusal to SBLC or pupil appraisal and required parent notification; and outline criteria for multisensory structured language and literacy programs. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia

Chapter 1. General Provisions

§101. Definitions

Accommodation—strategies, tools, or adjustments to the educational environment that facilitate equal access to instruction and instructional content for students with

disabilities. Accommodations do not alter the rigor, expectations, requirements, or content of the curriculum, learning task, or assessment measures.

Assessment—the act or systematic process of using a wide variety of methods or tools to evaluate, measure, and document the academic readiness, learning progress, skill acquisition, or educational needs of students in order to improve student learning.

At-Risk—a classification of scores falling within a certain range on a screening measure that indicates a student may have difficulties with grade-level tasks and that additional, targeted instructional support is necessary.

Developmental Auditory Imperception—Repealed.

Dysgraphia—Repealed.

Dyslexia—an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, the appreciation of the individual sounds of spoken and written language, which affects the ability of an individual to speak, read, and spell.

Dysphasia—Repealed.

Evaluation—the in-depth process, in accordance with LAC 28:CI, *Bulletin 1508*, used by qualified personnel in the review, examination, and interpretation of intervention efforts, test results, interviews, observations, and other assessment information to gather relevant functional, developmental, and academic information that may assist in determining whether a student has an exceptionality and the nature and extent of the special education and related services.

Expressive Language—the act of conveying information through writing, speaking, or gesturing.

Fluency—reading words at an adequate rate, with high levels of accuracy, rate, and with appropriate expression.

Grapheme—Repealed.

IDEA—Individuals with Disabilities Education Act (Public Law 105-17), also referred to as the special education statute. The federal regulation is designed to provide a free appropriate public education (FAPE) to eligible children with disabilities and ensure special education and related services to those children.

Phonemic Awareness—the ability to hear and manipulate sounds in spoken words and understand that syllables can be divided into a sequence of phonemes, which is one aspect of the larger category of phonological awareness.

Phonics—method of instruction that teaches the systematic relationship between letter and letter combinations in written language and the individual sounds in spoken language and how to use these relationships to read and spell words.

Phonology—the study of the speech sounds of a language and the underlying rules of usage.

Rapid Automatic Naming (RAN)—the ability to rapidly name visually presented stimuli such as colors, objects, numbers, and letters.

Receptive Language—the act of understanding information by listening, reading, or gesturing.

Related Disorders—Repealed.

Screening—a quick procedure designed to identify individuals who demonstrate a greater probability of having a specific condition and may receive supplemental intervention services or be referred for more in-depth assessment.

* * *

Semantics—the study of word and phrase meanings.

Syntax—the study of how sentences are formed and of the grammatical rules that govern sentence formation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:722 (June 2021), repromulgated LR 47:1287 (September 2021), amended LR 50:1152 (August 2024).

§103. Local Education Agency (LEA) Responsibilities

A. When considering dyslexia, LEAs shall assign school personnel trained in the identification of dyslexia to oversee student screening, assessment, and evaluation for determination of program eligibility.

B. For students with dyslexia, LEAs shall implement an evidence-based multisensory structured language and literacy instructional approach with a program that includes instruction that utilizes all learning pathways in the brain, including visual/auditory and kinesthetic/tactile, simultaneously to enhance memory and learning. Instruction should be explicit, systematic, sequential, cumulative, individualized, and diagnostic and should include automaticity of performance, simultaneous multisensory activities, and synthetic analytic phonics and in accordance with state and federal requirements.

C. No later than December 15 annually, LEAs shall submit a report to the LDOE relative to the occurrence of dyslexia. The report shall include numbers of students of all grade levels:

1. identified as having dyslexia through a Section 504 plan;
2. initially identified as having dyslexia the previous year;
3. identified with an IEP as having a specific learning disability, dyslexia; and
4. total number identified as having dyslexia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1287 (September 2021), LR 49:245 (February 2023), repromulgated LR 49:851 (May 2023), amended LR 50:1153 (August 2024).

§105. School Level Responsibilities

A. School leaders shall select a School Building Level Committee (SBLC) composed of members knowledgeable of student data, assessment processes, and dyslexia to determine if a student is at-risk. SBLC members shall use information from teachers and parents or guardians, screening data, intervention data, performance based tasks, and/or written assignments indicating below grade-level performance deficits in basic reading skills to guide decision making.

B. SBLC members on committees reviewing data for a student who is identified as at-risk for reading difficulty, which includes indicators of dyslexia, shall include, but are not limited to:

1. ...
2. Repealed.
3. a speech-language pathologist, educational diagnostician, dyslexia practitioner, dyslexia therapist, and/or a person trained in the identification of dyslexia;
4. a principal or their designee; and
5. the referring teacher.
6. A parent or guardian shall be an invited participant in discussions regarding their child's difficulties.

C. ...

D. Professional development shall be provided regarding the identification of dyslexia, state and federal regulations regarding dyslexia, the characteristics of dyslexia, and LEA policies for implementation of the assessment and program process.

E. Educator training shall include information necessary to implement specialized research-based, multi-sensory language instructional interventions and strategies for students with dyslexia.

F. Students identified with skills below grade level shall receive interventions and a reading improvement plan.

G. Screening Results. If screening results indicate that a student is at-risk for dyslexia,

a. the parent or guardian shall be notified within thirty days of the results of the screening; and

b. the school shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:1153 (August 2024).

§107. School Building Level Committee (SBLC) Responsibilities

A. Request for SBLC review from a parent or educator or at-risk screening data shall initiate the preliminary gathering of data to assist in addressing the educational progress of a student who is consistently struggling or having difficulty attaining expected academic progress, despite receiving instruction in a high quality curriculum with the implementation of additional instructional intervention strategies within the framework of a multi-tiered system of support.

B. - C.4. ...

5. referral to pupil appraisal for support services;
6. return to regular classroom without further strategies or interventions.

D. The SBLC may repeat the review process should concerns regarding dyslexia or reading difficulties become evident or emerge at a later date.

E. Private evaluation results and documentation submitted by a parent or guardian must be reviewed by the SBLC which shall include at least one member trained in the identification of dyslexia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021),

repromulgated LR 47:1288 (September 2021), amended LR 50:1153 (August 2024).

§109. Screening Requirements

A. In accordance with LAC 28:CXV. *Bulletin 741—Louisiana Handbook for School Administrators*, all students enrolled in kindergarten through third grade shall be administered a universal early literacy screener three times per school year: within the first 30 days of the school year, in December, and in April. Screening results shall be used to plan instruction and provide appropriate and timely intervention.

B. The early literacy screening instrument shall measure, at minimum, developmentally appropriate skills in:

1. phonological awareness,
2. phonics,
3. decoding,
4. fluency, and
5. comprehension.

C. - C.2. Repealed.

D. A universal early literacy screener score that indicates deficits, below grade level benchmarks, shall result in additional screening to include:

1. Kindergarten and fall semester of first grade students shall be screened in the following areas:

- a. phonological awareness including onset and rime, rhyming and syllable manipulation; and
- b. rapid automatic naming of colors, objects, and/or numbers.

2. spring semester of first grade through third grade students shall be screened in the following areas:

- a. phonological/phonemic awareness including blending, onset and rime, rhyming, syllable manipulation, and phoneme segmentation and manipulation;
- b. rapid automatic naming of colors, objects, and/or numbers;
- c. encoding skills using spontaneous spelling;
- d. oral and written language skills; and
- e. letter sound association.

E. Data from screenings should be used to make informed decisions about evidence-based interventions. Progress should be monitored frequently to determine the student's response to the targeted interventions and the rate of improvement. If a student continues to struggle with literacy skills, despite high-quality instruction using a multi-tiered system of supports, the student shall be referred for SBLC review.

F. Screening is not limited to students in kindergarten through third grade and may be administered at any grade level if a student exhibits impediments to a successful school experience or upon request of a teacher, parent, or guardian.

G. - H. ...

I. The IDEA Child Find mandate requires all school districts to proactively identify, locate, and evaluate all students who are suspected of having a disability. If a school system suspects that a student has a disability based on screening data, the LEA is obligated to evaluate the needs of the student. The use of screening measures and/or tiered evaluations may not be used to delay or deny the evaluation of a student suspected of having a disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:24.9, R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:1154 (August 2024).

§111. Multisensory Structured Language and Literacy Program Criteria

A. A multisensory structured language and literacy program utilizes all the senses to enhance student memory and learning and shall consist of specific content components to include:

A.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1289 (September 2021), amended LR 50:1154 (August 2024).

Kimberly Tripeaux
Interim Executive Director

2408#066

RULE

Office of the Governor Board of Architectural Examiners

Meetings (LAC 46:I.307)

The Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), has amended LAC 46:I.307 pertaining to accessibility during its meetings.

Act 393 of the 2023 regular session mandates that state agencies adopt rules for public participation and member participation for those with a disability recognized by the Americans with Disability Act. The following Rule allows for access to open meetings held by the Board of Architectural Examiners. This rule amendment accommodates participation on an individual basis via electronic means by members of the public with a disability, designated caregivers of such persons, and participant board members with a disability who request accommodation. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 3. Organization

§307. Meetings

A. There shall be at least four regular meetings each year. All meetings shall be held in compliance with the Louisiana Open Meetings Law, R.S. 42:11 et seq. If the executive director or the president decide additional meetings are necessary, a special meeting may be called by due notification of all members of the board. A special meeting of the board shall be called by the president upon the request of any two members by giving at least a 10-day written notice to each member of the time and place of such meeting. The LSBAE shall provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant board member with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 50:1154 (August 2024).

Tyson Ducote
Executive Director

2408#041

RULE

Department of Health Board of Pharmacy

Open Meetings via Electronic Means (LAC 46:LIII.105)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy amended §105 of its rules relative to board procedures. Pursuant to Act 393 of the 2023 regular session, the Rule change in §105 provides for participation in open meetings via electronic means for people with disabilities. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 1. Introduction

§105. Board Procedures

A. - C.2. ...

D. Open Meetings via Electronic Means

1. Disability Accommodations
 - a. People with disabilities are defined as any of the following:
 - i. A member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
 - ii. A designated caregiver of such a person; or
 - iii. A participant member of the board with an ADA-qualifying disability.
 - b. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone

number, and email address of the board representative to whom a disability accommodation may be submitted.

c. The designated board representative shall provide the requestor with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

d. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2076 (October 2003), effective January 1, 2004, amended LR 50:1155 (August 2024).

M. Joseph Fontenot Jr.
Executive Director

2408#006

RULE

Department of Health Board of Pharmacy

Prescription Monitoring Program
Advisory Council Open Meetings via
Electronic Means (LAC 46:LIII.2905)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy adopted §2905 relative to the Prescription Monitoring Program. Pursuant to Act 393 of the 2023 regular session, the Rule for adoption provides for conducting open public meetings via electronic means and participation in open meetings via electronic means for people with disabilities. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program

§2905. Advisory Council Open Meetings via Electronic Means

A. Council Eligibility

1. In accordance with R.S. 42:17.4 the council is eligible to conduct open public meetings via electronic means.

B. Postings Prior to Meeting via Electronic Means

1. At least 24 hours prior to the electronic meeting, the council shall provide the following, which shall be posted on the board's website, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the board:

a. the notice and agenda for the meeting;

b. detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda.

C. Disability Accommodations

1. Although an open meeting may be scheduled as in-person, nonetheless the council is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

2. People with disabilities are defined as any of the following:

- a. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
- b. a designated caregiver of such a person; or
- c. a participant member of the agency with an ADA-qualifying disability.

3. The board shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

4. The designated agency representative shall provide the requestor with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

5. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.4.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 50:1155 (August 2024).

M. Joseph Fontenot Jr.
Executive Director

2408#007

RULE

**Department of Health
Board of Pharmacy**

Product Integrity (LAC 46:LIII.1103 and 2501)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et. seq.), the Board of Pharmacy amended §1103 and §2501 of its rules relative to prescription department requirements and prescription drugs. The Rule change in §1103.A. adds a requirement for a prescription department to be maintained in a clean and orderly condition. The Rule changes in §1103.E. and §2501 add environmental condition requirements for all areas where drugs are stored. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1103. Prescription Department Requirements

A. A prescription department of a pharmacy shall be maintained in a clean and orderly condition and shall provide sufficient floor space, fixtures, equipment and supplies commensurate with the nature and scope of the

pharmacy's practice to ensure that drugs are compounded and dispensed in a dry, well-lighted, climate controlled, and safely enclosed structure.

B. - D. ...

E. Drug Inventory

1. Storage. The pharmacy shall provide an adequate prescription inventory in order to compound and dispense prescription orders. All areas where drugs are stored shall be maintained under environmental conditions which will ensure the integrity of the drug, as specified by the United States Pharmacopeia (USP) and/or manufacturer's or distributor's product information or labeling.

E.2. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 39:315 (February 2013), amended by Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:1642 (November 2021), LR 48:497 (March 2022), LR 49:1556 (September 2023), amended LR 50:1156 (August 2024).

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter A. General Requirements

§2501. Prescription Drugs and Devices

A. - A.2. ...

3. Storage

a. Prescription drugs or devices shall be stored in a permitted pharmacy under the immediate control and responsibility of a pharmacist.

b. All areas where drugs are stored shall be maintained under environmental conditions which will ensure the integrity of the drug, as specified by the United States Pharmacopeia (USP) and/or manufacturer's or distributor's product information or labeling.

B. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2101 (October 2003), effective January 1, 2004, amended LR 50:1156 (August 2024).

M. Joseph Fontenot Jr.
Executive Director

2408#005

RULE

**Department of Health
Bureau of Health Services Financing**

Inpatient Hospital Services
High Medicaid Utilization Academic Hospitals
(LAC 50:V.2201 and 2203)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.Chapter 22 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 1. Inpatient Hospital Services
Chapter 22. High Medicaid Utilization Academic Hospitals

§2201. Qualifying Criteria

A. In order to qualify as a high Medicaid utilization academic hospital effective for dates of service on or after July 1, 2024, the hospital shall meet the following criteria per the Medicare/Medicaid as filed cost report for their fiscal year ended in SFY 2023:

1. have a Medicaid inpatient utilization percent of at least 39 percent; and

2. have an approved graduate medical education program with at least 400 intern and resident full-time equivalents (FTEs). The intern and resident FTE count must be included on the Medicare/Medicaid cost report on worksheet E-4, line 6 plus worksheet E-3, Part II, line 6.

NOTE: Payments will not be processed and claims will not be recycled until the Rule is final.

B. Qualifying hospitals shall not add additional locations under their license, without prior written approval of the department.

1. The addition of any off-site campus, beyond an outpatient primary care clinic, to the license of this hospital will invalidate the provisions of this reimbursement methodology.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:1157 (August 2024).

§2203. Reimbursement Methodology

A. Reimbursement for inpatient hospital services to qualifying high Medicaid academic hospitals who meet all of the criteria in §2201 shall be reimbursed a prospective per diem rate of \$3,880.73 for acute inpatient hospital services including special care units. This rate is based on the allowable Medicaid cost determined from the latest filed Medicare/Medicaid cost report as of March 31, 2024. The prospective graduate medical education component included in this rate is \$271.12.

B. Reimbursement for inpatient hospital service for psychiatric services to qualifying high Medicaid academic hospitals who meet all of the criteria in §2201 shall be reimbursed a prospective per diem rate of \$1,705.76. This rate is based on the allowable Medicaid cost determined from the latest filed Medicare/Medicaid cost report as of March 31, 2024.

C. These rates are conditional on the hospital continuing to meet all qualifying criteria included in §2201. If the hospital no longer qualifies, payments will revert back to appropriate non-rural, non-state hospital assigned rates effective on the date that the qualification(s) in §2201 are no longer met.

D. The department may review all above provisions every three years, at a minimum to evaluate continuation of these enhanced reimbursements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:1157 (August 2024).

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

Michael Harrington, MBA, MA
Secretary

2408#061

RULE

Department of Health
Bureau of Health Services Financing

Outpatient Hospital Services
High Medicaid Utilization Academic Hospitals
(LAC 50:V.7701 and 7703)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.Chapter 77 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 77. High Medicaid Utilization Academic Hospitals

§7701. Qualifying Criteria

A. In order to qualify as a high Medicaid utilization academic hospital effective for dates of service on or after July 1, 2024, the hospital shall meet the following criteria per the Medicare/Medicaid as filed cost report for their fiscal year ended in SFY 2023:

1. have a Medicaid inpatient utilization percent of at least 39 percent; and

2. have an approved graduate medical education program with at least 400 intern and resident full time equivalents (FTEs). The intern and resident FTE count must be included on the Medicare/Medicaid cost report on worksheet E-4, line 6 plus worksheet E-3, Part II, line 6.

NOTE: Payments will not be processed and claims will not be recycled until the Rule is final.

B. Qualifying hospitals shall not add additional locations under their license, without prior written approval of the department.

1. The addition of any off-site campus, beyond an outpatient primary care clinic, to the license of this hospital will invalidate the provisions of this reimbursement methodology.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:1157 (August 2024).

§7703. Reimbursement Methodology

A. Reimbursement for outpatient hospital services to qualifying high Medicaid academic hospitals who meet all of the criteria in §7701 shall be made as follows:

1. Outpatient Surgery. The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

2. Clinic Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

3. Laboratory Services. The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. Rehabilitation Services. The reimbursement amount for outpatient rehabilitation services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

5. Other Outpatient Hospital Services. The reimbursement amount for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services, and outpatient hospital facility fees shall be an interim payment equal to 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

B. These rates are conditional on the hospital continuing to meet all qualifying criteria included in §7701. If the hospital no longer qualifies, payments will revert back to appropriate non-rural, non-state hospital assigned rates effective on the date that the qualification(s) in §7701 are no longer met.

C. The department may review all above provisions every three years, at a minimum to evaluate continuation of these enhanced reimbursements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:1157 (August 2024).

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

Michael Harrington, MBA, MA
Secretary

2408#062

RULE

Department of Health Office of Behavioral Health

Opioid Treatment Program—Facility Need Review (LAC 48:I.Chapter 129)

The Department of Health, Office of Behavioral Health has repealed LAC 48:I.Chapter 129 as authorized by R.S. 36:254, 40:2151 et seq., and 40:2116 et seq. This Rule is

promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department has repealed the chapter governing the provisions relative to Opioid Treatment Program (OTP) need and application reviews in their entirety. Act 531 of the 2022 Regular Session of the Louisiana Legislature directed the department to revise the requirements governing the facility need review (FNR) process. Those revisions, as well as revised portions of the OTP need and application review process requirements of LAC 48:I.Chapter 129, were placed in LAC 48:I.Chapter 125, which was adopted on February 20, 2024. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 129. Opioid Treatment Program (OTP) Need and Application Reviews

Subchapter A. General Provisions

§12901. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:521 (March 2010), repealed by the Department of Health, Office of Behavioral Health, LR 50:1158 (August 2024).

§12903. General Information

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:522 (March 2010), repealed by the Department of Health, Office of Behavioral Health, LR 50:1158 (August 2024).

Subchapter B. Determination of Need

§12905. Opioid Treatment Program Need Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:523 (March 2010), repealed by the Department of Health, Office of Behavioral Health, LR 50:1158 (August 2024).

Subchapter C. Procedure for Selection of Opioid Treatment Program

§12907. Opioid Treatment Program Application Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:523 (March 2010), repealed by the Department of Health, Office of Behavioral Health, LR 50:1158 (August 2024).

Subchapter D. Administrative Appeals

§12909. Appeal Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:524 (March 2010), repealed by the Department of Health, Office of Behavioral Health, LR 50:1158 (August 2024).

§12911. Licensing and Certification Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:525 (March 2010), repealed by the Department of Health, Office of Behavioral Health, LR 50:1159 (August 2024).

**Subchapter E. Rescission of OTP Need Review
Application Approvals**

§12913. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:525 (March 2010), repealed by the Department of Health, Office of Behavioral Health, LR 50:1159 (August 2024).

Michael Harrington, MBA, MD
Secretary

2408#073

RULE

**Department of Insurance
Office of the Commissioner**

Regulation 18—Non-Profit Funeral Service
Associations, Reinstatement of Lapsed Policies
(LAC 37:XIII.Chapter 65)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby repeals Regulation 18—Non-Profit Funeral Service Associations, Reinstatement of Lapsed Policies. The Department of Insurance is repealing Regulation 18 because R.S. 22:196 now provides current guidance regarding lapsed policies. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 65. Regulation 18—Non-Profit Funeral
Service Associations, Reinstatement of
Lapsed Policies**

**§6501. Policy Directive Number Five to Non-Profit
Funeral Service Associations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, April 28, 1960, repealed LR 50:1159 (August 2024).

Timothy J. Temple
Commissioner

2408#042

RULE

**Department of Insurance
Office of the Commissioner**

Regulation 85—Valuation of Life Insurance Policies
(LAC 37:XIII.10909)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby amends Regulation 85.

The purpose of the amendment to Regulation 85 is to incorporate changes to the general calculation requirements for basic reserves and premium deficiency reserves that were made to NAIC Model Regulation #830. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 109. Regulation Number 85—Valuation of Life
Insurance Policies**

**§10909. General Calculation Requirements for Basic
Reserves and Premium Deficiency Reserves**

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

b. X is such that, when using the valuation interest rate used for basic reserves, Clause i is greater than or equal to Clause ii:

i. the actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

ii. the actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

c. X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five years after the valuation date;

d. the appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of Paragraph B.3;

e. the appointed actuary may decrease X at any valuation date as long as X continues to meet all the requirements of Paragraph B.3; and

f. the appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums;

g. if X is less than 100 percent at any duration for any policy, the following requirements shall be met:

i. the appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of §2111 of Regulation 47;

ii The appointed actuary shall disclose, in the Regulatory Asset Adequacy Issues Summary, the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods; and

iii. the appointed actuary shall annually opine for all policies subject to this regulation as to whether the mortality rates resulting from the application of X meet the requirements of Paragraph B.3. This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience;

B.4. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2552 (October 2005), amended LR 50:1160 (August 2024).

Timothy J. Temple
Commissioner

2408#043

RULE

Department of State Office of the Secretary of State

Determination of Cure Sufficiency (LAC 31:I.307)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:953 et seq.) and through the authority granted in R.S. 18:1317 that the Department of State has adopted a Rule to provide a uniform and standardized process for the review and curing or rejection of deficient absentee by mail ballots by Parish Board of Election Supervisors. This Rule is hereby adopted on the day of promulgation.

Title 31 ELECTIONS

Part I. Election Process

Chapter 3. Opportunity to Cure Deficiencies in Absentee by Mail Ballots

§307. Determination of Cure Sufficiency

A. Any ballot identified with a deficiency pursuant to this Chapter, regardless of whether the voter appeared to cure or did not appear, shall be presented to the Parish Board of Election Supervisors for final determination of cure sufficiency or rejection of deficient ballots during the tabulation and counting of absentee by mail and early voting ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1317.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 50:1160 (August 2024).

Nancy Landry
Secretary of State

2408#044

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Boundary Surveys—Standards of Practice (LAC 46:LXI.2903, 2905, 2910 and 2913)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Professional Engineering and Land Surveying Board has adopted LAC 46:LXI.2910 and amended its rules contained in LAC 46:LXI.2903, 2905 and 2913.

This is an adoption of a new rule, as well as a revision of existing rules under which LAPELS operates. The new Rule provides for DOTD right-of-way surveys. The revision updates terminology for boundary surveys and clarifies surveying closure requirements for small tracts. This Rule is hereby adopted on the day of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 29. Standards of Practice for Boundary Surveys

§2903. Definitions

A. Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the National Society of Professional Surveyors. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

Right-of-Way—any strip or area of land, including surface, overhead, or underground, encumbered by a servitude. Rights are typically granted by deed for access or for construction, operation and/or maintenance purposes, according to the terms of the grant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004), LR 37:2414 (August 2011), LR 50:1160 (August 2024).

§2905. Classification of Boundary Surveys

A. Types of Boundary Surveys. Four types of boundary surveys, which relate to or define property boundaries, are regulated by these standards of practice. These are property boundary surveys, route surveys, DOTD right-of-way surveys and mineral unitization surveys.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065

(December 1990), amended LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 37:2415 (August 2011), LR 44:627 (March 2018), LR 50:1160 (August 2024).

§2910. DOTD Right-of-Way Survey

A. Definition

DOTD Right-of-Way Survey—a survey for determining the route of a proposed public road or other linear facilities in order for the Department of Transportation and Development or another governmental agency to acquire ownership of real property, or a public servitude or easement, from the property owner being crossed.

B. Scope and Product. A DOTD right-of-way survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information and research as needed to define the tract boundaries.

2. The professional land surveyor shall locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the real property, or the proposed public servitude or easement, to be acquired. Installation of new monuments is not required when defining the limits of the public servitude or easement to be acquired; however, subsequent to completion of construction of the public road or other linear facilities, installation of right-of-way monuments is required when defining the limits of the real property acquired.

3. The professional land surveyor shall prepare a plat(s) or map(s) for those tracts being crossed, showing the alignment of the proposed route and the length of the real property to be acquired or the proposed public servitude or easement across the tract. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the DOTD right-of-way survey complies with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property (or public servitude or easement) acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way maps.

4. The right-of-way monuments installed subsequent to completion of construction of the public road or other linear facilities define the limits of the real property acquired. The right-of-way monuments shall be installed in accordance with the current Department of Transportation and Development standard specifications for right-of-way monuments. The professional land surveyor shall prepare a

plat(s) or map(s) showing the alignment of the route and the length of the real property acquired as shown on the corresponding DOTD right-of-way map, but in doing so shall be exempt from requirements contained in Paragraph 2 of Subsection B. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 6, 7, 9, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the right-of-way monuments were installed and comply with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way monument location maps.

5. It is not required that the professional land surveyor who prepared the DOTD right-of-way map referenced in Paragraph 3 of Subsection B be the same professional land surveyor who prepared the DOTD right-of-way monument location map referenced in Paragraph 4 of Subsection B.

6. If requested by the Department of Transportation and Development or other governmental agency, the professional land surveyor shall prepare a legal description of the real property to be acquired and the proposed public servitude or easement for each tract crossed by the proposed public road or other linear facility. The description shall describe the alignment and length of the real property to be acquired and the proposed public servitude or easement and shall comply with those requirements for legal descriptions for property boundary surveys that are specifically contained in §2907.H.6-9. The Department of Transportation and Development and other governmental agencies may require an additional electronic file that generates the legal description, which shall also comply with this Paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 50:1161 (August 2024).

§2913. Positional Accuracy Specification and Positional Tolerances

[Formerly §2909]

A. If radial survey methods, global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the professional land surveyor shall apply acceptable surveying procedures in order to assure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded. Any conversion from meters to feet shall use U.S. Survey Feet.

Condition	A	B	C	D	Remarks and Formula
	Urban Business District	Urban	Suburban	Rural	
Unadjusted Closure (maximum allowable)	1:15,000	1:10,000	1:7,500	1:5,000	Traverse Loop or between Control Monuments (closed traverse)
Angular Closure (maximum allowable)	$10''\sqrt{N}$	$15''\sqrt{N}$	$25''\sqrt{N}$	$30''\sqrt{N}$	N = Number of Angles in Traverse (closed traverse)
Accuracy of Bearing	± 15 Sec.	± 20 Sec.	± 30 Sec.	± 40 Sec.	In Relation to Source (closed traverse, radial or GPS)
Linear Distances Accurate to: (maximum allowable)	0.05 ft \pm ± 0.05 ft per 1,000 ft	0.05 ft \pm ± 0.1 ft per 1,000 ft	0.07 ft + ± 0.15 ft per 1,000 ft	0.1 ft + ± 0.2 ft per 1,000 ft	Applies when the Distance is not part of a Closed Traverse (radial or GPS)
Positional Tolerance and Positional Accuracy of any Monument (maximum)	$0.1' + AC/15,000$	$0.1' + AC/10,000$	$0.1' + AC/7,500$	$0.2' + AC/5,000$	AC = Length of Any Course* (closed traverse, radial or GPS)
Calculation of area - accurate and carried to nearest _____ (decimal place) of an acre (closed traverse, radial or GPS)	0.001 0.001 0.01 0.1	0.001 0.001 0.01 0.1	0.001 0.01 0.1 0.2	0.001 0.01 0.1 0.3	To 1 acre To 10 acres To 100 acres To 1,000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	0.2 ft.	0.3 ft.	0.4 ft.	0.5 ft.	Based on Accepted Local Datum (closed traverse, radial or GPS)
Location of Improvements, Structures, Paving, etc. (Tie Measurements)	± 0.1 ft.	± 0.2 ft.	± 0.5 ft.	± 1 ft.	(closed traverse, radial or GPS)
Adjusted Mathematical Closure to Survey (Minimum)**	1:50,000	1:50,000	1:50,000	1:50,000	(closed traverse, radial or GPS)

*Short courses in classes "A" and "B" may generate positional errors of less than 0.01 feet. A minimum course distance of 200 feet shall be used in calculating positional error.

**Smaller tracts may result in a closure less than 1:50,000. Professional land surveyor shall minimize closure constrained by precision of bearing (nearest second of angle) and distance (one hundredth of a foot).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1068 (December 1990), amended LR 22:716 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1046 (July 2001), LR 30:1729 (August 2004), LR 37:2419 (August 2011), LR 44:628 (March 2018), LR 50:1161 (August 2024).

Donna D. Sentell
Executive Director

2408#013

RULE

Department of Civil Service Board of Ethics

Food and Drink Limit (LAC 52:I.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has amended the rules for the Board of Ethics to bring the rules

into compliance with current statutory provisions and Section 1115.1C of the Code of Governmental Ethics. This Rule is hereby adopted on the day of promulgation.

Title 52. ETHICS

Part 1. Board of Ethics

Chapter 17. Code of Governmental Ethics §1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2024, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is \$79.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013), LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 45:868 (July 2019), LR 46:892 (July 2020), LR 47:852 (July 2021), LR 48:1904 (July 2022), LR 49:1207 (July 2023), LR 50:1162 (August 2024).

Kathleen M. Allen
Ethics Administrator

2408#039

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Veterinary Practice
(LAC 46:LXXXV.700, 701, 702, 704, 705, 707, and 712)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV. Sections 700, 701, 702, 704, 705, 707, and 712. Of greater substance is the proposed amendment of Section 700 to the Veterinarian-Client-Patient-Relationship definition relative to in-person, physical examinations and the definition of an unlicensed veterinarian as well as the proposed amendment to Section 705 providing greater discretion to licensed veterinarians with respect to the allowable drugs prescribed and dispensed to deer farmers. All other proposed amendments are cleaning up rule language.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 7. Veterinary Practice

§700. Definition

* * *

Animal Control Officer—a bona fide employee of a governmental agency meeting the requirements of R.S. 37:1514(1).

* * *

Layperson—a person who is not registered and/or licensed in any of the categories defined in this Rule.

* * *

Unlicensed Veterinarians—individuals who have completed an approved, accredited program of instruction and have received a degree as a Doctor of Veterinary Medicine, or if foreign educated have completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) program through the American Association of Veterinary State Boards (AAVSB), but who have not yet successfully passed the national exam (NAVLE) or have not been issued a license by the board to practice veterinary medicine in the state of Louisiana. Individuals who have a Louisiana license in an expired status are also unlicensed veterinarians.

Veterinarian-Client-Patient-Relationship—exists when:

1. - 3. ...

a. the veterinarian or associate veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an in-person, physical examination of the animal(s) and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; or

b. - c. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328 (October 1993), amended LR 20:666 (June 1994), LR 20:1381 (December 1994), LR 24:940 and 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009), LR 40:308 (February 2014), LR 49:640 (April 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§701. Record Keeping

A. - A.1.a.i.v. ...

vi. The documentation standards set forth above do not mandate a particular format, however, a record must include these elements, as well as any other document required by law or the board's rules. Examples include General Anesthesia Consent Forms, Euthanasia Consent Forms, documents involving prescribing, administering, or dispensing legend drugs or controlled substances, and billing invoices or statements of services or products provided. The veterinarian shall be ultimately responsible for the content and maintenance of the record.

A.1.b. - D.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1328 (October 1993), LR 20:1381 (December 1994), LR 23:969 (August 1997), LR 24:941 (May 1998), LR 25:872 (May 1999), LR 33:2424 (November 2007), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§702. Direct Supervision

A. - B. ...

C. A *Registered Veterinary Technician* (RVT) as defined in §700 shall perform all tasks or procedures under direct supervision of a licensed veterinarian, except:

1. an RVT may perform the duties listed in §702.E.1 without the direct supervision of a licensed veterinarian, but the RVT is required to follow the record keeping requirements found in §702.E.3; and

2. an RVT may administer medications and/or treatments to non-boarding animals (hospitalized or ill) without direct supervision by a licensed veterinarian under the following conditions:

C.2.a. - D. ...

E. A *layperson* shall perform all tasks or procedures under direct supervision of a licensed veterinarian under the following conditions and with the exception described in §702.E.1.

1. A *layperson* may administer medications to boarding animals without direct supervision by a licensed veterinarian if the medication is directed to be used orally or topically and if the licensed veterinarian has recorded the exact treatments to be given in the animal's medical record.

2. When a *layperson* administers medications to non-boarding animals under the direct supervision of a licensed veterinarian, the licensed veterinarian must personally check the animal and update the treatment plan in the medical record at least once every 24 hours.

3. When a *layperson* administers medications, with or without direct supervision, the *layperson* shall keep a written record of all treatments which are performed, and that written record shall be incorporated into the animal's medical record.

4. The licensed veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the work delegated to a *layperson*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1329 (October 1993), LR 24:940 (May 1998), LR 40:309 (February 2014), LR 49:640 (April 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§704. Consulting and Providing Legend and Certain Controlled Substances

A. Legend Drugs

1. When an animal control agency which is operated by a state or local governmental agency or which is operated by any duly incorporated humane society which has a contract with a local governmental agency to perform animal control services on behalf of the local governmental agency seeks to administer legend drugs to an animal for the sole purpose of animal capture and/or animal restraint, the animal control agency must have a staff or consulting veterinarian who is licensed to practice veterinary medicine by the board and who obtains the legend drugs.

A.2. - F ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 20:666 (June 1994); amended LR 24:334 (February 1998), LR 25:519 (March 1999), LR 26:317 (February 2000), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§705. Prescribing and Dispensing Drugs

A. - C. ...

D. Records shall be maintained in accordance with §701.

E. - N.6. ...

O. A veterinarian licensed by the board may lawfully prescribe and/or dispense legend and controlled drugs, and a mix of these drugs, to a deer farmer licensed by, and in good standing with, the Department of Agriculture and Forestry only under the following terms and conditions.

1. - 5. ...

6. The licensed deer farmer who obtains the drugs from the veterinarian shall be the only person allowed to use or administer the drugs on his deer and for capture purposes and subsequent reversal of the effects of those drugs only.

7. - 10. ...

11. The prescribing and/or dispensing veterinarian shall comply with all state and federal laws and/or regulations regarding the prescribing and/or dispensing of any legend or controlled drug, or a mix thereof, to a deer farmer licensed by, and in good standing with, the Department of Agriculture and Forestry.

12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1329 (October 1993) LR 20:1381 (December 1994), LR 23:1686 (December 1997), LR 24:1932 (October 1998), LR 25:1249 (July 1999), LR 25:1627 (September 1999), LR 27:51 (January 2001), LR 30:797 (April 2004), LR 37:1571 (June 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§707. Accepted Livestock and Equine Management Practices

A. - A.2. ...

3. the carrying out of schools and short courses, teaching A.I. techniques for livestock and equine, prospective A.I. technicians, and university agricultural students by qualified university faculty, cooperative extension service specialists, and qualified employees of NAAB-CSS approved A.I. organizations;

4. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 9:213 (April 1983), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:969 (August 1997), LR 24:1933 (October 1998), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§712. Alternative Therapy and Collaborative Treatment

A. ...

B. Direct supervision as used in this Section means the supervising veterinarian must be on the premises where the alternative therapy and/or collaborative treatment are being performed and is directly responsible for the on-going evaluation and/or diagnosis. A *layperson* (a person not licensed, registered, or certified by the board) cannot perform surgery, on-going evaluation and/or diagnosis, prognosis, or prescribe treatment, medicines, or appliances as set forth in §702.A.2.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:970 (August 1997), amended LR 38:357 (February 2012), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery. Comments will be accepted until 3 p.m. on Monday, September 9, 2024. All written comments must be dated and must include the first and last name, email address, mailing address, phone number, and the original signature of the person submitting the comments.

Public Hearing

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery; however, such request must be received by no later than 3 p.m. on Monday, September 9, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1 p.m. on Wednesday, September 25, 2024 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit www.lsbvm.org/rulemaking-projects after Monday, September 9, 2024. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier
Executive Director

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

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

There will be no costs or savings to state or local governmental units resulting from the proposed rule change, except for the cost associated with publishing, which is included in the annual operating budget of the Board of Veterinary Medicine (Board). The proposed rule change defines an unlicensed veterinarian, requires an in-person physical examination to establish the Veterinarian-Client-Patient-Relationship, and gives discretion to the licensed veterinarian with respect to the allowable drugs prescribed and dispensed to Louisiana deer farmers.

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

The proposed rule change will not affect revenue collections for state or local governmental units.

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

The proposed rule change will help better protect the public and animals of Louisiana from the unlicensed practice of veterinary medicine and by requiring an in-person, physical exam for the establishment of the Veterinarian-Client-Patient-Relationship.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition or employment.

Jared B. Granier
Executive Director
2408#075

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agro-Consumer Services Division of Weights and Measures

Weights and Measures Fee Structure (LAC 7:XXXV.125)

Notice is hereby given in accordance with the provisions of the Administrative Procedure act, R.S. 49:950 et seq., and through the authority granted in R.S. 3:4608 and 3:4622, the Department of Agriculture and Forestry (LDAF), Office of Agro-Consumer Services, Weights and Measures Division proposes to amend LAC 7:XXXV, Chapter 1, Section 125 in order to update the fee structure of the division.

Pursuant to R.S. 3: 4622(D) the commissioner shall adopt by rule, the fees charged for weighing and measuring services performed by the department, including those services performed by the department's State Metrology Laboratory. The proposed changes to LAC 7. XXXV,

Chapter 1, Section 125 modify the fee schedule for the scope of work currently performed by the State Metrology Laboratory including the addition of Mass Echelon II mass standards and the gravimetric testing of volumetric standards. Additionally, the proposed changes to LAC 7.XXXV, Chapter 1, Section 125, provide for the addition of subsequent inspection fees to the Weights and Measures fee structure pursuant to Act 210 from the 2024 Legislative Session.

Title 7
AGRICULTURE AND ANIMALS
Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§125. Weights and Measures Fee Structure

A. Fees for mass calibration with report of calibration stating corrections and uncertainties shall be as follows:

	Mass Echelon III	Mass Echelon II
1. Weights up to and including 10 pounds or 5 kilograms	\$7	\$25
2. Weights over 10 pounds or 5 kilograms and including 100 pounds or 60 kilograms	\$12	\$50
3. Weights over 100 pounds or 60 kilograms and including 1000 pounds or 500 kilograms	\$25	\$50
4. Weights over 1000 pounds or 500 kilograms	\$50	N/A

B. Any tolerance adjustment will be charged an additional fee-per weight as follows:

	Mass Echelon III	Mass Echelon II
1. Weights up to and including 10 pounds or 5 kilograms	\$7	\$25
2. Weights over 10 pounds or 5 kilograms and including 100 pounds or 60 kilograms	\$12	\$50
3. Weights over 100 pounds or 60 kilograms and including 1000 pounds or 500 kilograms	\$25	\$50
4. Weights over 1000 pounds or 500 kilograms	\$50	N/A

C. All volumetric testing and calibration or special tests not listed in the fee schedule shall be performed at a rate of \$40 per hour.

D. Incurred costs for return shipment shall be assessed when applicable.

E. The registration fee for each location utilizing scanning devices shall be as follows:

Category	Number of Point-of-Sale Devices	Fee
A	1 to 10	\$50
B	11 to 25	\$100
C	Over 25	\$150

F. The annual fee for registration of taxi meters is \$50.

G. The annual fee for registration of mass flow meters will be \$250 per device.

H. The annual fee for registration of commercial weighing devices shall be as follows:

Category	Device Capacity	Annual Fee
1	Zero to 1,000 pounds	\$50
2	Over 1,000 pounds to 10,000 pounds	\$115
3	Over 10,000 pounds	\$215

I. The subsequent inspection fee for reinspection of commercial weighing devices and mass flow meters shall be as follows:

Category	Device Capacity	Subsequent Inspection Fee
1	Zero to 1,000 pounds	\$0
2	Over 1,000 pounds to 10,000 pounds	\$135
3	Over 10,000 pounds	\$250

J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997), LR 30:1142 (June 2004), LR 42:218 (February 2016), LR 42:1649 (October 2016), LR 47:852 (July 2021), LR 47:1840 (December 2021), LR 50:351 (March 2024), repromulgated LR 50:478 (April 2024), amended LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B. In particular, there is no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Paul Floyd, Director of Weights and Measures, 5825 Florida Blvd, Suite 5000 Baton Rouge, LA 70806 or via email to pfloyd@ldaf.state.la.us. Comments will be accepted until 3 p.m. on September 10, 2024.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Paul Floyd, Director of Weights and Measures, 5825 Florida Blvd, Suite 5000 Baton Rouge, LA 70806 or via email attachments to pfloyd@ldaf.state.la.us; however, such request must be received by no later than 3 p.m. on Tuesday, September 10, 2024.

Mike Strain, DVM
Commissioner

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

RULE TITLE: Weights and Measures Fee Structure

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

The proposed rule changes will adjust the metrology fee schedule and introduce a subsequent inspection fee. These changes were legislated in Act 210 of the 2024 RS. The Louisiana Department of Agriculture and Forestry (LDAF) anticipates a one-time implementation cost of \$2,000 and an annual savings of \$7,000.

The proposed rule changes related to the metrology fee schedule will have an estimated cost for LDAF of \$1,000 in FY 25. This one-time cost includes time spent updating registration forms, software, website pages, and internal documents to reflect the fee changes.

The proposed rule changes will also save an estimated \$7,000 in FY 25 and in future years because LDAF staff will be able to certify their own working standards for Mass Echelon II (MEII) calibrations, as opposed to sending their scales to other states to conduct calibrations.

The proposed "subsequent inspection fee" is estimated to cost \$1,000 to implement. This cost includes time spent updating registration forms, software, website pages, and internal documents to reflect the fee changes. These changes are needed to align with Act 210 of the 2024 RS.

There is no anticipated affect to local governmental units.

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

The revenues generated from the proposed metrology fee schedule and subsequent inspection fees will be deposited into the Statutorily Dedicated Weights & Measures Fund. The proposed metrology fee changes are estimated to increase LDAF's revenue collections in the amount of \$8,775 based on analysis by department staff. The proposed "subsequent inspection fee" is estimated to increase LDAF's revenue collections in the amount of \$63,355 annually based on analysis by department staff.

There is no anticipated affect to local governmental units.

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

The proposed metrology rule changes are estimated to increase costs to affected businesses a total of \$8,775.

The proposed subsequent inspection fees are estimated to affect approximately 312 businesses per year. The total estimated impact will be \$63,355 (based on Act 210 of the 2024 RS).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The department estimates a nominal effect on competition and employment due to the changes in the metrology fee structure due to the specialized nature of the services the metrology lab offers. Now that the department will be able to conduct MEII calibrations, there is no need to send them to Kansas, Missouri, North Carolina, or South Carolina as is current practice. There are no private sector labs that offer these services, which means there is no anticipated impact to them.

The department estimates a possible increase in business for scale companies.

Dane Morgan
Assistant Commissioner
2408#048

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Tuition Trust Authority
Office of Student Financial Assistance**

**START Saving Program
(LAC 28:VI.315)**

The Tuition Trust Authority announces its intention to amend its START Saving Program rules (LSA-R.S. 17:3091 et seq.).

This rulemaking codifies the interest rates to be applied to the Principal Protection investment option and Earnings Enhancements. (ST24216NI)

Title 28

EDUCATION

Part VI. Student Financial Assistance—Higher

Education Savings

Chapter 3. Education Savings Account

§315. Miscellaneous Provisions

A. - B.46. ...

47. For the year ending December 31, 2023, the Louisiana Education Tuition and Savings Fund earned an interest rate of 1.43 percent.

48. For the year ending December 31, 2023, the Savings Enhancement Fund earned an interest rate of 2.86 percent.

C. - S.2. ...

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), repromulgated LR 29:2374 (November 2003), amended LR 30:791 (April 2004), LR 30:1472 (July 2004), LR 31:2216 (September 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:2359 (November 2007), LR 34:1886 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013), LR 40:1926 (October 2014), LR 41:1487 (August 2015), LR 42:1082 (July 2016), LR 42:1658

(October 2016), LR 43:1731 (September 2017), LR 44:1888 (October 2018), LR 45:1177 (September 2019), LR 46:1223 (September 2020), LR 47:1495 (October 2021), LR 48:2561 (October 2022), LR 50:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in LSA-R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG24216NI) until 4:30 p.m., September 10, 2024, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE START Saving Program

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

The proposed rule changes will not result in any costs or savings to state or local governmental units. The changes codify the actual earnings realized on Student Tuition Assistance and Revenue Trust (START) Saving Program accounts that are invested in the Louisiana Principal Protection investment option and the actual earnings realized on the investment of Earnings Enhancements for the 2023 calendar year as required by R.S. 17:3093 D(1)(f).

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

There is no impact on state or local governmental revenues.

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

The proposed rule changes adopt actual interest rates for deposits and earnings enhancements for the year ending December 31, 2023. As determined by the State Treasurer, the interest rate earned for the 2023 calendar year by the Louisiana Education Tuition and Savings Fund was 1.43%, and by the Savings Enhancements Fund was 2.86%. These interest rates are higher than the actual rates realized in the previous year and are the property of the account owners.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not affect competition and employment.

Robin Rhea Lively
Senior Attorney
2408#047

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Electronic Monitoring Service Providers
(LAC 22:III.Chapters 91-99)

In accordance with the provision of R.S. 15:1204, R.S. 15:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby adopts rules relative to electronic monitoring service providers as required by Act 374 of the 2023 Louisiana Legislature.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 9. Electronic Monitoring Service Providers Chapter 91. General Provisions

§9101. Authority

A. Rules are hereby established by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice governing the mandatory requirements for electronic monitoring service providers as required by Act 374 of the 2023 Louisiana Legislature, R.S. 15:571.36(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9103. Definitions

A. The following terms as used in these policies and procedures, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Alert Notifications—timely and automated messages or signals generated by an electronic monitoring system in response to specific events or violations, such as tampering with monitoring equipment, entry into exclusion zones, or low battery levels, which are promptly or automatically transmitted to authorizing entities.

Authorizing Entity—an official body or individual empowered by law or regulation to grant approval, permission, or authorization related to the implementation, oversight, or enforcement of electronic monitoring, including judges, law enforcement agencies, parole boards, and any other designated authority responsible for issuing orders, directives, or approvals concerning electronic monitoring activities.

Electronic Monitoring Equipment—any device or system used to track and supervise individuals, typically employing GPS technology or radio frequency signals to monitor location, movements, and activities, aiding in compliance and public safety efforts.

Electronic Monitoring Service Provider—any person or entity who provides electronic monitoring services for the purpose of monitoring, tracking, or supervising pretrial or post-conviction persons within the state (herein “provider(s)"). *Simultaneous Access*—the provision of immediate and concurrent availability to authorizing entities

to access monitoring records or information held by an electronic monitoring service provider, ensuring real-time and synchronized retrieval of data for investigative, judicial, or enforcement purposes.

Monitored Individual—an individual subject to electronic supervision through the use of electronic monitoring equipment, typically as part of a court order, probation, parole, or other form of legal or administrative oversight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9105. Enforcement

A. The following procedures shall be enforced and prosecuted pursuant to R.S. 15:571.36(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

Chapter 93. Equipment Availability

§9301. Backup Units

A. Providers shall maintain at least one complete electronic monitoring backup unit for every twenty-five units in active use.

B. Upon primary unit failure or malfunction, providers must promptly deploy a backup unit to ensure uninterrupted monitoring.

C. A complete backup unit comprises the necessary hardware, software, and associated peripherals for electronic monitoring and must be acquired, installed, and maintained in accordance with industry standards and manufacturer recommendations.

D. Regular testing of backup units by providers shall occur at least every six months to ensure operational readiness and compatibility with existing systems. Maintenance records documenting the regular testing of backup units shall be maintained by each provider for a minimum of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9303. System Malfunctions

A. Providers shall establish and maintain a written protocol for responding to system malfunctions, including but not limited to hardware failures, software glitches, and communication disruptions. The protocol must include procedures for identifying, assessing, and promptly addressing system malfunctions to minimize the disruption to monitoring operations and ensure the safety and security of monitored individuals. Providers shall designate responsible personnel and establish communication channels for reporting and escalating system malfunctions as necessary.

B. Upon detection of a system malfunction, providers shall take immediate corrective actions to restore functionality and mitigate potential risks.

C. Providers shall document all system malfunctions, including the nature of the malfunction, actions taken to address it, and any impact such malfunction has on

monitoring operations. Such documentation shall be maintained by a provider for a minimum of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

Chapter 95. Equipment Storage

§9501. Secure Storage

A. All electronic monitoring equipment not affixed to a monitored individual shall be stored in secure locations inaccessible to monitored individuals. Secure storage facilities shall include measures such as locked cabinets, secure rooms, or other appropriate means to prevent tampering, damage, or unauthorized access to the electronic monitoring equipment.

B. Access to the storage facilities containing electronic monitoring equipment and base station hardware shall be restricted to authorized personnel only. Keys, access codes, or any other means of entry shall be safeguarded to prevent misuse or unauthorized entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9503. Master Listing and Inventory

A. Providers shall maintain a comprehensive master listing of all electronic monitoring equipment and related components in their possession or in operation. The master listing shall include detailed descriptions of each item, such as serial numbers, model numbers, and associated identifiers.

B. Providers shall conduct regular inventory checks to ensure the accuracy and completeness of the master listing. Any additions, disposals, or changes to the inventory must be promptly documented and reflected in the master listing. Each item in inventory must be recorded and tracked throughout its lifecycle, including procurement, deployment, maintenance, and decommissioning.

C. Providers shall retain the master listing and inventory records for a minimum of five years after creation or modification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

Chapter 97. Equipment Use

§9701. Visual Inspection

A. Electronic monitoring equipment worn by a monitored individual shall undergo visual inspection by the provider at least once per month.

B. During the inspection, the provider shall assess that the electronic monitoring equipment is properly affixed to the monitored individual and that the condition of the equipment accords with proper functioning and compliance with operational standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9703. Maintenance and Cleaning

A. Providers shall regularly maintain and clean electronic monitoring equipment not affixed to a monitored individual at least once every six months to ensure optimal functionality and longevity.

B. Appropriate cleaning agents and techniques as specified by the manufacturers of the monitoring equipment should be used to avoid damage or degradation of equipment components.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

Chapter 99. Equipment Operational Capacity

§9901. Location Accuracy

A. Providers shall operate a monitoring system that provides accurate indoor location tracking capabilities for monitored individuals. The system should utilize appropriate technology and algorithms to enhance indoor positioning accuracy.

B. Providers shall operate a monitoring system that provides accurate outdoor location tracking capabilities for monitored individuals. The system should utilize GPS or other satellite-based positioning systems to relay accurate outdoor location data.

C. Providers shall operate a monitoring system capable of providing the most recent location of a monitored individual, known as an on-demand location, upon the request of an authorizing entity. On-demand location accuracy must be able to be provided within three minutes of a request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9903. Zoning Capabilities

A. Providers shall operate a monitoring system that provides zoning capabilities to establish inclusion zones, which are predefined geographic areas where a monitored individual is scheduled to be present at specific times. Inclusion zones should be configurable based on the monitored individual's scheduled activities as allowed by an authorizing entity. The system should be capable of accurately detecting when a monitored individual enters or leaves an inclusion zone and providing real-time notifications to monitoring authorities as appropriate.

B. Providers shall operate a monitoring system that provides zoning capabilities to establish exclusion zones, which are predefined geographic areas where a monitored individual is not permitted to visit. Exclusion zones should be configurable based on victim residences, prohibited locations, or other high-risk areas as deemed by an authorizing entity. The system should be capable of enforcing strict monitoring within exclusion zones, triggering immediate alerts if the monitored individual enters a restricted area.

C. Zoning capabilities of a monitoring system must allow for the easy configuration and management of inclusion and exclusion zones by the provider. The provider must be able to define the boundaries and parameters of each

zone, including time-based restrictions if applicable, based on orders set by the appropriate monitoring authorities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9905. Alert Notifications

A. Providers shall maintain an operating system that provides alert notifications to the authorizing entity for the following detections within the following time restrictions, unless explicitly modified by the authorizing entity:

1. the tampering of electronic monitoring equipment within three minutes of the tampering incident;

2. the presence of electronic monitoring equipment in an exclusion zone within four minutes of the monitored individual's entry into the exclusion zone;

3. low battery alert when the battery capacity of the electronic monitoring equipment reaches approximately twenty-five percent of remaining capacity or within one hour prior to the end of the battery lifespan; and

4. no signal, lost signal, or offline alerts within three minutes of detection.

B. Low battery alert notifications should be deliverable to monitored individuals through multiple modalities to maximize visibility and accessibility, including visual indicators, audible alerts, vibration alerts, text-to-speech capabilities, and notifications via mobile applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

§9907. Simultaneous Access

A. Providers shall grant simultaneous access of all monitoring records to an authorizing entity.

B. Monitoring records include but are not limited to location data, violation alerts, tampering incidents, battery status, and any other pertinent information related to electronic monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:571.36(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it outlines the implementation of sexual assault awareness training for peace officers.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973. B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through post-secondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

The proposed rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than September 24, 2024 at 5pm to Bob Wertz, Peace Officer Standards and Training Council, Louisiana Commission on Law Enforcement, Box 3133 Baton Rouge, LA 70821. An analysis of the proposed Rule shows that it will have no impact on the family as described in R.S. 49.972, nor any impact on small business as defined by Act 820 of 2008.

Jim Craft
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Electronic Monitoring Service Providers**

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

The proposed rule change will not impact costs or savings to state or local governmental units.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice proposes to establish policies and procedures governing the mandatory requirements for electronic monitoring service providers and amend LA Title 22: Corrections, Criminal Justice, and Law Enforcement, Part III: Commission on Law Enforcement and Administration of Criminal Justice, Subpart 9: Electronic Monitoring Service Providers, Chapter 91. General Provisions, in compliance with Act 374 of the 2023 Regular Session of the Louisiana Legislature. Specifically, the rules govern the availability, storage, use, and operational capacity of electronic monitoring service providers.

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

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule change.

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

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment in the public or private sector as a result of the proposed rule change.

Jim Craft
Executive Director
2408#045

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Commission on Law Enforcement and
Administration of Criminal Justice**

Peace Officer Training (LAC 22:III.4703)

In accordance with the provision of R.S. 40:2401, et seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council hereby, gives notice of its intent to promulgate rules and regulations relative to the training of peace officers.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

**Part III. Commission on Law Enforcement and
Administration of Criminal Justice**

Subpart 4. Peace Officers

Chapter 47. Standards and Training

§4703. Basic Certification

A. All full-time peace officers, as defined R.S. 40:2403, shall complete a basic training course as prescribed and certified by the Council on Peace Officers Standards and Training (POST Council) within one year of employment as a peace officer. All part-time, reserve, or auxiliary peace officers shall complete a basic training course within three years of employment as a peace officer. Military police officers stationed in Louisiana are eligible for certification if they successfully complete a basic training course prescribed for peace officers and pass the POST statewide examination.

A.1. - D. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), LR 27:49 (January 2001), LR 28:475 (March 2002), LR 31:2008 (August 2005), LR 35:1235 (July 2009), LR 36:992 (May 2010), LR 37:1606 (June 2011), LR 42:274 (February 2016), LR 44:1007 (June 2018), LR 46:693 (May 2020), amended LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it outlines the implementation of sexual assault awareness training for peace officers.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through post-secondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

An analysis of the proposed Rule shows that it will have no impact on the family as described in R.S. 49:972, nor any impact on small business as defined by Act 820 of 2008.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than September 24, 2024 at 5 p.m. to Bob Wertz, Peace Officer Standards and Training Council, Louisiana Commission on Law Enforcement, Box 3133 Baton Rouge, LA 70821.

Jim Craft
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Peace Officer Training**

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

The proposed rule change will result in an indeterminable increase on local governmental expenditures in local municipal police departments associated with an expected increase in police professional liability insurance premiums. Police professional liability insurance premiums are estimated to increase, to the extent that part-time or reserve peace officers are provided an extended amount of time to complete Level 1 basic training.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice proposes to amend LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part III: Commission on Law Enforcement and Administration of Criminal Justice, Subpart 4. Peace Officers, Chapter 47: Standards and Training, §4703 – Basic Certification to comply with Act 322 of the 2024 Regular Session of the Louisiana Legislature. The rule change extends the amount of time within which a peace officer is required to complete a Level 1 basic training course from one year to three years.

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

The proposed rule will not increase revenue collections of state or local governmental units as a result of the proposed rule change.

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

There is an economic cost to those persons who conduct Level 1 basic training, as the compensation received for conducting this training (\$500 to \$800 per officer) may be received over a period of three years (instead of one year). Also, there is an economic benefit to those prospective officers who participate and complete the Level 1 basic training, to the extent that those who are required to assume the costs for training (\$500 to 800 per prospective officer) are able to spread those costs over a three-year period (instead of one year).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of this proposed amendment.

Jim Craft
Executive Director
2408#049

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Social Work Examiners**

Standards of Practice and General Provisions
(LAC 46:XXV Chapters 1 and 3)

In accordance with the Administrative Procedure Act R.S. 49:950 et seq., the Board of Social Work Examiners proposes to amend LAC 46:XXV.Chapter 1, Standards of Practice and Chapter 3, General Provisions.

Section 103 is being amended to clarify the purpose of the Standards of Practice/Code of Conduct. Section 117 is being amended to increase the report time of arrests or charges. Section 315 is being amended to increase the time for the Board to elect officers. Section 329 is enacting the Board’s anti-discrimination policy. Section 331 is enacting public comment procedures to comply with R.S. 42:17.2. Section 333 is enacting procedures to comply with R.S. 42:14(E) through R.S. 42:17.3 as amended by Act 393 (2023), relative to participation by individuals with disabilities recognized by the ADA and/or their caregivers.

Title 46

Professional and Occupational Standards

Part XXV. Credentialed Social Workers

Chapter 1. Standards of Practice

§103. Purpose

A. The Standards of Practice/Code of Conduct provide a basis upon which to assess and measure the professional conduct of social workers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Worker Examiners, LR 26:295 (February 2000), amended by the Department of Health, Board of Social Worker Examiners, LR 50:

§117. Conduct

A. - D. ...

E. A social worker shall notify the Louisiana State Board of Social Work Examiners within thirty calendar days of any arrests or charges, to include DWI and DUI, regardless of final disposition. Minor traffic offenses such as speeding and parking tickets do not need to be reported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:299 (February 2000), amended LR 29:2382 (November 2003), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:304 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 50:

Chapter 3. General Provisions

§315. Board Members

A. - A.1.b. ...

B. Officers. The board shall elect annually at its May or June board meeting, a chair, vice-chair, and secretary/treasurer.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000), amended LR 29: 2385 (November 2003), LR 34: 248 (February 2008), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40: 305 (February 2014), amended by the Department of Health, Board of Social Work Examiners, LR 50:

§329. Discrimination Prohibited

A. The board shall not deny a license, certificate, or registration or otherwise discriminate against any applicant based upon the applicant's race, religion, creed, national origin, age, sex, sexual orientation, gender expression, or differing abilities.

B. The board shall not discriminate against any person based upon the person's race, religion, creed, national origin, age, sex, sexual orientation, gender expression, or differing abilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:

§331. Public Comment at Board and Committee Meetings

A. *Public Comment* is defined as verbal or written comments given at a board or committee meeting pertaining to an agenda item specific to that meeting.

B. Members of the public may give public comments at meetings of the board or its committees pursuant to this section.

C. Written public comments may be submitted prior to the meeting via email. Emails will be received up to the close of business on the day prior to the meeting. All emails must be submitted to the address designated by the Board and must include the agenda item number, the commenter's name, and a brief statement. If the commenter wishes to speak during the meeting, they must so state in their email.

D. Verbal public comments may be submitted during the meeting. If attending virtually, commenters may seek recognition using the appropriate function on the virtual platform used by the board or committee to broadcast its meeting. The commenter may speak using their microphone after the chair has recognized them. All participants will be muted upon entry. Any participant that speaks without being acknowledged by the chair or that does not have their device muted will be muted by the moderator. The chair will

announce when the floor is open for comments. Verbal comments are limited to 2 minutes per commenter.

E. All comments submitted are recorded and are public record.

F. Public comment will be allowed at the beginning of each meeting prior to any votes by the board or committee. Once the public comment period is closed, it will not be reopened unless permitted by the chair.

G. The board may provide reasonable accommodation to members of the public who request such accommodations within 72 hours before a meeting of the board or committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:

§333. Board Meetings

A. The board shall post its notices and agendas on the board's website at least 24 hours prior to each meeting.

B. The board shall provide for participation in open meetings via electronic means for any individuals with disabilities recognized by the Americans with Disabilities Act (ADA), and/or that individual's caregiver.

C. The board shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means following the receipt of the request.

D. The board shall maintain on its website a remote request form and shall provide a copy of this form via fax, mail or email in response to any written request for accommodation.

E. A board member shall be allowed to participate and vote in a meeting via teleconference as defined in R.S. 42:17.2.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and R.S. 42:14(E)-R.S. 42:17.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 50:

Family Impact Statement

The proposed rules have no known or foreseeable impacts on family formation, stability, autonomy. In particular, the proposed Rules have no known or foreseeable impacts on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rules.

Poverty Impact Statement

The proposed Rules have no known or foreseeable impact on child, individual or family poverty, as defined by R.S. 49:973(B), in relation to individual or community asset development. In particular there should no known or foreseeable effect on:

1. household income, assets, and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; or

5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rules should have no known adverse impacts on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rules have no known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit comments to Emily DeAngelo, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 or by email to edeangelo@labswe.org. The deadline to submitting comments is at noon central time on September 3, 2024.

Public Hearing

A public hearing on the proposed Rules will be held on September 26, 2024, at the office of the Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 at 12 p.m. CST. A link will be provided on the Board's website <https://www.labswe.org> 24 hours prior to the public hearing. All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact Emily DeAngelo at (225) 756-3470 at least 72 hours prior to the hearing.

Emily DeAngelo
Executive Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Standards of Practice and General Provisions

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

There will be increased costs to the Louisiana State Board of Social Work Examiners (LABSWE) for promulgation of the proposed rule changes of \$213 per page charged by the State Register for publication of the Notice of Intent and rules. Additionally, it is anticipated that there will be a minimal increase in staff time during the initial implementation of inactive and emeritus status due to inquiries from licensed social workers interested in obtaining the status. There is no data available to determine how many licensed social workers will apply for inactive or emeritus status. Licenses under inactive or emeritus status will be able to be renewed online.

The proposed changes update rules regarding social worker licensing, conduct, supervision, inactive/emeritus status, and administrative proceedings. The changes also expand rules regarding continuing education. to include additional options for continuing education and requirements for continuing education pre-approval organizations. The changes increase

license renewal fees as well as the fee for 'Written verification of license, certificate, or registration. The changes also list the existing \$3 e-commerce fee in the fee schedule.

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

The proposed rules and rule amendments have no estimated effect on revenue collections of state or local government units, except for the LABSWE which is a self-funded agency. The proposed rules and rule amendments have the following effect on revenue collections of the LABSWE:

The proposed amendment to L.A.C. 46:XXV.313 increases the renewal and lapsed renewal fees for licensed social workers and the fee for written license verifications. The proposed amendment to L.A.C. 46:XXV.313 increases license fees estimated to result in additional revenues of \$305,000 annually. This estimate is based upon an assumed 1,800 Registered Social Worker renewals (\$25 fee), 3,000 Certified Social Worker or Licensed Master Social Worker renewals, and 4,400 Licensed Clinical Social Worker renewals including Board Approved Clinical Supervisors (\$25 fee).

The proposed amendment to L.A.C. 46:XXV.325 decreases license fees for social workers eligible for emeritus status annually beginning in Fiscal Year 2024-25. The number of licensed social workers who will apply for emeritus status instead of renewing their license cannot be determined; however, the proposed rule is in response to requests from licensed social workers.

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

The proposed enactment of L.A.C. 46:XXV.325 provides for inactive status allowing licensed social workers not providing services to clients to maintain their license in an inactive status for up to five consecutive years up to a maximum of ten cumulative years. Social workers with licenses in inactive status will be required to complete only one-half of the 20 hours of continuing education required for licensed social workers. A reduction in the number of hours of continuing education hours could provide an economic benefit to social workers with inactive status.

The proposed enactment of L.A.C. 46:XXV.327 provides for emeritus (retired) status for licensed social workers who are disabled or who are at least 60 and have been credentialed for at least 30 years and reduces the required continuing education hours from 20 hours to 10 hours, which may reduce the costs associated with obtaining continuing education. Social workers with emeritus status will be required to complete only one-half of the 20 hours of continuing education required for licensed social workers and will be required to pay only one-half of the applicable license renewal fee. Reductions in the number of hours of continuing education and license fees could provide an economic benefit to social workers with emeritus status.

Social workers claiming emeritus status will benefit economically because their renewal fee is half of the renewal fee of someone without emeritus status. This benefit applies to a social worker with a valid registration, certification, or license.

Social workers may benefit economically by being able to carry over up to ten surplus hours of continuing education from one collection period into a subsequent collection period. Additionally, social workers will have the option to obtain continuing education by attending meetings of the board and its committees.

Licensed Master Social Workers (LMSW) applying for a Licensed Clinical Social Worker (LCSW) credential may benefit from the proposed rules because they would be able to take the examination six months earlier and secure a job while

completing their required courses for licensure. This would eliminate the waiting time for these social workers to complete the examination before accepting a job within their field.

Additionally, social workers may benefit economically due to the decrease in the number of hours needed for supervised postgraduate social work practice from 5,760 hours to 3,000 hours.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be a positive effect on competition and employment resulting from Licensed Master Social Workers (LMSW) being able to apply to take the examination for the Licensed Clinical Social Worker (LCSW) credential six months earlier. LCSW's who pass the examination prior to completing all requirements for the LCSW credential may be able to obtain employment in the capacity as an LCSW earlier.

The availability of inactive status for social worker licenses may increase social worker employment over time by allowing inactive social workers to avoid the cancellation of their licenses, easing their re-entry into the field.

Emily DeAngelo
Executive Administrator
2408#074

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Hospital Directed Payments
(LAC 50:I.3113)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.3113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing Medicaid managed care organizations (MCOs) to update and align language in the administrative Rule with the preprints that are approved by the Department of Health and Human Services, Centers for Medicare and Medicaid Services that qualified hospitals with a balance owed as a result of reconciliation shall pay the amounts owed to the MCOs or the department.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 31. General Provisions

§3113. Directed Payments

A. Hospital Directed Payments

1. - 6.b....

7. If a qualifying hospital that is subject to a reconciliation will not be participating in a directed payment arrangement in the future, the qualified hospital shall pay all amounts owed to LDH or the MCO, if any, within 30 calendar days' notice of the amount owed, in accordance with departmental requirements.

a. In addition to all other available remedies, LDH or the MCOs has the authority to offset all amounts owed by a qualifying hospital due to a reconciliation against any payment owed to the qualifying hospital, including, but not limited to, any payment owed by the MCO or LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:245 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:264 (February 2023), amended LR 49:1566 (September 2023), LR 50:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on, September 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 26, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth

Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

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

RULE TITLE: Managed Care for Physical and Behavioral Health—Hospital Directed Payments

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing Medicaid managed care organizations (MCOs) to update and align language in the administrative rule with the preprints that are approved by the Department of Health and Human Services, Centers for Medicare and Medicaid Services that qualified hospitals with a balance owed as a result of reconciliation shall pay the amounts owed to the MCOs or the department.

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

It is anticipated that implementation of this proposed rule will have no impact on federal revenue collections for FY 24-25. It is anticipated that \$270 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule amends the provisions governing Medicaid managed care organizations (MCOs) to update and align language in the administrative rule with the preprints that are approved by the Department of Health and Human Services, Centers for Medicare and Medicaid Services that qualified hospitals with a balance owed as a result of reconciliation shall pay the amounts owed to the MCOs or the department. Implementation of this rule is not anticipated to result in any costs to providers in FY 24-25, FY 25-26, or FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2408#059

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Pharmacy Benefits Management Program
Vaccine Administration and Fees
(LAC 50:XXIX.991)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXIX.991 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) recommended that the Department of Health, Bureau of Health Services Financing clarify language in the Medicaid State Plan regarding the inclusion of vaccine counseling as a pharmacy benefit under the Medical Assistance Program, when the criteria is met and documented. The department proposes to amend the provisions governing the Pharmacy Benefits Management Program in order to align the language in the *Louisiana Administrative Code* relative to vaccine administration and fees for Medicaid coverage with the CMS-approved State Plan amendment.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 9. Methods of Payment

Subchapter H. Vaccines

§991. Vaccine Administration Fees

A. Reimbursement to pharmacies for immunization administration (intramuscular, subcutaneous or intranasal) performed by qualified pharmacists, is a maximum of \$15.22. Counseling for vaccines as a pharmacy benefit, when the criteria is met and documented, is a maximum of \$19.72.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 40:82 (January 2014), amended by the Department of Health, Bureau of Health Services, Financing, LR 43:1555 (August 2017), amended LR 46:345 (March 2020), LR 47:887 (July 2021), LR 50:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed

Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 26, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Pharmacy Benefits Management Program—Vaccine Administration and Fees

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

It is anticipated that this proposed rule will have a programmatic fiscal impact of \$874,709 for FY 24-25, \$847,439 for FY 25-26, and \$847,439 for FY 26-27. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the Pharmacy Benefits Management Program in order to align the language in the Louisiana Administrative Code relative to vaccine administration and fees for Medicaid coverage with the CMS-approved State Plan amendment.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$1,797,772 FY 24-25, \$1,797,502 for FY 25-26, and \$1,797,502 for FY 26-27. It is anticipated \$270 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule amends the provisions governing the Pharmacy Benefits Management Program in order to align the language in the Louisiana Administrative Code relative to vaccine administration and fees for Medicaid coverage with the CMS-approved State Plan amendment. Implementation of this proposed rule will result in increased Medicaid payments to pharmacy providers, and small businesses of approximately \$2,644,941 in FY 24-25, \$2,644,941 in FY 25-26, and \$2,644,941 in FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2408#060

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Health Standards Section

Rural Health Clinics
Licensing Standards
(LAC 48:I.Chapter 75)

Editor's Note: The following Notice of Intent is being repromulgated to correct a manifest typographical error. The original Notice of Intent can be viewed in the June 20, 2024 *Louisiana Register* on pages 874-877.

The Department of Health (the department), Health Standards Section proposes to amend LAC 48:I.Chapter 75, and to repeal §7533 as authorized by R.S. 46:153 and R.S. 40:2197. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of rural health clinics (RHCs) to ensure RHC regulations are in line with federal requirements, to update physician obligations, to modify requirements for emergency preparedness, infection control, and quality assurance, and to remove obsolete language.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 75. Licensing of Rural Health Clinics

Subchapter A. General Provisions

§7517. Personnel Qualifications/Responsibilities

A. - A.3. ...

B. Qualifications. All personnel shall be licensed in accordance with their respective professions and be either board certified or board eligible as required by their respective certifying organizations. In addition, rural health clinics (RHCs) shall be responsible for verifying and monitoring that professional certified personnel maintain continuous license/certification.

1. Physician Services. The physician, a medical doctor or doctor of osteopathic medicine, shall provide the following:

a. medical direction for the clinic's healthcare activities, and consultation for and medical supervision of the healthcare staff;

b. in conjunction with the physician assistant and/or midlevel practitioner, participation in the development, execution, and periodic review of the RHCs' written policies and services provided to patients; and

c. periodic review of the RHCs' patient records, and provision of medical orders and medical care services to the patients of the RHC.

2. Mid-level Practitioner. The mid-level practitioner shall be appropriately licensed and credentialed as either an advanced practice registered nurse (family nurse practitioner) or physician's assistant. The mid-level practitioner(s) shall be required to maintain Advanced Cardiac Life Support (ACLS) certification to assure his/her proficiency in accepted standards of emergency care. If a facility has a current written agreement with an advanced life support provider, who can provide care within 10 minutes, then the mid-level practitioner and/or physician are exempt from this required certification.

a. - b. Repealed.

3. ...

C. Governing Body. All owners of RHCs shall be disclosed. Ownership of five percent or more constitutes ownership. In the case of an entity requiring a board of directors by law and/or as a condition of its articles of incorporation or bylaws, members of the board of directors must be identified and minutes of the board meetings shall be made available to LDH/HSS. In those RHCs requiring a

board of directors, the board shall meet at least once a year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1846 (October 1999), amended LR 28:509 (March 2002), amended by the Department of Health, Health Standards Section, LR 50:

§7519. Services

A. - B.6. ...

C. Treatment Services

1. - 2.a....

3. All facilities shall have written policies and procedures that identify a prearranged plan for access to a nearby hospital that provides advanced life support services.

4. Contracted Treatment Services. Written agreements with full-service hospitals and credentialed practitioner(s) for specialty care must be current, clearly written, and reviewed annually. The RHC retains responsibility for all medical care provided until the patient is referred to or admitted into another facility. Agreements must be signed and dated by all parties.

D. - D.2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1846 (October 1999), amended LR 28:509 (March 2002), amended by the Department of Health, Health Standards Section, LR 50:

§7521. Agency Operations

A. Municipals. Rural health clinics shall function as a community resource for all citizens of the service area and shall promote improvement of the health of the entire community by providing educational opportunities where feasible, resource lists for referrals, assistance with accessing other resources, wellness programs, and participation in community efforts to promote health and safety. Rural health clinics shall demonstrate the following:

1. ...

2. Emergency Preparedness. A RHC shall:

a. - b. ...

c. maintain emergency supplies to provide basic emergency care in the case of a disaster in the community;

d. participate in the development of local community disaster plan, and;

e. test the emergency preparedness plan annually, by participating in a community-based full-scale exercise (if available) or conduct an individual facility-based functional exercise every other year. In the opposite years off the full-scale exercise, RHCs are required to conduct a testing exercise of its choice, which may include either a community-based full-scale exercise (if available), an individual, facility-based functional exercise, a drill, or a table-top exercise or workshop.

i. RHCs that activate their emergency plans are exempt from the next required full-scale community-based or individual, facility-based functional exercise. In this case, the RHC must be able to demonstrate, through written documentation, that it activated its emergency preparedness plan due to the emergency.

B. ...

C. Operation Hours. A RHC shall provide:

1. RHC services during the hours of operation as indicated on their licensing application, and in their policies and procedures. In addition, patient care services by a nurse practitioner, physician assistant, or certified nurse-midwife shall be available at least 50 percent of the time the RHC operates.

a. - c. Repealed.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1846 (October 1999), amended LR 28:510 March 2002), amended by the Department of Health, Health Standards Section, LR 50:

§7523. Procedural Standards

A. The following processes are required for RHCs in Louisiana:

1. - 4.e....

5. Infection Control. A facility shall maintain and implement written and dated effective infection control policies and procedures that protect the patients and staff from infections and communicable diseases.

6. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1846 (October 1999), amended LR 28:510 (March 2002), amended by the Department of Health, Health Standards Section, LR 50:

§7529. Quality Assurance

A. ...

* * *

B. Purpose

1. Utilization Review. The purpose of the review is to determine whether:

- a. the utilization of services are appropriate;
- b. the established policies are followed; and
- c. if any changes are needed.

2. - 5.i. Repealed.

C. Process

1. Rural health clinics shall carry out, or arrange for, a biennial evaluation of its total program.

2. The evaluation shall include review of:

- a. utilization of the RHCs' services, including at least the number of patients served and the volume of services; and
- b. a representative sample of both active and closed clinical records; and
- c. the RHC's health care policies.

D. Quality Assurance/Continuous Quality Improvement. The RHC shall have ongoing programs to assure that the overall function of the clinic is in compliance with federal, state, and local laws, and is meeting the needs of the citizens of the area, as well as attaining the goals and objectives developed from the mission statement established by the RHCs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1851 (October 1999), amended by the Department of Health, Health Standards Section, LR 50:

§7531. Patient's Rights and Responsibilities

A. The RHCs shall provide education to personnel regarding patient rights during orientation at least annually, and post a copy of the patient's rights in a conspicuous place.

1. Patients of RHCs shall have the right to the following, including but not limited to:

1.a. - 2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1852 (October 1999), amended by the Department of Health, Health Standards Section, LR 50:

§7533. Advisory Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1846 (October 1999), amended LR 28:510 (March 2002), repealed by the Department of Health, Health Standards Section, LR 50:

§7535. Physical Environment

A. ...

B. Safety. The following are fundamental to the effective management of RHCs:

1. - 9.b....

10. miscellaneous:

a. - c. ...

d. - d.iii. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:1852 (October 1999), amended by the Department of Health, Health Standards Section, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will likely result in reduced costs to rural health clinics (RHCs), since RHCs will only be required to provide patient care services at least 50 percent of the time RHCs operate.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a cost impact on the staffing level requirements or qualifications required to provide the same level of service, direct or indirect cost to the provider to provide the same level of service, and may have an impact on the provider's ability to provide the same level of service as described in HCR 170. It is anticipated that this proposed Rule will likely result in reduced costs to the rural health clinics (RHCs), since RHCs will only be required to provide patient care services at least 50 percent of the time RHCs operate.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 1, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:00 a.m. on July 31, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Ralph L. Abraham, M.D.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rural Health Clinics—Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$1,404 will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the licensing of rural health clinics (RHCs) to ensure that the RHC regulations are in line with federal requirements, to update physician obligations, to modify requirements for emergency preparedness, infection control, and quality assurance, and to remove obsolete language.

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

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections in FY 23-24, FY 24-25, and FY 25-26.

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

It is anticipated that this proposed rule will likely result in reduced costs to RHCs, since RHCs will only be required to provide patient care services at least 50 percent of the time RHCs operate in FY 23-24, FY 24-25, and FY 25-26.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule may have an indeterminable effect on the staffing level requirements of RHCs.

Tasheka Dukes, RN
Deputy Assistant Secretary
2408#072

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Licensed Professional Counselors Board of Examiners

Code of Ethics Requirement (LAC 46:LX.603)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to amend LAC 46:LX.603 pertaining to the required coursework in Ethics and Professional Orientation. Specifically, to require the most recent edition of the Code of Ethics as published by the American Counseling Association. The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 6 Section 603 in the August 20, 2024, edition of the *Louisiana Register*.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Licensed Professional Counselors Board of Examiners

Subpart 1. Licensed Professional Counselors

Chapter 6. Application, Practice, and Renewal Requirements for

Provisional Licensed Professional Counselors

§603. Provisional Licensed Professional Counselors Licensing Requirements

A. - A.4.a.viii. ...

(a). the most recent ethical standards as published by the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies;

A.4.a.viii.(b). - A.8 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:712 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:277 (February 2019), LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by September 10, 2024, at 5 p.m.

Jamie S. Doming
Executive Director

- rule requiring the most recent coursework in diagnosing mental illness, this rule would require the most recent continuing education or academic coursework for the code of ethics.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

To the extent that the proposed rule change decreases the number of applicants for provisional licensure, there may be a decrease in fee revenues, as the provisional licensure application carries a \$100 fee. The total amount of such a decrease, if any, is indeterminable.

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

Applicants for provisional licensure who have completed their ethics education requirements using a course that does not qualify under the proposed rule changes will need to take a newer ethics course which meets the proposed requirement. The Licensed Professional Counselors Board of Examiners estimates that between 5% and 15% of applicants submit outdated ethics coursework.

Any applicants who completed their ethics coursework prior to 2014 (when the most recent Code of Ethics was published) will need to take either a preapproved continuing education ethics course or an ethics course provided by an academic program. The board reports that preapproved continuing education ethics courses cost \$350 on average, while tuition for an ethics course provided through an academic program will vary by university.

The proposed rule change may increase revenue for accredited providers of continuing education coursework or academic institutions.

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

The proposed rule changes may affect employment to the extent that anyone wanting to apply for licensure with older academic coursework may choose not to apply for licensure because they would have to obtain the academic requirement through continuing education or academic coursework. The aggregate effect on competition and employment cannot be determined because it is unknown if there would be any decrease in applications for licensure due to the requirement.

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FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Code of Ethics Requirement

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

Other than the cost of rulemaking, which is approximately \$400 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

Existing rules provide that in order to be eligible for supervision as a provisional licensed professional counselor, an applicant must complete at least one three-hour course covering ethics and professional orientation, including the ethical standards of the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies. The proposed rule change states that such a course must cover the most recent edition of the Code of Ethics as published by the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies in order to count toward licensure. As with the current

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Disciplinary Rules and Procedures for Adult Inmates
(LAC 22:I.341)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §341, Disciplinary Rules and Procedures for Adult Inmates.

The Department of Public Safety and Corrections, Corrections Services, revised the Disciplinary Rules and Procedures as the result of a comprehensive review in order to reorganize Rule 30 "General Prohibited Behavior", and to remove duplicative rules, create new rules, and to move certain Rule 30 provisions under rules, which are more specific and appropriate. The revision also includes general updates.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT
Part 1. Corrections

Chapter 3. Adult Services
Subchapter B. Disciplinary Rules and Procedures of Adult Offenders

§341. Disciplinary Rules and Procedures for Adult Inmates

A. Purpose—this department regulation constitutes the department’s “*Disciplinary Rules and Procedures for Adult Inmates*” as a regulation.

B. Applicability—deputy secretary, chief of operations, regional wardens, wardens, director of probation and parole, director of prison enterprises, sheriffs, and administrators of local jail facilities and transitional work programs. Each unit head shall ensure appropriate unit written policies and procedures are in place to comply with the provisions of this regulation.

C. Policy. The secretary’s policy is that all inmates and employees shall have reasonable access to and comply with the department’s “*Disciplinary Rules and Procedures for Adult Inmates*”. The “*Disciplinary Rules and Procedures for Adult Inmates*” are established to provide structure and organization for the state’s facilities and a framework within which the inmate population can expect the disciplinary system to function.

1. Revisions shall be accomplished through this regulation under the signature of the secretary.

D. Disciplinary Rules and Procedures for Adult Inmates

1. This book of disciplinary rules and procedures constitutes clear and proper notice of same for each inmate sentenced to the Department of Public Safety and Corrections.

2. It is the policy of the Louisiana Department of Public Safety and Corrections to operate a swift and fair disciplinary process that follows constitutional and statutory standards. The *Disciplinary Rules and Procedures for Adult Inmates* establishes a uniform inmate disciplinary process that:

- a. maintains order and control of institutional safety;
 - b. ensures inmates are disciplined fairly;
 - c. ensures constitutional rights are protected;
 - d. modifies inmate behavior in a positive manner;
- and
- e. maintains an official record of an inmate’s disciplinary history.

3. The *Disciplinary Rules and Procedures for Adult Inmates* provides structure and organization for the prisons and a framework within which the inmate population can expect the disciplinary system to function. All inmates sentenced to the custody of the Department of Public Safety and Corrections, regardless of their housing facility, shall be placed on notice as to the requirements of the *Disciplinary Rules and Procedures for Adult Inmates* by being provided with a copy of the rulebook. All inmates shall be required to sign for the receipt of the rulebook, and the signed receipt shall be filed in the inmate’s master record.

4. The secretary of the Department of Public Safety and Corrections has sole authority to change these rules, regulations, and procedures. Utilization of these procedures

does not constitute the granting of any enforceable right or privilege to any inmate.

5. During incarceration, inmates can expect changes to custody level, job classification, housing assignment, institutional assignment, or opportunities to participate in institutional programs or activities. Such changes may result from classification, the imposition of disciplinary penalties, the promotion of legitimate institutional goals, or security concerns. Such changes are not necessarily disciplinary penalties. When the above changes occur as a result of other department regulations and institutional policies, they are not considered penalties in the context of the disciplinary process.

6. In the event of a genuine emergency, such as a serious disturbance disrupting normal operations or a natural disaster, the secretary or designee may suspend any and all disciplinary rules and procedures for the duration of the emergency. Full hearings must be held within a reasonable time after the end of the emergency for those inmates who were subjected to loss of good time or failure to earn incentive wages.

7. Certain procedures described herein may vary when an inmate is housed in a jail facility, including but not limited to: applicability of certain sanctions, appeals processes, availability of counsel substitutes, procedures applicable to reporting infractions, and hearing timelines. Additionally, an inmate housed in a jail facility who violates a rule for which forfeiture of good time is a possible sanction may be temporarily transferred to a state facility for the purpose of conducting a high court hearing; alternatively, the hearing may be conducted remotely utilizing a department-approved telecommunications software. Hearings related to rule violations for which forfeiture of good time is not a possible sanction will be conducted in the jail facility, and the inmate will not be transferred to a state facility for a high court hearing. Variation from the procedures provided herein is not permitted in state facilities.

E. Definitions

Boards—the following boards, as below defined, shall assist in determining an inmate’s custody level and placement:

a. *Classification Board*—a multidisciplinary board(s) within each facility responsible for all inmate classification decisions.

i. A facility classification board shall consist of a minimum of two facility staff members, with those staff members representing each of the following two categories:

(a) classification, social services, medical/mental health, and

(b) security (which member shall be of the rank of captain or higher).

ii. All inmates shall be given notice 48 hours prior to their classification reviews and shall be present for those reviews, unless precluded due to security or other substantial concerns. An inmate may waive in writing the 48-hour notice.

b. *Disciplinary Board*—a multidisciplinary board convened to provide a fair and impartial review of an alleged rule violation by an inmate. A disciplinary board determines if an inmate is guilty or is not guilty of an alleged rule violation and determines an appropriate sanction if the

disciplinary board determines an inmate in fact is guilty of a rule violation. A properly composed disciplinary board shall consist of three people— one duly authorized and trained chairman and two duly authorized and trained members.

c. *Re-entry Services Team*—a multidisciplinary team comprised of a classification officer, a security officer, a mental health provider, and a transition specialist to assist inmates with their transition to general population or to the community, utilizing an individualized plan and ensuring services are delivered in an effective manner.

d. *Segregation Review Board*—a multidisciplinary team comprised of a classification officer, mental health provider, and a security officer (major or above) to consider and make recommendations as to whether or not an inmate in protective segregation, preventative segregation, or restrictive housing may be moved to a less restrictive setting or remain in restrictive housing.

Classification—a process for determining the needs and requirements of those for whom confinement has been ordered and for assigning inmates to housing units, work assignments, and programs according to their needs and existing resources. Classification actions, even if resulting from an incident handled in the disciplinary process, are not disciplinary sanctions.

Confidential Informant—person whose identity is not revealed to the accused inmate but who provides an employee with information concerning misbehavior or planned misbehavior.

Confinement to Dormitory, Room, or Cell—confinement to one's regularly assigned living quarters (for example: dormitory, room, or cell) with restrictions on certain out-of-cell privileges such as participation in club meetings, hobby craft, or special events. Ordinarily assigned programming and medical or mental health treatment shall not be restricted. Telephone privileges, recreation time, and television privileges are not automatically included under this sanction unless otherwise separately sanctioned.

Custody Levels—see established policies and procedures for information regarding the various custody levels and status review procedures.

Extra Duty—work to be performed in addition to an inmate's regular job assignment as specified by the proper institutional authority. This work is performed without the benefit of incentive wages.

Incentive Pay—compensation paid to an inmate in the physical custody of the department and who is eligible to receive incentive wages and has performed satisfactory work in the compensation grade in which he has been classified.

Posted Policy—policy memoranda detailing what behavior is required or forbidden of inmates and generally reflecting the individual needs of the facility. Posted policies must be distributed and posted in such a manner that inmates are placed on notice as to what behavior is required or forbidden and that sanctions may be imposed should the policy be violated.

Prison Rape Elimination Act of 2003 (PREA)—federal law enacted to establish a zero-tolerance standard for the incidence of sexual assault within an institutional setting. Refer to Disciplinary Rule No. 21 (Aggravated Sex Offense).

Restrictive Housing—a placement that requires an inmate to be confined to a cell at least 22 hours per day for the safe and secure operation of the facility.

Sanction—a disciplinary penalty.

Segregation—special management housing whereby an inmate is confined to an individual cell separated from the general population.

Segregated Housing/Unit—any housing where an inmate lives separate and apart from the general population until such time as the segregation review board determines there is no need for further segregation. Segregated housing includes:

a. *Disciplinary Segregation*—a maximum custody housing area, typically a cell, where an inmate is housed for a definitive period of time as a result of a sanction from a disciplinary hearing.

i. *Investigative Segregation*—a maximum custody temporary holding area, preferably a cell, where an inmate is held pending the outcome of a disciplinary hearing, pending a classification review board review, or pending a transfer to an appropriate housing unit.

ii. *Preventative Segregation*—a maximum custody housing area, preferably a cell, where an inmate's continued presence in general population is a danger to the good order and discipline of the institution and/or whose presence poses a danger to himself, other inmates, staff, or the general public.

iii. *Protective Segregation*—a maximum custody form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

(a). Protective segregation consists of three levels:

(i). *Level 1 Protective Segregation*—Level 1 is a lower level protection assignment and generally made at an inmate's request, but may be originated by staff. A disciplinary or classification review board, depending upon the established facts and circumstances, shall confirm or deny the request and provide written reasons for its decision. All facilities are eligible to house Level 1 inmates in Protective segregation.

(ii). *Level 2 Protective Segregation*—Level 2 is based upon the nature of an inmate's crime, prior employment history (for example: former law enforcement, politician, etc.), age, or other significant protection concerns. Generally, a Level 2 inmate is determined to be unable to live in general population at any facility, but may be considered a candidate for placement in general population at some point in the future. This designation may result in the inmate's assignment to protective segregation at Louisiana State Penitentiary, Elayn Hunt Correctional Center, David Wade Correctional Center, or the Louisiana Correctional Institute for Women.

(iii). *Level 3 Protective Segregation*—Long-term protection concerns usually due to past history of offense or employment, (for example, former law enforcement or correctional officer). Generally, the inmate is determined to be unable to live in general population at any facility and is very unlikely to ever be suitable for general

population. These inmates are housed in the N-5 Protection Unit at David Wade Correctional Center which is an open cell environment.

iv. Transitional Segregation—a maximum custody temporary holding area, preferably a cell, until bed space is available for placement or awaiting a transfer to another institution- transitional segregation may occur in any segregated housing area.

v. Residential Treatment Housing—a maximum custody area within a facility where inmates who have a mental health disorder with symptoms that are severe and persistent to the point of interfering with the inmate's ability to behaviorally and cognitively live in a less structured secure environment are admitted for health observation and care under the supervision and direction of health care personnel. Placement in residential treatment housing is reliant on documented orders from a health care practitioner and/or psychiatrist.

vi. Working Segregation—a form of maximum custody for a determinate period of time distinguished by access to work and other programs consistent with security restrictions and facility procedures. This type of assignment is used primarily after a disciplinary hearing for an inmate found guilty of violating one or more rules according to established policies and procedures or as part of the step down from a more restrictive housing.

Note: The pronouns "he" and "his" as used herein are for convenience only and are not intended to discriminate against female employees or inmates. Additionally, "employee" as used herein refers not only to an employee of the Department of Public Safety and Corrections, but also to any individual having the authority to exercise supervision over an inmate.

F. Disciplinary Procedures

1. This rulebook contains the disciplinary rules and procedures for inmates remanded to the state's custody. All inmates are required to obey the rules and regulations. The following outlines the procedures that shall be followed when an inmate violates a rule.

a. General Procedures

i. Reporting Infractions

(a). When an employee witnesses or has knowledge of any act by an inmate that is in violation of the rules or posted policies, the employee shall first attempt, if appropriate, to resolve the matter informally. If the violation is observed or brought to the attention of a contract employee, volunteer, or institutional visitor, the incident shall be reported to an employee by the person observing or with knowledge of the behavior. Informal resolution may include counseling, verbal reprimand, or the giving of an instruction, warning, or order. Informal resolution is not appropriate for any offense that poses a risk to the security of the institution such as solicitation of staff to violate a rule or policy, an attempt to establish an inappropriate relationship, or possession of contraband.

(i). If the incident cannot or may not be resolved informally, the employee shall complete a disciplinary report formally charging the inmate with violating a rule. Refer to Section I "Inmate Rules and Violation Descriptions" for additional information.

(ii). The report shall be written by the employee who has reason to believe that an inmate has violated, attempted to violate or conspired to violate one or more disciplinary rules.

[a]. An inmate who intentionally attempts to violate a disciplinary rule, even if he is unsuccessful, may receive a disciplinary report for attempting to break that rule.

[b]. When two or more persons working in combination for the specific purpose of violating any disciplinary rule, they may receive a disciplinary report for conspiring to break that rule.

[c]. The description of an incident may include more than one separate and distinct rule violation. It is appropriate to include more than one rule violation on a single disciplinary report.

(iii). The disciplinary report shall include the following information:

[a].[i]. the accused inmate's name, DOC number, housing and job assignment;

[ii]. the reporting officer's name and title;

[iii]. the offense number;

[iv]. the date and approximate time of the offense; and

[v]. a description of the facts of the offense;

[b]. the description of the facts of the offense shall include the name of all witnesses, the location of the incident, and a full statement of the facts underlying the charges.

[c]. a description of any unusual inmate behavior, any physical evidence and its disposition, and any immediate action taken, including the use of force.

(b). Upon completion of the disciplinary report, the supervisor shall review the information and forward the report and any supporting documentation to the disciplinary office or designated depository for processing.

(c). The warden or his designee, or the shift supervisor, can order immediate removal from general population when it is necessary to protect the inmate or others, or when the inmate is the subject of an investigation. The action must be approved, denied, or modified within 24 hours by an appropriate and higher authority who is not involved in the initial placement.

(d). In instances when an inmate is placed in investigative segregation for disciplinary purposes, the supervisor shall conduct a review of the documentation to ensure it is complete and correct and, as needed, shall investigate to confirm the reasonableness of the allegation or circumstances prompting the assignment. This review (and investigation if needed) shall be done prior to the conclusion of the supervisor's tour of duty.

(e). Time spent in investigative segregation for the offense shall be credited against segregation or extra duty sentences even when these sanctions are suspended. Credit shall not be given for time spent in investigative segregation based upon a request for protection or while an inmate is awaiting transfer to another area.

(f). Assignment to disciplinary segregation shall be for a determinate period of time with reviews by a

multi-disciplinary review board in accordance with established policies and procedures.

(g). Established policies and procedures shall govern the time an inmate may be in segregated housing for rule violations, except to the extent documented reasons and due process review result in the need for continued preventative segregation due to a threat exhibited by an inmate may exist to self, other inmates, or staff.

(h). The applicable review board shall review the status of inmates who are in investigative segregation at least seven days for the first 60 days and thereafter every 30 days.

(i). The segregation review board shall review the status of inmates who are in protective segregation:

[a]. Level 1 protective segregation: at least every seven days for the first 60 days and thereafter at least every 30 days;

[b]. Level 2 protective segregation: every 90 days;

[c]. Level 3 protective segregation: annually.

(j). The applicable review board shall review the status of inmates who are in preventative segregation at least every 60 days.

(k). The applicable review board shall review the status of inmates who are in working segregation at least every 90 days.

ii. Notice of Disciplinary Report

(a). Inmates shall be served with notice of charges at least 24 hours prior to the hearing.

(b). Confirmation that the inmate was advised of the charges shall be noted on the original of the disciplinary report by the inmate's signature.

(c). If the inmate refuses to sign the disciplinary report, the delivering officer shall note the refusal in the inmate signature block and initial the box.

iii. Counsel and Counsel Substitutes

(a). Counsel is a licensed attorney of the inmate's choice who has been retained by the inmate.

(b). Counsel substitutes are people not admitted to the practice of law, but who are instead inmates who aid and assist, without cost or fee, an accused inmate in the preparation and presentation of his defense and appeal.

(c). Counsel substitutes are only those inmates appointed by the warden or designee to assist other inmates with their legal claims, including but not limited to, assistance with filing of administrative remedy procedure requests, disciplinary board appeals, and lost property claims. Counsel substitutes are not required to file disciplinary appeals, but should inform the inmate who wants to appeal of the proper way to file. Counsel substitutes may be removed from their positions if the warden or designee believes it appropriate. Inmates who are not counsel substitutes may not provide services to other inmates without the approval of the warden or designee.

G. Disciplinary Hearings and Sanctions

1. Hearing Procedure

a. Hearings shall provide a fair and impartial review conducted by a disciplinary officer or disciplinary board to determine if a rule infraction occurred, if the inmate is guilty or not guilty of the charges, and the appropriate sanction or sanctions.

b. An investigation report may be submitted to the disciplinary board detailing the facts uncovered in an investigation. If the investigation report is used as evidence in the hearing, a copy of the report shall be maintained in the administrative record. In the alternative, the investigator may be called as a witness to present testimony.

c. There are two types of disciplinary hearings: high court and low court. Generally, high court hearings are conducted for Schedule B violations, and low court hearings are conducted for Schedule A violations. See Section I, "Inmate Rules and Violation Descriptions," for the schedule designation applicable to each rule violation.

2. Low Court Hearing with a Disciplinary Officer

a. A hearing conducted by a ranking security officer (lieutenant or above) or any supervisory level employee from administration or treatment appointed by the warden or designee who conducts hearings of minor violations (Schedule A) and who may impose only designated sanctions.

b. Any disciplinary officer directly involved in the incident or one who is biased for or against the accused cannot hear the case unless the accused waives recusal in writing. Performance of a routine administrative duty does not necessarily constitute direct involvement or bias.

c. At these hearings, the accused inmate represents himself and is given full opportunity to speak in his own behalf.

d. Counsel substitutes, witnesses, or the accusing employee are not permitted in the hearing.

e. Low court hearings are not recorded.

f. Hearings shall be held within seven days of the date of the report, excluding weekends and holidays, unless the hearing is prevented by exceptional circumstances, unavoidable delays, or reasonable postponements. Reasons for any delays shall be documented.

3. High Court Hearing with a Disciplinary Board

a. A properly-composed board shall consist of three people—one duly authorized and trained chairman and two duly authorized and trained members—each representing a different discipline (security, administration, or treatment). The secretary or designee must approve the chairman, and the warden or designee must approve the members.

b. If the inmate will be transferred to a state correctional facility from a local jail facility for the purpose of conducting the hearing, the inmate shall be brought before the disciplinary board of the local jail facility where the violation occurred and informed of the pending transfer and necessitated delay of the hearing. The date the notice was given to the inmate shall be documented on the disciplinary report.

c. 72-Hour Rule

i. Any inmate who is placed in investigative segregation for a rule violation shall be afforded a disciplinary hearing within 72 hours of being placed in investigative segregation. Exceptions include official holidays, weekends, genuine emergencies, or for other good cause. The inmate shall be heard at the next available court date. When it is not possible to provide a full hearing within 72 hours of placement, the accused shall be brought before the disciplinary board, informed of the reasons for the delay, and remanded back to investigative segregation or released to his quarters after a date for a full hearing has been set.

ii. The 72 hour rule does not apply to inmates housed in local jail facilities or transitional work programs whose hearings are conducted once they are transferred to a state correctional facility or those who have their disciplinary hearing conducted at a state correctional facility even if they are not transferred there. Inmates in this status have no expectation of a disciplinary hearing within 72 hours.

iii. The 72 hour rule does not apply to those inmates who are placed in investigative segregation for reasons other than for a rule violation. Examples of these classifications include, but are not limited to:

(a) awaiting transfer to another facility or to another housing unit within the facility;

(b) transitional work program, or intake.

iv. For those inmates placed in investigative segregation for a reason other than a rule violation, an initial review shall be conducted by the appropriate board within seven days of the date of the report of placement in investigative segregation. Exceptions include official holidays, weekends, genuine emergencies, exceptional circumstances, unavoidable delays or for other good cause. Reasons for all delays shall be documented. This does not apply to inmates housed in local jail facilities or transitional work programs whose reviews are conducted once they are transferred to a state correctional facility or those who have their disciplinary hearing conducted at a state correctional facility even if they are not transferred there.

d. Any member directly involved in the incident or one who is biased for or against the accused shall not hear the case unless the accused waives recusal in writing or verbally on the record.

e. The disciplinary board also may hear cases of inmates who signed written requests for protection and may recommend appropriate action.

4. Conduct of the Hearing - Disciplinary Board

a. Before the hearing may begin, an accused inmate must acknowledge that he is familiar with the inmate rights during the disciplinary process. Refer to Section J "Inmate Rights and Responsibilities" for additional information.

b. All rights and procedural requirements shall be followed unless waived by the accused.

c. Disciplinary board hearings shall be recorded in their entirety, and the recording shall be preserved for five years.

d. An inmate who chooses not to be present at the hearing may sign a waiver which shall be read into the record. A counsel substitute shall represent him and enter a not guilty plea. The same applies to a disruptive inmate who refuses to cooperate. If the inmate refuses to sign a waiver, a waiver shall be prepared and the refusal noted by two witnesses. In either scenario, the disciplinary chairman shall also sign the waiver.

e. The accused enters his name and DOC number into the record as does his counsel or counsel substitute, if any, and confirms that he understands his rights. If the inmate indicates he does not know or understand his rights, his rights shall be explained to him.

f. The chairman or designated board member shall read the disciplinary report into the record. The chairman or designated board member has the option to spell words they

believe to be offensive. Upon the report being read into the record, the chairman shall ask the accused inmate for a plea of "not guilty" or "guilty." Should the accused inmate attempt to enter an unavailable plea or refuse to enter a plea, the chairman shall enter a plea of "not guilty" before proceeding with the hearing.

g. Preliminary motions shall be raised at the first opportunity or be considered waived and may include:

i. dismissal of the charge or charges;

ii. continuance, but note that inmates are not entitled to a continuance to secure counsel unless they are charged with a violation that is also a crime under state or federal law, and only one continuance will be granted unless new information is produced;

iii. requests to face accuser and call witnesses;

iv. a motion due to lack of 24-hour notice, including any challenge to the waiver of the 24-hour notice rule having not been made in writing;

v. request for investigation;

vi. any other appropriate motions.

h. All motions shall be made at the same time in the proceedings. Subsequent verbal motions shall be denied as having been waived.

i. The board shall deliberate and rule on motions at the time the motion is made, unless expressly deferred to the actual hearing.

j. A summary of motions presented shall be documented with written reasons for each ruling made on the disciplinary court motions which is available from classification or security staff.

k. After entering a plea and any potential motions, the accused may present his defense.

l. The board may ask questions of the accused, his witnesses or his accuser. During the hearing, the accuser should only be present to testify. The accuser shall never be present during deliberations.

m. The disciplinary board shall carefully evaluate all evidence presented or stipulated.

n. In situations where the disciplinary report is based on a single confidential informant, there must be other evidence to corroborate the violation. That evidence may include, but is not limited to: testimony from another confidential informant, the record, the investigative report, or other evidence. Whenever information is provided by confidential informants, the informant must be certified as having provided reliable information in the past and have personal knowledge of the present incident. If requested, the accusing employee shall be summoned to testify about the reliability and credibility of the confidential informant when the disciplinary report is based solely on information from confidential informants.

i. All confidential information used in the disciplinary process shall be documented on the confidential informant testimony and certification.

o. The board shall review the information presented during the deliberations.

i. During deliberations, everyone except the board and any official observers shall leave the room; and the board shall decide the case on the basis of the evidence presented at the hearing.

ii. Official observers shall not take part in the hearing or the deliberations.

iii. The disciplinary record of the accused may be examined to discover a pattern of similar misbehavior or to determine if a pending suspended sanction exists.

iv. The disciplinary record may be used to determine the appropriate sanction or sanctions to be imposed.

v. All members of the board shall verbally discuss and render their verdict.

vi. The audio recording will continue throughout the deliberations.

p. Following the deliberations, the chairman shall announce the verdict. A verdict shall require the agreement of two of three board members.

q. A dissenting board member may provide written or oral reasons for their dissent.

r. If the verdict is guilty, the chairman shall then announce the sanction or sanctions.

s. The chairman shall articulate clearly which sanction applies to each specific rule violation for which the inmate was found guilty.

t. The board has full authority to suspend any sanction imposed for a period of up to 90 days.

5. Correcting Disciplinary Reports

a. A reviewing employee may change the rule violation number to fit the description prior to the hearing, but should ensure that the accused receives a corrected copy of the report at least 24 hours before the hearing begins. Additional rule violations may be added if the offense is clearly described on the report. In the event that an additional rule violation is added, the reviewing employee shall ensure that the accused receives a corrected copy of the report including the additional rule violation at least 24 hours before the hearing begins.

b. Before the hearing begins, the board may change the rule number to match the description of the alleged misbehavior, if necessary, and may also change the rule number at any point prior to the deliberations, but the board should offer the accused a continuance to prepare the defense. It is the description of the conduct and not the rule violation number that determines the offense.

c. The continuance may be waived and does not necessarily need to be for 24 hours. This information shall be voiced on the recorder for the record.

6. Sanctions

a. There is an established department-approved uniform system of administrative sanctions which may be imposed upon an inmate for rule violations. The department-approved uniform system of administrative sanctions considers the severity of the violation, behavior, and any prior history of similar violations.

b. Sanctions shall be for a determinate period of time which shall be documented.

c. The imposition of sanctions shall be imposed using only the department-approved uniform system of administrative sanctions.

d. No sanction shall be administered that is not in accordance with the department-approved uniform system of administrative sanctions, unless waived in writing by the department chief of operations, after consideration of the hearing record, the inmate's conduct record, and any other aggravating circumstance.

e. Any violation of a rule may result in a change in an inmate's custody level. Changes in an inmate's custody level shall be recommended as a sanction by the disciplinary board and approved by the classification board in accordance with established policies and procedures.

f. In addition to other appropriate sanctions, the disciplinary board may order a job change as the result of any rule violation.

g. An inmate who violates more than one rule or the same rule more than once during an incident may receive a permissible sanction for each violation. For example, an inmate who has established a documented pattern of behavior indicating that he is dangerous to himself or others is a repeat rule violator.

h. Inmates shall be sanctioned for rule violations as first offenders unless they commit a second violation within 12 months of the prior violation; at which time, they shall be sanctioned as a second offender and so on until they reach the maximum penalty according to the department-approved uniform system of administrative sanctions.

i. After a finding of guilt for a new violation, a previously-suspended sanction may be imposed as well as a new sanction for the new violation.

j. State and federal criminal laws apply to inmates. In addition to being sanctioned by prison authorities, inmates may also be referred for prosecution in state or federal court for criminal conduct.

k. Restitution may be imposed in accordance with established policies and procedures and may be assessed in addition to any other permissible penalties.

l. An inmate who has received a forfeiture of good time as a result of disciplinary action shall be eligible to be considered for restoration of previously forfeited good time upon meeting the requirements established policies and procedures.

H. Appeals

1. A request for review of a disciplinary decision must follow these procedures.

a. Appeals to the Disciplinary Board

i. An inmate may appeal a case heard by the disciplinary officer only to the disciplinary board.

ii. As soon as the ruling is issued, the inmate who wants to appeal must clearly say so to the disciplinary officer who will then automatically suspend the sanction and schedule the case for the disciplinary board.

iii. The appeal hearing before the disciplinary board is a full hearing the same as any other hearing conducted by the board. The disciplinary board cannot increase the sanction imposed by the disciplinary officer.

iv. The appeal to the disciplinary board will be the final appeal in a case heard by the disciplinary officer. No other appeals are allowed. The appeal from the disciplinary officer to the disciplinary board will constitute the final administrative remedy regarding the disciplinary decision. Decisions rendered by the disciplinary officer and appealed to the disciplinary board may not be appealed to the warden or to the secretary.

b. Appeals to the Warden

i. An inmate may appeal a case heard by the disciplinary board. All appeal requests on high court cases shall be to the warden.

ii. The inmate may appeal himself or through counsel or counsel substitute. In any case, the appeal must be received within 15 calendar days of the hearing.

iii. The appeal should be clearly written or typed on the appeal from the disciplinary board template which is available from the inmate's classification officer. If the form is not available, the appeal may be on plain paper but should contain the information called for on the form.

iv. The warden will decide all appeals within 30 calendar days of the date of receipt of the appeal, and the inmate will be promptly notified in writing of the results unless circumstances warrant an extension of that time period and the inmate is notified accordingly.

v. Lengthy appeals of disciplinary actions will not be accepted into the appeals process. It is necessary for the inmate to only provide basic factual information regarding his case. Lengthy appeals will be returned to the inmate for summarization. The inmate will have five calendar days from receipt to comply with the instructions and resubmit. It is important to remember that abuse of the system impairs the department's ability to respond to legitimate problems in a timely fashion.

c. Appeals to the Secretary

i. An inmate may appeal the decision of the warden to the secretary and must indicate that he is not satisfied in the appropriate box on the appeal decision. The document shall then be submitted to the disciplinary office or designated depository.

ii. The inmate must submit the form within five calendar days of the date of the receipt of the warden's decision. No supplement to the appeal shall be considered.

iii. It is only necessary that the inmate check the box indicating, "I am not satisfied," date, sign, and forward the form to the appropriate person.

iv. An inmate who does not file an appeal to the warden in a timely manner shall relinquish his right to appeal to the secretary.

v. The inmate shall receive an acknowledgment of receipt and date forwarded to the secretary's office.

vi. The institution shall provide a copy of the inmate's original appeal to be attached to the appeal decision template for submission to the secretary. The appeal decision template is available from the inmate's classification officer.

vii. The secretary shall only consider appeals of sanctions from decisions of the warden that resulted in an imposed or suspended sentence of one or more of the following penalties:

- (a) forfeiture of good time;
- (b) a custody change from minimum to medium if it involves transfer to another institution;
- (c) a custody change to maximum;
- (d) failure to earn incentive wages.

viii. In addition, appeals regarding restitution assessments may be submitted to the secretary. The appeal of such assessments must be submitted in accordance with established policies and procedures.

ix. The secretary shall decide all appeals within 85 days of the date of receipt of the appeal, and the inmate shall be promptly notified in writing of the results unless circumstances warrant an extension of that time period and the inmate is notified accordingly. Absent unusual circumstances, the secretary shall only consider review of the sanction imposed of an inmate who pled guilty.

I. Inmate Rules and Violation Descriptions

Rule No.	Rule Name	Description	Maximum Sanction
An inmate found guilty of violating one or more of the rules defined below will be sanctioned according to the penalty schedule designated in the rule and the type of hearing provided.			
After a finding of guilt, the disciplinary officer or the disciplinary board may impose one or two of the penalties below for each violation. The specified penalties below represent the maximum allowable sanction for an offense, and lesser penalties may be imposed as directed by the secretary.			
Suspended Sentences: The disciplinary officer or the disciplinary board may suspend any sanction either imposes for a period of up to 90 days. The period of suspension begins on the date of the issuance of the ruling. When the time period has expired, the report itself remains a part of the record; however, the sanction may no longer be imposed.			
1	Contraband (Schedule B)	<p>No inmate shall have under his immediate control any illicit drugs, any product that could be used to adulterate a urine sample, unauthorized medication, alcoholic beverage, yeast, tattoo machine, tattoo paraphernalia, syringe, any type weapon, cellular phone or component hardware or other electronic communications device, whether operational or not, including but not limited to beepers, pagers, subscriber identity module (SIM) cards, portable memory chips, batteries for these devices, chargers, global satellite system equipment, or any other item not permitted by department regulation or institutional posted policy to be received or possessed or any other item detrimental to the security of the facility. Money is contraband. Any item not being used for the purpose for which it was intended will be considered contraband if it is being used in a manner that is clearly detrimental to the security of the facility. Cigarettes or other smoking materials are considered contraband. To smuggle or attempt to smuggle prohibited items into or out of the facility will be in violation of this rule.</p> <p>The area of immediate control is an inmate's person, his locker or storage area, his cell, his room, his bed, his laundry bag, his hobby craft and his assigned job equipment (such as, but not limited to, his desk, his tool box, or his locker at the job) or the area under his bed on the floor unless the evidence clearly indicated that it belonged to another inmate.</p> <p>Contraband found in a common area cell shared by two or more inmates will be presumed to belong to all of them equally.</p> <p>Any inmate who is tested and has a positive reading on a urinalysis or breathalyzer test will be considered in violation of this rule. An inmate</p>	<p>General</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 60 days • Loss of minor privilege: Up to 12 weeks • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days <p>Weapon</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of visiting privileges: Up to 90 days • Loss of hobby craft: Up to 12 months

Rule No.	Rule Name	Description	Maximum Sanction
		<p>who refuses to be tested or to cooperate in testing, as well as an inmate who alters his urine specimen, will also be found in violation of this rule. Inmates unable to provide a urine specimen within three hours of being ordered to do so shall also be deemed to be in violation of this rule.</p> <p>Any sketch, painting, drawing, or other pictorial rendering produced in whole or in part by a death row inmate, unless authorized by the warden of the institution, is also considered in violation of this rule.</p>	<p>Cell Phone</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of visiting privileges: Up to 90 days <p>Drugs</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days Failure to earn incentive wages: Up to 12 months Loss of visiting privileges: Up to 90 days <p>Monetary Related</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days Failure to earn incentive wages: Up to 12 months Loss of visiting privileges: Up to 90 days
2	Unauthorized Items (Schedule A)	An inmate shall not have in his possession any item, object, or thing impermissible under prison and rules procedures. Said item, object, or thing shall not be considered a threat to the safety or security of the institution	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days Failure to earn incentive wages: Up to 3 weeks Loss of yard or recreation activities: Up to 14 days Loss of other minor privileges: Up to 14 days
3	Defiance (Schedule B)	<p>No inmate shall commit or attempt to commit bodily harm upon another person. This includes throwing any object, water or any other liquid or substance, feces, urine, blood, saliva or any form of human waste, or spitting or attempting to spit on another person.</p> <p>No inmate shall curse, insult, or threaten another person in any manner. This prohibited conduct includes abusive, harassing, or insulting conversation, correspondence, phone calls, or gestures by an inmate, including strong-arming or using threats of violence of perceived harm or reprisal to secure gain or favor for oneself or others.</p> <p>No inmate shall communicate any statements or information known to be malicious, false, or inflammatory, where the purposes of such statement is reasonably intended to harm, embarrass, or intimidate an employee, visitor, guest, inmate, or their families. An inmate shall not be subject to forfeiture of good time or loss of incentive wages for the conduct enumerated in this paragraph. The conduct described in this paragraph shall not be a rule violation where the information or statements communicated were for the express purpose of obtaining legal assistance.</p> <p>Further, no inmate shall obstruct, resist, distract, or attempt to elude staff in the performance of their duties. Nor shall an inmate intimidate or attempt to intimidate staff to manipulate staff's actions.</p> <p>This rule does not prohibit an inmate from advising staff of planned legal redress even during a confrontational situation; however, an inmate's behavior in such a situation shall not be disrespectful or violate any other disciplinary rule.</p>	<p>General</p> <ul style="list-style-type: none"> Loss of minor privilege: Up to 12 weeks Confinement to dormitory, room or cell: Up to 30 days Extra duty: Up to 8 days Disciplinary segregation: Up to 20 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months Loss of hobby craft: Up to 12 months Loss of visiting privileges: Up to 90 days <p>Battery of a CSO</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to 180 days Failure to earn incentive wages: Up to 12 months

Rule No.	Rule Name	Description	Maximum Sanction
4	Disobedience (Schedule A)	Inmates must obey the posted policies for the facility in which they are confined. They must obey signs or other notices of restricted activities in certain areas, safety rules, or other general instructions. The only valid defense for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury. This defense includes incapacity by virtue of a certified medical reason.	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
5	Disobedience, Aggravated (Schedule B)	Inmates must obey direct verbal orders cooperatively and promptly and not debate, argue, or ignore orders before obeying. The last order received must be obeyed when orders conflict. Even orders the inmate believes improper must be obeyed, and grievances must be pursued through proper channels. Sanctions imposed by the disciplinary officer or the disciplinary board are to be carried out by the inmate. Violations of duty status shall be punishable under this rule as willful violation of an order from the disciplinary board. The only valid defense for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury. This defense includes incapacity by virtue of a certified medical reason.	<ul style="list-style-type: none"> Disciplinary segregation: Up to 60 days Forfeiture of good time: Up to 90 days Failure to earn incentive wages: Up to 12 months
6	Disorderly Conduct (Schedule A)	All boisterous behavior is forbidden. This includes, but is not limited to, horseplay, rowdy, or unruly conduct. Inmates shall not jump ahead or cut into lines at the canteen, recreational activities, dining or kitchen area, or during group movements of inmates. Visitors and guests shall be treated courteously and shall not be subjected to disorderly or intrusive conduct. Inmates shall not communicate verbally into or out of cellblocks or other housing areas.	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
7	Disrespect (Schedule A)	<p>Employees, visitors, guests, or their families shall not be subject to disrespectful conversation, correspondence, phone call, actions, or gestures. Inmates shall address employees, visitors, guests or their families by proper title or rank or by "Mr.," "Mrs.," or "Miss," whichever is appropriate.</p> <p>Inmates shall not engage in, or make an attempt to engage in, a non-professional relationship with an employee, visitor, guest, their families, or other person an inmate may come in contact with while incarcerated.</p>	<ul style="list-style-type: none"> Reprimand: At the discretion of the board Loss of electronic media player/TV: Up to 14 days Extra duty: Up to 4 days Loss of canteen privileges: Up to 14 days Loss of telephone privileges: Up to 14 days Confinement to dormitory, room or cell: Up to 14 days
8	Escape or Attempt to Escape (Schedule B)	<p>Note: All costs associated with an escape may be recovered through the appropriate imposition of restitution procedures.</p> <p>A. Attempted Escape: The attempt to commit a simple or aggravated escape as defined herein.</p> <p>B. Simple Escape: The intentional, unauthorized departure of an inmate under circumstances in which human life was not endangered, including but not limited to: from the grounds of an institution, a designated area or place within an institution, the custody of a corrections' employee while off the grounds of an institution or the custody of any law enforcement officer; the departure of a transitional work program inmate from the designated area where he is legally confined; the failure of an inmate participating in a transitional work program to report or return from his planned employment or other activity at the appointed time, or who leaves the job site or any other location where he is approved and expected to be for any reason without permission. This includes leaving without authorization from any penal and correctional facility, community rehabilitation center, transitional work program, hospital, clinic, and any and all programs where inmates are legally assigned.</p> <p>C. Aggravated Escape: The intentional, unauthorized departure of an inmate under circumstances in which human life was endangered, including but not limited to: from the grounds of an institution, a designated area or place within an institution, the custody of a corrections' employee while off the grounds of an institution or the custody of any law enforcement officer; the departure of a transitional work program inmate from the designated area where he is legally confined; the failure of an inmate participating in a transitional work program to report or return from his planned employment or other activity at the appointed time, or who leaves the job site or any other location where he is approved and expected to be for any reason without permission. This includes leaving without authorization from an penal and correctional facility, community rehabilitation center, transitional work program, hospital, clinic, and any and all programs where inmates are legally assigned. For the purpose of this rule, the commission of a crime while on escape status constitutes aggravated escape.</p>	<p>Attempted Escape</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape Failure to earn incentive wages: Up to 12 months <p>Simple Escape</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape. Failure to earn incentive wages: Up to 12 months <p>Aggravated Escape</p> <ul style="list-style-type: none"> Disciplinary segregation: Up to 180 days Forfeiture of good time: Up to maximum of all good time earned on the portion of the sentence served prior to the escape Failure to earn incentive wages: Up to 12 months

Rule No.	Rule Name	Description	Maximum Sanction
9	Rescinded		
10	Fighting (Schedule B)	Hostile physical contact or attempted physical contact is not permitted. This includes fist fighting, shoving, wrestling, kicking, and other such behavior. Contact does not necessarily have to be made for this rule to be violated. Self-defense clarification: Self-defense is a complete defense and can be established to the board by the inmate demonstrating that his actions did not exceed those necessary to protect himself from injury.	<ul style="list-style-type: none"> • Disciplinary segregation: Up to 30 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days
11	Fighting, Aggravated (Schedule B)	Inmates shall not fight with each other using any object as a weapon (including any liquid or solid substances thrown or otherwise projected on or at another person). When two or more inmates attack another inmate without using weapons, the attackers are in violation of this rule, as are all participants in a group or gang fight. The use of teeth will also be sufficient to constitute a violation of this rule. No inmate shall intentionally inflict serious injury or death upon another inmate. Contact does not necessarily have to be made for this rule to be violated. Self-defense clarification: (Refer to clarification under rule no. 10).	<ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months
12	Gambling (Schedule B)	No inmate shall operate or participate in any game of chance involving bets or wagers or goods or other valuables. Possession of one or more gambling tickets or stubs for football or any other sport is a violation. No inmate shall operate a book-making scheme. Possession of gambling sheets with a list of names or codes, point spreads, how much owed, or how much wagered will be considered a violation.	<ul style="list-style-type: none"> • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days
13	Rescinded		
14	Intoxication (Schedule B)	No inmate shall be under the influence of any intoxicating substance while in physical custody. Evidence of intoxication may include, but is not limited to, redness in eyes, slurred speech, odor of alcohol, elation, unsteady gait, boisterous behavior, being amused for no apparent reason, hysteria, being in a stupor, daze, or trance.	<ul style="list-style-type: none"> • Disciplinary segregation: Up to 60 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months
15	Rescinded		
16	Rescinded		
17	Property Destruction (Schedule B)	No inmate shall destroy the property of others or of the state. No inmate shall alter his own property when the result of such alteration is to render the article unsuitable according to property guidelines. Flooding an area and the shaking of doors or "racking down" are not permitted. Standing or sitting on face bowls is a violation. Whether or not the inmate intended to destroy the property and the degree of negligence involved may be utilized in defense of the charge.	<ul style="list-style-type: none"> • Disciplinary segregation: Up to 60 days • Loss of minor privilege: Up to 12 weeks • Confinement to dormitory, room, or cell: Up to 30 days • Extra duty: Up to 8 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days
18	Rescinded		
19	Self-Mutilation (Schedule B)	No inmate shall deliberately inflict or attempt to inflict injury upon himself or upon another consenting inmate or consent to have an injury inflicted upon him. Tattoos, piercing of any parts of the body, branding, scarring, and alterations to teeth are specifically included in this rule. Clear and obvious suicide, attempted suicide, or self-harm related to mental distress shall not be considered a violation of this rule.	<ul style="list-style-type: none"> • Loss of minor privilege: Up to 12 weeks • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days
20	Rescinded		

Rule No.	Rule Name	Description	Maximum Sanction
21	Sex Offenses, Aggravated (Schedule B)	<p>Nonconsensual or consensual sexual acts involving inmate-on-inmate, inmate-on-staff, or non-incarcerated person is strictly prohibited. Contact by any inmate of any person without the person's consent or of a person who is unable to consent or refuse through coercion is strictly prohibited. There can be no consensual sex in a custodial or supervisory relationship. The following sexual behaviors are prohibited and the provisions of department regulation no. OP-A-15 (Prison Rape Elimination Act) shall be followed for all allegations of a violation of Subparts A, B, C, and D.</p> <p>A. Nonconsensual Sexual Act (inmate-on-inmate): Contact between the penis and the vagina and the anus including penetration, however slight; contact between the mouth and the penis, vagina, anus, groin, breast, inner thigh or buttocks; penetration of the anal and/or genital opening of another inmate by a hand, finger, or other object. No inmate shall sexually harass another inmate by force or threat of force.</p> <p>B. Abusive Sexual Contact (inmate-on-inmate): Contact such as, but not limited to, intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, buttocks, or mouth of any person. No inmate shall sexually assault another inmate by force or threat of force.</p> <p>C. Sexual Misconduct (inmate-on-inmate): Contact or attempted contact between the penis and the vagina or the penis and the anus including penetration or attempted penetration, however slight; contact or attempted contact between the mouth and the penis, vagina, or anus; penetration or attempted penetration of the anal or genital opening of another inmate by a hand, finger or other object; carnal copulation by two or more inmates with each other, or by one or more inmates with an implement or animal; two or more inmates who have clearly been interrupted immediately before or after carnal copulation. Use of the genital organs of one of the inmates is sufficient to constitute the offense. Inmates may not participate in any sexual activity with each other.</p> <p>D. Sexual Misconduct (inmate-on-staff or non-incarcerated person): Contact or attempted contact between the penis and the vagina or the penis and the anus including penetration or attempted penetration, however slight; contact or attempted contact of the mouth and the penis, vagina or anus; penetration or attempted penetration of the anal or genital opening of another person by a hand, finger, or other object; two or more persons who have clearly been interrupted immediately before or after carnal copulation. Inmates may not participate in any sexual activity with staff or non-incarcerated persons.</p> <p>E. Obscenity: No inmate shall intentionally expose the genital organs or masturbate in view of staff or non-incarcerated persons.</p> <p>F. Other Prohibited Sexual Behavior (inmate- on-inmate, inmate-on-staff or non-incarcerated person): No inmate shall make sexual remarks, gestures, or sounds; flirt; exchange personal items or make sexual threats in conversation by correspondence or telephone.</p> <p>G. Overt display of affection in a manner that may elicit sexual arousal with anyone is prohibited.</p>	<p>A</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months <p>B</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months <p>C</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months <p>D</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months <p>E, F, G</p> <ul style="list-style-type: none"> • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months
22	Theft (Schedule B)	<p>No inmate shall steal from anyone.</p> <p>Fraud or the deliberate misrepresentation of fact to secure material return, special favors, or considerations is also a form of theft.</p> <p>An inmate who knowingly submits clear and obvious false information to any employee within the Department of Public Safety and Corrections is guilty of this violation.</p> <p>No inmate shall have stolen items under his immediate control. No inmate shall have institutional property – including food – under his immediate control unless he has specific permission. (Refer to rule no. 1 for the definition of “area of immediate control”).</p>	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting: Up to 90 days
23	Forgery (Schedule B)	<p>Forgery, which is a form of theft, is the unauthorized altering or signing of a document to secure material return or special favors or considerations. The very act of forgery will constitute proof of the crime. The forgery need not have been successful in its conclusion.</p>	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting: Up to 90 days

Rule No.	Rule Name	Description	Maximum Sanction
24	Unauthorized Area (Schedule B)	An inmate must be in the area in which he is authorized to be at that particular time and date, or he is in an unauthorized area. No inmate shall go into any housing unit other than that to which he is assigned unless he has permission. This includes standing in the doorway.	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 90 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months
25	Rescinded		
26	Unsanitary Practices (Schedule A)	Inmates must maintain themselves, their clothing, and their shoes in as presentable a condition as possible under prevailing circumstances. Each inmate is responsible for keeping his bed and bed area reasonably clean, neat, and sanitary. Beds will be made according to the approved posted policy at the facility. Inmates must wear shoes or boots and cannot wear shirts that leave the armpits exposed or shorts into the kitchen or dining area. Chewing gum in the kitchen or dining area is prohibited.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
27	Work Offenses (Schedule A)	Inmates must perform their assigned tasks with reasonable speed and efficiency. Though inmates have specific job assignments, it may be required that they do work other than what their job assignments require. This work shall also be done cooperatively and with reasonable speed and efficiency. Being present, but failing to answer at the proper time during work roll call is a violation. A school assignment is considered to be a work assignment for the purpose of this rule.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
28	Work Offenses, Aggravated (Schedule B)	An inmate who refuses to work or to go out to work or who asks to go to segregation rather than work, or otherwise participates in or advocates a work stoppage, is in violation of this rule, as is an inmate who disobeys repeated instructions as to how to perform his work assignment. Hiding out from work or leaving the work area without permission is a violation. Falling far short of fulfilling reasonable work quotas is not permitted. Being absent or late for work roll call without a valid excuse such as a no duty status or callout is a violation, as is not reporting for extra duty assignment. Being late to work or to school assignment is a violation. A school assignment is considered to be a work assignment for the purposes of this rule.	<ul style="list-style-type: none"> • Confinement to dormitory, room or cell: Up to 30 days • Extra duty: Up to 8 days • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months
29	Disturbance (Schedule B)	No inmate shall create or participate in a disturbance. No inmate shall incite any other person to create or participate in a disturbance. A disturbance is defined as two or more inmates involving acts of force or violence toward persons or property or acts of resistance to the lawful authority of correctional officers or other law enforcement officers under circumstances which present a threat of injury to persons, property, or to the security and good order of the institution	<ul style="list-style-type: none"> • Forfeiture of good time: Up to 90 days • Disciplinary segregation: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months
30	General Prohibited Behaviors (Schedule A)	Any behavior not specifically enumerated herein that may impair or threaten the security or stability of the unit or well-being of an employee, visitor, guest, inmate, or their families.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: up to 14 days • Failure to earn incentive wages: Up to 3 weeks • Loss of yard or recreation activities: Up to 14 days • Loss of other minor privileges: Up to 14 days

Rule No.	Rule Name	Description	Maximum Sanction
31	Unauthorized Use of an Authorized Item (Schedule A)	<p>A. No inmate shall use telephones, computers, or office equipment without approval.</p> <p>B. No inmate shall establish or maintain an account of any internet-based social networking website, as well as unauthorized access to any internet network; however, this shall not include social media accounts maintained by an outside third party on behalf of the inmate.</p> <p>C. No inmate shall be in possession of another inmate's legal work or purchase or trade for inmate legal services when not assigned as a counsel substitute or when not approved by the warden. No inmate shall give or receive anything of value relative to the provision of paralegal services. No inmate shall perform or be in possession of staff legal work.</p> <p>D. Radios or tape players, CD players or other electronic media players, department-approved tablets, or other electronic devices must be used in accordance with the posted policies of the facility. In addition to any sanction that may be imposed by the disciplinary officer or disciplinary board, the ranking employee on duty may confiscate the device for a period of up to 30 days.</p> <p>E. No Inmate shall disassemble or otherwise alter any tablet, including its software or hardware, and shall preserve the tablet in its original condition. No inmate shall have in their possession material regarding the modification of tablet hardware or software. No inmate shall possess a tablet assigned to another inmate. No inmate shall utilize any tablet or kiosk for prohibited communication with any other inmate or staff. Use of wireless connections (WiFi) for tablets is restricted to the contract vendor's routers only. Connecting to any other wireless connection is prohibited. Inmates shall sync tablets to a kiosk within the required 30 day period in order to ensure that the software remains updated in accordance with department requirements. No inmate shall use their tablet or kiosk privileges in a manner that threatens the safe and secure operation of the facility.</p>	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra Duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days • Failure to earn incentive wages: Up to 3 weeks • Loss of yard or recreation activities: Up to 14 days • Loss of other minor privileges: Up to 14 days • Suspension of tablet and kiosk privileges (31E only): Up to 90 days • Revocation of tablet and kiosk privileges (31 E only)
32	Gang Affiliation (Schedule B)	No inmate shall advocate membership in a gang, or participate in any gang-related activities, including any form of gang or group identification or signaling.	<ul style="list-style-type: none"> • Forfeiture of good time: Up to 90 days • Disciplinary segregation: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months
33	Prohibited Communication (Schedule A)	<p>No inmate shall communicate or visit with any person when not approved or communicate with any person after being given instructions not to communicate with that person.</p> <p>No inmate shall make unsolicited contact or attempted contact with the victims of the inmate's criminal activity or any immediate family member of the victim</p>	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days • Failure to earn incentive wages: Up to 3 weeks • Loss of yard or recreation activities: Up to 14 days • Loss of other minor privileges: Up to 14 days
34	Trafficking (Schedule B)	No inmate shall commit trafficking of drugs alcohol, stolen goods, sexual activity, or persons for the purpose of sexual activity.	<ul style="list-style-type: none"> • Disciplinary segregation: Up to 180 days • Forfeiture of good time: Up to 90 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months • Loss of visiting privileges: Up to 90 days
35	Arson (Schedule B)	Intentionally starting, causing, assisting in the creation of any fire, heat, or spark of any nature by any means or methods, or attempting to start a fire or attempting to heat substances utilizing electrical or mechanical devices or any other means, other than in the performance of an approved work assignment.	<ul style="list-style-type: none"> • Forfeiture of good time: Up to 90 days • Disciplinary segregation: Up to 180 days • Failure to earn incentive wages: Up to 12 months • Loss of hobby craft: Up to 12 months

Rule No.	Rule Name	Description	Maximum Sanction
36	Failure to Cooperate with an Investigation (Schedule A)	No inmate shall deliberately refuse to cooperate with a department employee who is exercising his investigative authority where there is probable cause to believe that the inmate witnessed, or otherwise has knowledge of, relevant facts or circumstances pertaining to an event being investigated by the department.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days
37	Bribery or Coercion (Schedule A)	Bribing, influencing or coercing anyone to violate institutional policies procedures, rules, or state and federal laws, or attempt to do so.	<ul style="list-style-type: none"> • Reprimand: At the discretion of the board • Loss of electronic media player/TV: Up to 14 days • Extra duty: Up to 4 days • Loss of canteen privileges: Up to 14 days • Loss of telephone privileges: Up to 14 days • Confinement to dormitory, room or cell: Up to 14 days

J. Inmate Rights and Responsibilities

1. the right to be given a written copy of the disciplinary report at least 24 hours before the hearing. The disciplinary report shall describe the contents of the charges against the inmate. The inmate may waive this right in writing;

2. the right to a hearing within 72 hours of placement in segregation for a rule violation;

Note: See Section G. Disciplinary Hearings and Sanctions, Section 3(c) for specific instructions regarding the 72 Hour Rule.

3. the right to counsel substitute for all alleged violations and the right to outside retained counsel, if the alleged violation is one for which the inmate could also be charged in a criminal court;

4. the right to not be compelled to incriminate himself;

5. the right to present evidence and witnesses on his behalf and to request cross-examination of the accuser provided such request is relevant, not repetitious, not unduly burdensome to the institution, and not unduly hazardous to staff or inmate safety. The board has the option of stipulating expected testimony from witnesses. In such cases, the record of the hearing shall contain a statement indicating the nature of the stipulated testimony. The board should assign proper weight to such testimony as though the witness had actually appeared. The accusing employee must be summoned when the report is based solely on information from confidential informants, if such a motion is raised;

6. the right to an unbiased hearing. Any chairman or member directly involved in the incident, who is biased for or against the accused, or who is in a therapeutic relationship with the inmate that would be jeopardized by the therapist's presence on the disciplinary board, cannot hear the case unless the accused waives recusal in writing or verbally on the record. Performance of a routine administrative duty does not necessarily constitute direct involvement or bias;

7. the right to enter a separate plea to each rule violation for which he is charged;

8. the right to a written summary of the evidence and reasons for the judgment, including reasons for the sanction imposed, when the accused entered a plea of not guilty and was found guilty by the disciplinary board. The convicted inmate shall be given or sent a written summary;

9. the right to appeal the decision consistent with the appropriate appeal procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823, Wolff v. McDonnell, 94 S.Ct. 2963 (1974), Ralph v. Dees, C.A. 71-94, USDC (Md. La.) and Sandin v. Conner, 115 S.Ct. 2293 (1995).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 27:413 (March 2001), amended by the Department of Public Safety and Corrections, Corrections Services, LR 34:2194 (October 2008), LR 39:3309 (December 2013), LR 40:1010 (May 2014), repromulgated LR 40:1104 (June 2014), amended LR 50:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small business, or non-governmental groups.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on September 9, 2024.

James M. Le Blanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Disciplinary Rules and Procedures for Adult Inmates

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

The proposed rule change will result in an indeterminable savings to the Department of Public Safety and Corrections, Corrections Services, for each inmate subject to discipline for Schedule A violations, which remove sanctions (specifically loss of good time credit).

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, proposes to amend LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part 1. Corrections, Chapter 3. Adult Services, §341 – Disciplinary Rules and Procedures for Adult Inmates in response to House Resolution 127 of the 2021 Regular Session of the Louisiana Legislature. Specifically, the rule, as amended: changes the reference of offenders to inmate throughout the rule, adds definitions, updates disciplinary procedures and delineates Schedule A and Schedule B violations and their corresponding sanctions.

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

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule change.

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

There is an economic benefit for directly affected inmates who previously would have their incentive wages adversely impacted under Schedule B sanctions. For those who commit violations recategorized as Schedule A violations, there may be a minimal benefit from not having incentive pay reduced.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham, III
Undersecretary
2408#046

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Office of Legal Affairs
Tax Policy and Planning Division**

Tobacco Tax
(LAC 61:I.5101-5115)

Under the authority of R.S. 13:5077(F), R.S. 47:843(F), 857 and 1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, proposes to amend LAC 61:I.5101 pertaining to reporting of certain imported cigarettes and to adopt LAC 61:I.5107-5115 related to wholesale tobacco dealers receiving unstamped and or unpaid tobacco products, purchasing and affixing tax stamps, and bonds waivers.

The Notice of Intent is needed to provide guidelines and clarification for licensed wholesale tobacco dealers regarding how to report certain imported cigarettes, the purchase of unstamped cigarettes and tobacco that require approval from the Tobacco Unit of the Attorney General's Office, the purchase of stamps and insurance on the shipment, procedure for affixing tax stamps, procedures for bond waiver, and procedures for requesting a refund for stamps affixed to goods that become damaged or removed from the state's directory.

This proposed Rule is written in plain language in an effort to increase transparency.

Title 61

Revenue and Taxation

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

Chapter 51. Tobacco Tax

§5101. Reporting of Certain Imported Cigarettes; Penalty

A. - C. ...

D. The information furnished under Subsection A may be disclosed as provided in R.S. 47:1508(B)(11).

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5062 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Policy Services Division, LR 28:866 (April 2002), amended by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:

§5107. Authority for Stamping Agents to Purchase Certain Unstamped Cigarettes, Tobacco; Approval from Attorney General

A. Stamping agents licensed with the Office of Alcohol and Tobacco Control may sell cigarettes in or into the state only if the manufacturer and brand family of the cigarettes are listed on the state directory maintained by the attorney general at the time of stamping. However, unless prior written approval is obtained from the attorney general, stamping agents may not purchase cigarettes from an entity other than an importer, manufacturer, or sales entity affiliate.

B. For a stamping agent to purchase unstamped cigarettes from an entity other than an importer, manufacturer, or sales entity affiliate, the stamping agent must first request approval from the attorney general on a quarterly basis by submitting a written request on a form approved and provided by the attorney general that includes the following:

1. names and addresses of the entities from whom the stamping agent intends to purchase unstamped cigarettes or roll-your-own tobacco products;
2. manufacturers and brand names of the unstamped cigarettes and roll-your-own tobacco products that the stamping agent intends to purchase;
3. intended state of destination of the unstamped cigarettes and roll-your-own tobacco products upon resale by the stamping agent;
4. written verification from the entities from whom the stamping agent intends to purchase unstamped cigarettes or roll-your-own tobacco products that the former agrees to provide copies of invoices and any other necessary documentation to confirm the accuracy of the reported transactions within 20 days following the end of the applicable sales quarter; and
5. any other information that the attorney general may deem relevant.

C. The request shall be made at least ten days prior to the beginning of the applicable sales quarter and prior to the purchase of any unstamped cigarettes or roll-your-own tobacco products as described in this Section. In the event that any information changes after the request has been submitted, whether or not approval has been given, a revised form shall be submitted immediately to the attorney general.

D. The decision to approve or deny the request shall be based upon the information provided by the stamping agent

as well as any additional information that the attorney general may deem relevant, but in any case, approval shall be contingent upon agreement and cooperation by the entities from whom the stamping agent intends to purchase the unstamped cigarettes or roll-your-own tobacco products to provide copies of invoices and any other necessary documentation to confirm the accuracy of the reported transactions within 20 days following the end of the applicable sales quarter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:847 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:

§5109. Purchase, Shipment of Tax Stamps; Insurance

A. Tobacco tax stamps shall be purchased by licensed wholesale distributors who are registered as stamping agents with the Office of Alcohol and Tobacco Control. The tobacco tax stamps are shipped to the stamping agents directly from the stamp provider.

B. Purchase orders for tax stamps shall be placed electronically with the Department of Revenue using the prescribed electronic format. Tobacco tax stamp sheets shall be ordered in multiples of ten. When placing the order, the stamping agent may purchase insurance on the shipment for reimbursement purposes in the event the tax stamps are lost or damaged. If insurance is not purchased, the stamping agent assumes liability for any missing or damaged tax stamps.

C. All electronic orders shall be verified and approved by the Department of Revenue before the stamp provider is authorized to fill and ship the order.

D. Orders will be processed as standard two-day delivery. Stamping agents that request next day delivery are responsible for the delivery costs and must provide billing account information for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:843 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:

§5111. Affixing of Tax Stamps

A. Tax stamps required by R.S. 47:843 and 847 shall be affixed to the bottom of cigarette packages in a manner that is clearly visible to subsequent purchasers. No other stamp, label, decal, mark or sign shall be affixed to or displayed on the bottom of a package of cigarettes without prior written approval from the Department of Revenue.

B. The stamp shall be affixed in such a manner that it cannot be removed from the package without being mutilated or destroyed.

C. Each individual package must contain more than 50 percent of the stamp to be considered stamped and taxed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:843(F) and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:

§5113. Bond Waiver

A. A registered tobacco dealer in tobacco products including but not limited to cigars, cigarettes, and smoking tobacco, shall furnish a bond in accordance with R.S. 47:848(A).

B. The secretary is authorized to waive the furnishing of a surety bond as set forth in R.S. 47:848(B).

C. If any dealer whose bond has been waived by the secretary:

1. commits a stamping violation,

2. fails to file monthly reports with the Department of Revenue or the Tobacco Unit with the Department of Justice, or

3. acts in bad faith, such as not filing the required tobacco monthly return or schedules or repeatedly filing inaccurate or incomplete tobacco monthly returns or schedules with either department, the secretary may revoke the waiver and require the dealer to furnish a bond in the amount required in R.S. 47:848(A). If a bond waiver is revoked, the dealer shall not be eligible for a bond waiver for a period of three years thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:848 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:

§5115. Refunds/Credits and Destruction of Products

A. A dealer may be refunded or credited the cost of stamps affixed to goods when:

1. by reason of damage the goods become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber; or

2. the goods were listed on the state directory at the time the stamps were affixed but have subsequently been removed from the state directory and the goods have been destroyed.

B. A dealer seeking a refund or credit of the cost of stamps affixed to goods which, because of damage were unfit for sale and have been returned to the manufacturer, must claim the refund or credit in the manner prescribed by the secretary and provide the following documentation:

1. a notarized affidavit containing the product brand name, the quantity returned to the manufacturer or jobber, the date of return of the product and the location to which the product was returned; and

2. a copy of the credit memo received from the manufacturer.

C. A dealer who intends to destroy goods which have been affixed with a tax stamp because they have either been damaged and are unfit for sale or have been removed from the state directory shall notify the department prior to the destruction and comply with the following requirements: .

1. The destruction shall be witnessed by a representative of the Department of Revenue and/or the Office of the Attorney General.

2. Goods shall be destroyed by cutting in half and saturating the product with bleach.

3. The Department of Revenue shall provide the dealer with a certification of the destruction which shall be submitted with the claim for credit or refund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:857 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Legal Affairs, Tax Policy and Planning Division, LR 50:

Family Impact Statement

The proposed adoption of this rule has no known impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The proposed rule also have no other known or foreseeable impact on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:974.4.

Provider Impact Statement

The proposed Rule has no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed Rule to Shanda J. McClain, Attorney, Tax Policy and Planning Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or by email at shanda.mcclain@la.gov and reference Tobacco Tax Regulations Comments. Written comments will be accepted until 4:30 p.m., September 30, 2024.

Public Hearing

A public hearing will be held on October 1, 2024 at 10 a.m. in the Calcasieu Room located on the Second floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana. Should individuals with a disability need an accommodation in order to participate, contact Shanda J. McClain at the address given above in the Public Comments section, by email at shanda.mcclain@la.gov.

Richard Nelson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Tobacco Tax

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

There are no anticipated implementation costs or savings to state or local governments.

The proposed amendments remove outdated procedures for when a registered wholesale tobacco dealer is found non-compliant in reporting certain cigarette and tobacco products made by tobacco product manufacturers not participating in the Master Settlement Agreement (MSA) to allow for consideration of more adaptive procedures for enforcement.

The proposed amendments clarify and provide guidance on procedures for stamping agents to contact the Office of the Attorney General prior to the purchase of certain unstamped cigarettes and tobacco, for the purchase of and affixing of tax stamps, and how to obtain refund or credit for stamped product destroyed or removed from the state directory. It also provides guidance on the circumstances for which a surety bond requirement may be waived or the waiver revoked.

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

There are no anticipated effects on revenue collections of state or local governments.

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

Stamping agents purchasing tax stamps and opting to obtain insurance on the shipment of stamps from the stamp provider may incur some additional costs. Any additional costs for completion and submission of the required paperwork of this proposed rule are expected to be minor.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Richard Nelson
Secretary
2408#011

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Derelict Crab Trap Removal Program (LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and cause stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements or theft, from having the floats cut by propellers or are captured in another fisherman's gear. The removal of these traps is necessary to keep Louisiana's coast pristine, reduce litter, and to facilitate improvement of the blue crab stock.

The Wildlife and Fisheries Commission amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from a large number of abandoned and derelict crab traps since 2004. The Wildlife and Fisheries Commission took action on August 1, 2024 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of

Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2025 through 11:59 p.m. February 14, 2025 within Jefferson, St. Charles, St. John the Baptist, St. Tammany, and Tangipahoa Parishes as described below:

1. from a point of origin where I-55 intersects Pass Manchac (30 degrees 17 minutes 07.08 seconds north latitude, 90 degrees 24 minutes 06.07 seconds west longitude); thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain; thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (30 degrees 21 minutes 51.75 seconds north latitude, 90 degrees 05 minutes 38.59 seconds west longitude); thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at 30 degrees 01 minutes 10.06 seconds north latitude, 90 degrees 09 minutes 17.28 seconds west longitude; thence westerly following the Lakefront Trail along the south bank of Lake Pontchartrain until it intersects the Duncan Canal (30 degrees 02 minutes 50.56 seconds north latitude, 90 degrees 16 minutes 45.21 seconds west longitude); thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (30 degrees 03 minutes 21.43 seconds north latitude, 90 degrees 22 minutes 17.79 seconds west longitude); thence westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2025 through 11:59 p.m. February 14, 2025 within portions of Iberia, St. Mary, and Vermilion Parishes as described below:

1. from a point originating on the northern shoreline of the Gulf Intracoastal Waterway where it intersects the Acadiana Navigational Channel (29 degrees 50 minutes 37.17 seconds north latitude, 91 degrees 50 minutes 32.40 seconds west longitude); thence southerly to a point on the southern shoreline of the Gulf Intracoastal Waterway (29 degrees 50 minutes 28.22 seconds north latitude, 91 degrees 50 minutes 35.30 seconds west longitude); thence southwesterly along the Acadiana Navigational Channel red buoy line to the red navigational marker number 12 on the Marsh Island shoreline near Southwest Pass (29 degrees 36 minutes 10.81 seconds north latitude, 92 degrees 00 minutes 17.16 seconds west longitude); thence easterly along the northern shoreline of Marsh Island to the northeastern tip of Marsh Island (29 degrees 33 minutes 51.30 seconds north

latitude, 91 degrees 43 minutes 00.00 seconds west longitude); thence north along 91 degrees 43 minutes 00.00 seconds west longitude to the northern shoreline of West Cote Blanche Bay (29 degrees 44 minutes 21.17 seconds north latitude, 91 degrees 43 minutes 00.00 seconds west longitude); thence westerly along the northern shoreline of West Cote Blanche Bay to its intersection with the Ivanhoe Canal (29 degrees 45 minutes 03.58 seconds north latitude, 91 degrees 44 minutes 15.16 seconds west longitude); thence northerly along the eastern shoreline of the Ivanhoe Canal to its intersection with the Gulf Intracoastal Waterway (29 degrees 45 minutes 45.92 seconds north latitude, 91 degrees 44 minutes 20.76 seconds west longitude); thence north to the northern shoreline of the Gulf Intracoastal Waterway (29 degrees 45 minutes 52.14 seconds north latitude, 91 degrees 44 minutes 23.78 seconds west longitude); thence westerly along the northern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 8, 2025 through 11:59 p.m. February 21, 2025 within portions of Jefferson, Lafourche, and Plaquemines Parishes as described below:

1. from a point originating at the intersection of the Gulf Intracoastal Waterway and the northern shoreline of Hero Canal (29 degrees 48 minutes 12.73 seconds north latitude, 90 degrees 04 minutes 09.21 seconds west longitude); thence westerly to a point along the western shoreline of the Gulf Intracoastal Waterway at 29 degrees 48 minutes 15.14 seconds north latitude, 90 degrees 04 minutes 18.67 seconds west longitude; thence southerly along the western shoreline of the Gulf Intracoastal Waterway to a point opposite the western shoreline of Bayou Perot (29 degrees 40 minutes 56.67 seconds north latitude, 90 degrees 11 minutes 36.79 seconds west longitude); thence easterly to a point on the western shoreline of Bayou Perot at 29 degrees 40 minutes 50.66 seconds north latitude, 90 degrees 11 minutes 25.48 seconds west longitude; thence southerly along the western shoreline of Bayou Perot and Little Lake to Bay L'Ours; thence westerly and southerly around the shoreline of Bay L'Ours to Brusle Lake; thence southerly and easterly following the shoreline of Brusle Lake to a point on the southern shoreline of Bayou De Chene at 29 degrees 29 minutes 14.83 seconds north latitude, 90 degrees 12 minutes 02.02 seconds west longitude; thence easterly along the southern shoreline of Bayou De Chene to Round Lake (29 degrees 29 minutes 10.15 seconds north latitude, 90 degrees 11 minutes 38.40 seconds west longitude); thence southerly and easterly along the shoreline of Round Lake to a point on the western shoreline of East Fork Bayou L'Ours (29 degrees 28 minutes 52.30 seconds north latitude, 90 degrees 09 minutes 32.60 seconds west longitude); thence southerly along the western shoreline of East Fork Bayou L'Ours to a point at 29 degrees 27 minutes 35.00 seconds north latitude, 90 degrees 08 minutes 48.23 seconds west longitude; thence eastward along 29 degrees 27 minutes 35.00 seconds north latitude to the eastern shoreline of Wilkinson Canal (29 degrees 27 minutes 35.00 seconds north latitude, 89 degrees 57 minutes 04.11 seconds west longitude); thence northerly along the eastern shoreline of Wilkinson Canal to its termination; thence northerly to the western shoreline of the Mississippi River at 29 degrees 38 minutes 24.94 seconds north latitude, 89 degrees 57 minutes

01.21 seconds west longitude; thence northerly along the western shoreline of the Mississippi River to a point easterly of the northern shoreline of Hero Canal (29 degrees 47 minutes 09.60 seconds north latitude, 90 degrees 01 minutes 17.77 seconds west longitude); thence westerly to the northern shoreline of Hero Canal; thence westerly along the northern shoreline of Hero Canal and terminating at the origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 15, 2025 through 11:59 p.m. February 28, 2025 within Terrebonne Parish as described below:

1. from a point originating on the eastern shoreline of Bayou Caillou (29 degrees 26 minutes 16.00 seconds north latitude, 90 degrees 42 minutes 09.59 seconds west longitude); thence east along 29 degrees 26 minutes 16.00 seconds north latitude to a point on the eastern shoreline of Bayou Petit Calliou (29 degrees 26 minutes 16.00 seconds north latitude, 90 degrees 35 minutes 40.56 seconds west longitude); thence southerly along the eastern shoreline of Bayou Petit Calliou to a point located opposite the Lapeyrouse Canal (29 degrees 18 minutes 33.73 seconds north latitude, 90 degrees 38 minutes 45.65 seconds west longitude), thence easterly to the northern shoreline of the Lapeyrouse Canal (29 degrees 18 minutes 32.82 seconds north latitude, 90 degrees 38 minutes 39.71 seconds west longitude); thence easterly along the northern shoreline of the Lapeyrouse Canal to its intersection with the western shoreline of Bayou Terrebonne (29 degrees 18 minutes 09.92 seconds north latitude, 90 degrees 37 minutes 34.72 seconds west longitude); thence southerly along the western shoreline of Bayou Terrebonne to a point at 29 degrees 15 minutes 29.97 seconds north latitude, 90 degrees 35 minutes 44.00 seconds west longitude; thence south along 90 degrees 35 minutes 44.00 seconds west longitude to the shrimp inside-outside line (29 degrees 05 minutes 34.34 seconds north latitude, 90 degrees 35 minutes 44.00 seconds west longitude); thence westerly along the shrimp inside-outside line to its intersection with the western shoreline of Grand Pass des Ilettes (29 degrees 07 minutes 04.77 seconds north latitude, 90 degrees 53 minutes 03.57 seconds west longitude); thence northeasterly along the western shoreline of Grand Pass des Ilettes to its intersection with the eastern shoreline of Pass des Ilettes (29 degrees 07 minutes 54.45 seconds north latitude, 90 degrees 49 minutes 43.65 seconds west longitude); thence northerly along the eastern shoreline of Pass des Ilettes to its intersection with Dog Lake (29 degrees 08 minutes 39.93 seconds north latitude, 90 degrees 49 minutes 50.11 seconds west longitude); thence northerly along the southern and eastern shorelines of Dog Lake to its intersection with the eastern shoreline of Quitman Bayou (29 degrees 09 minutes 23.87 seconds north latitude, 90 degrees 49 minutes 15.15 seconds west longitude); thence northerly along the eastern shoreline of Quitman Bayou to its intersection with the eastern shoreline of Bayou Grand Caillou (29 degrees 13 minutes 23.88 seconds north latitude, 90 degrees 48 minutes 52.91 seconds west longitude); thence northerly along the eastern shoreline of Bayou Grand Caillou to its intersection with the western shoreline of the Houma Navigation Canal (29 degrees 20 minutes 30.46 seconds north latitude, 90 degrees 44 minutes 10.91 seconds

west longitude); thence easterly across the Houma Navigational Canal to the eastern shoreline of Bayou Caillou (29 degrees 20 minutes 39.54 seconds north latitude, 90 degrees 43 minutes 58.96 seconds west longitude); thence northerly along the eastern shoreline of Bayou Caillou and terminating at the origin.

E. The use of crab traps shall be prohibited for 10 days from 12 a.m. February 17, 2025, through 11:59 p.m. February 26, 2025, within portions of Calcasieu and Cameron Parishes as described below:

1. from a point originating on the western shoreline of the Calcasieu Ship Channel at 29 degrees 56 minutes 30.00 seconds north latitude, 93 degrees 20 minutes 25.77 seconds west longitude; thence northerly along the western shoreline of the Calcasieu Ship Channel to a point at 30 degrees 03 minutes 51.00 seconds north latitude, 93 degrees 19 minutes 51.92 seconds west longitude, thence due east along 30 degrees 03 minutes 51.00 seconds north latitude to a point on the north shoreline of Turner's Bay in Calcasieu Lake (30 degrees 03 minutes 51.00 seconds north latitude, 93 degrees 19 minutes 06.75 seconds west longitude); thence easterly and southerly to a point on the eastern shoreline of Calcasieu Lake at 29 degrees 56 minutes 30.00 seconds north latitude, 93 degrees 14 minutes 51.92 seconds west longitude; thence due west along 29 degrees 56 minutes 30.00 seconds north latitude and terminating at the origin.

F. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, surplus in conformity with R.S. 39:330.1, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021), LR 48:2767 (November 2022), LR 50:39 (January 2024), LR 50:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and

Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Small Business Analysis

The proposed rule change may have a minor, short-term negative effect on revenues for certain commercial crab harvesters who catch crab in the affected areas and for the seafood dealers who purchase crabs from them. Most of the commercial crab harvesters and many of the seafood dealers meet the qualifications of small businesses.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1025 Tom Watson Rd., Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to October 31, 2024.

Brandon J. DeCuir
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Derelict Crab Trap Removal Program

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

The proposed rule change would prohibit the use of crab traps in portions of 13 parishes at different periods in February, 2025. The proposed rule would ban the local use of crab traps in parts of Jefferson, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Iberia, St. Mary, and Vermilion parishes (February 1 to February 14, 2025); portions of Jefferson, Lafourche, and Plaquemines parishes (February 8 to February 21, 2025); a section of Terrebonne Parish (February 15 to February 28); and parts of Calcasieu and Cameron parishes (February 17 to February 26, 2025).

The proposed rule change would also mandate the removal of crab traps from the designated areas by trap owners prior to the closures and authorizes the Louisiana Department of Wildlife and Fisheries (LDWF) or their designees, during the closure, to remove any crab traps within the closed area and transport them to designated disposal sites. LDWF can absorb the cost to these traps within the existing operating budget.

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

The proposed rule change is not anticipated to have any impact on the revenues of the state or local governmental units.

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

Crab fishers who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs to temporarily remove their traps. These crab fishers must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time may be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishers.

Local seafood dealers, processors and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.

The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishers, commercial fishers and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality and injuries to crabs and by-catch that become ensnared and die in these traps, benefiting crab harvesters.

The overall impact of the proposed area closure is anticipated to be minimal because the closure would occur during the time of the year with the lowest harvests and adjacent waters will remain open for crab fishers to continue to fish.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a negligible effect on competition and employment as a result of the rule change, waters adjacent to the closure area will remain open for crab harvest and fishers who fish during this time period are expected to relocate their traps to these areas.

Bryan McClinton
Undersecretary
2408#050

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Workforce Commission Plumbing Board

Plumbers—Licenses and
Continuing Professional Education Programs
(LAC 46:LV.101, 301, 309, 310, 312, 508,
901, and 1001)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Plumbing Board (board), hereby determines that the implementation of amendments to LAC 46:LV.101, 301, 309, 508, 901, and 1001 are necessary to be in compliance with recent legislative changes designated as Act No. 721. The proposed Rule change to §§101, 301, 309, 310, 312, 508, 901 and 1001 substitutes residential plumber in place of tradesman plumber. These adjustments will be effective upon final publication in the *Louisiana Register*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LV. Plumbers

Chapter 1. Introductory Information

§101. Definitions

* * *

Repair—as that term is used in R.S. 37:1367(A), shall mean and be limited to the performance of repairs to existing plumbing, the clearing of stoppages, or repairing leaks.

Residential Plumber—a natural person who possesses the necessary qualifications and knowledge to install, alter, repair, and maintain plumbing systems and is issued a

residential plumber limited license by the board to install, alter, repair, and maintain plumbing systems in one- and two-family dwellings at the direction of a master plumber, without the supervision of a journeyman plumber.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016), LR 43:541 (March 2017), LR 43:972 (May 2017), LR 44:633 (March 2018), amended by the Workforce Commission, Plumbing Board, LR 44:1915 (October 2018), amended by the Workforce Commission, Plumbing Board LR 44:274 (February 2021), LR 49:914 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:41 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:

Chapter 3. Licenses

§301. Licenses Required

A. - W. ...

X. No natural person shall engage in doing the work of a residential plumber unless he possesses a tradesman residential plumber limited license or renewal thereof issued by the board. At the direction of a master plumber licensed by the board, a residential plumber may independently install, alter, repair, and maintain plumbing in one- and two-family dwellings without the supervision of a journeyman plumber.

Y. The board shall issue a limited license to any person who qualifies under the board's regulations and who desires to engage in doing the work of a residential plumber if he passes a written and manual residential plumber's examination given by the board and pays the fees established by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board LR 19:897 (July 1993), LR 19:1593 (December 1993), LR 21:1348 (December 1995), LR 25:1857 (October 1999), amended by the Workforce Commission, Plumbing Board, LR 42:576 (April 2016), LR 43:541 (March 201), LR 43:972 (May 2017), LR 47:274 (February 2021), LR49:915 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:41 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:

§309. Requirements to Take Exam for Residential Plumber Limited License

A. Requirements

1. An applicant for residential plumber's examination shall be a registered apprentice with the board and have performed 4,000 hours as an unindentured apprentice or 3,000 hours as an indentured apprentice of manual labor of plumbing under the direct, constant, on-the-job supervision of a licensed plumber as defined in §101, by way of official payroll documentation or W-2's with an accompanying paycheck stub.

2. - 5. ...

6. No residential plumber certificate shall permit any residential plumber to do the work of a journeyman plumber.

B. - F.1. ...

2. These applicants will be granted provisional licenses. This provisional and limited license shall permit any such applicant to engage in the work of a residential plumber, upon passing the special examination described herein, within the geographic areas to which the Louisiana plumbing law has been made applicable. However, the license issued by the board shall state that the license was issued pursuant to these provisions.

3. Applicants under these special provisions will not be relieved of any other requirements or conditions associated with the issuance of a residential plumber's license by this board as established under the board's revised rules and regulations and the Louisiana plumbing laws, R.S. 37:1365-37:1378.

G. Notwithstanding the foregoing provisions of this Section, any person or persons who at any time within three years of being cited by the board or its agents for engaging in the work of a residential plumber at a time when he did not possess a license or renewal thereof issued by the board, or was otherwise subject to civil or criminal prosecution for doing the work of a journeyman plumber without possessing a license or renewal thereof issued by the board, may request that he be examined by the board pursuant to this Section, but only after the payment of a special enforcement fee as established by the board, which shall be in addition to the regular license fee established by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D) and R.S. 37:1368(G).

HISTORICAL NOTE: Promulgated by the Workforce Commission, Plumbing Board, LR 43:973 (May 2017), amended LR 49:918 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:42 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:

§310. Renewals

A. ...

B. All renewal applications received at the board's office later than midnight the last day of December will be delinquent and will require a revival fee in addition to the renewal fee. Any license not renewed by the last day of December will pay a revival fee, in addition to the renewal fee, if renewed between January 1 and March 31. Any license renewed after March 31, will require an increased revival fee, in addition to the renewal fee. The fees are set forth in §312. Any person performing the work of a residential plumber, journeyman plumber or a master plumber without the appropriate license issued by the board after March 31 of any year without having renewed his license from the immediately preceding year shall be subject to the special enforcement fee established in §305 or §306 or §309.

C. A person who has allowed his previously issued residential plumber or journeyman plumber license to expire may be afforded the option, in lieu of re-examination, of paying a special revival fee of \$50 per year for each year the license was not renewed up to a limit of four consecutive years. However, any such person who performs the work of a journeyman plumber without possessing a license issued by the board during this period shall be subject to the special enforcement fee established in §305 or §309.

D. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, promulgated LR 2:419 (December 1976), amended LR 7:588 (November 1981), amended by Department of Employment and Training, Plumbing Board, LR 17:52 (January 1991), LR 18:30 (January 1992), amended by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:577 (April 2016). LR 43:544 (March 2017), LR 43:974 (May 2017), LR 49:919 (May 2023), LR 50:

§312. Fees

A. - A.5. ...

B. The fees and charges of the board relative to residential plumbers shall be as follows:

B.1. - I.12 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D and R.S. 37:1371.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated LR 7:588 (November 1981), amended LR 15:1089 (December 1989), amended by the Department of Employment and Training, Plumbing Board, LR 16:23 (January 1990), LR 17:53 (January 1991), amended by the Department of Labor, Plumbing Board, LR 19:898 (July 1993), LR 19:1594 (December 1993), LR 21:1351 (December 1995), LR 26:327 (February 2000). LR 43:545 (March 2017), LR 43:975 (May 2017), LR 44:633 (March 2018), repromulgated LR 46:401 (March 2020), amended LR 49:919 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:

Chapter 5. The Board

§508. Duties of the Board

A. - B. ...

C. The board shall assist the Board of Supervisors of Community and Technical Colleges in developing training, program, and course requirements that will prepare individuals to meet the qualifications established by the board for a residential plumber.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1336(D).

HISTORICAL NOTE: Promulgated by the Workforce Commission, Plumbing Board, LR 43:978 (May 2017), amended by the Workforce Commission, Plumbing Board, LR 50:43 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:

Chapter 9. Revocation and Related Administration Proceedings

§901. Revocation, Suspension and Probation Procedures

A. All adjudication proceedings initiated pursuant to R.S. 37:1378 and conducted by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:955 et seq. The term *licensee*, as used in this Section, shall refer, where applicable, to the holder of a residential plumber, journeyman plumber, master plumber, gas fitter, master gas fitter, medical gas piping installer or medical gas and vacuum systems verifier license, and holder of a water supply protection specialist endorsement.

B. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366.D.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the

Department of Employment and Training, Plumbing Board, LR 17:55 (January 1991), amended by Department of Labor, Plumbing Board, LR 21:1352 (December 1995), LR 26:331 (February 2000). LR 43:549 (March 2017), LR 43:978 (May 2017), LR 49:921 (May 2023), amended by the Workforce Commission, Plumbing Board, LR:

Chapter 10. Continuing Professional Education Programs

§1001. Residential, Journeyman and Master Plumbers

A. CPE Requirement

1. All persons seeking to renew a residential license issued by the board are required to attend and show proof of attendance at no less than 3 and one half hours of a board-approved CPE class in the prior calendar year, as set out in this Section.

2. - 5. ...

6. All persons holding and seeking to renew both journeyman plumber or residential plumber and gas fitter licenses issued by the board are required to attend and show proof of attendance at no less than 4 and one half hours as set out in this Section and in §1002.

7. All persons holding and seeking to renew both journeyman plumber or residential plumber and master gas fitter licenses issued by the board are required to attend and show proof of attendance at no less than six hours as set out in this Section and in §1002.

A.8. - B.1. ...

2. The course materials will provide the basis for a minimum of 3 and one half hours of study for residential plumbers and journeyman plumbers. One hour will be in the subjects of health protection, consumer protection or environmental protection, half hour shall include information concerning R.S. 37:1361, et seq., LAC 46:LV, and 2 hours covering current industry practices and codes, and subjects from a list approved and published by the board.

3. - 6. ...

C. Course Providers

1. Course providers shall offer classroom instruction in the course materials used for the CPE required for renewal of residential, journeyman and master licenses issued under the Act. Board approval of course providers will be subject to all of the terms and conditions of this Section.

2. CPE courses shall be presented in the following formats:

a. for residential and journeyman plumbers, a minimum of 3 and one half classroom hours presented on one day; or

C.2.b. - 18. ...

D. Course Instructors

1. The board will initially approve course instructors to provide instruction in the course materials used for the CPE required for renewal of tradesman residential plumber, journeyman plumber and master plumber licenses. Board approval of course instructors will be subject to all terms and conditions of this Section. An individual who wishes to be approved by the board as a course instructor must apply to the board using an application form approved by the board. The following minimum criteria will be used by the board in considering approval of course instructors:

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(l).

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 30:2068 (September 2004), amended LR 37:2440 (August 2011), LR 43:979 (May 2017), LR 44:634 (March 2018), LR 48:1591 (June 2022), amended by the Workforce Commission, Plumbing Board, LR 50:

Family Impact Statement

1. Estimated effect on the stability of the family? There is no estimated effect on the stability of the family.
2. Estimated effect on the authority and rights of parents regarding the education and supervision of their children? There is no estimated effect on the authority and rights of parents regarding the education and supervision of their children.
3. Estimated effect on the functioning of the family? There is no estimated effect on the functioning of the family.
4. Estimated effect on family earnings and family budget? There is no estimated effect on family earnings and family budget.
5. Estimated effect on the behavior and personal responsibility of children? There is no estimated effect on the behavior and personal responsibility of children.
6. Estimated effect on the ability of the family or a local government to perform the function as contained in the proposed Rule? There is no estimated effect on the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed amended Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed amended Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed amended Rule is not anticipated to have any impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Any interested person may submit written comments regarding the content of this proposed Rule change to Ashley Jones Tullier, Executive Director of the Board, 11304 Cloverdale Avenue, Baton Rouge, LA, no later than 5 p.m., September 10, 2024.

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

**RULE TITLE: Plumbers—Licenses and
Continuing Professional Education Programs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule change may result in a nominal increase in implementation costs to the Louisiana State Plumbing Board. The board indicates any increase will be covered by existing self-generated revenues.
The proposed rule change enacts and amends Sections 101, 301, 303, 309, 310, 312, 508, 901, and 1001 of the Louisiana Administrative Code (LAC) Title 46, Part LV – Plumbers. In accordance with Act 721 of 2024, the board is adjusting the plumbing code to incorporate licensing requirements and scope of work for Residential Plumbers. Act 721 changes the name from a Tradesman Plumber to a Residential Plumber and broadens what Residential Plumbers are allowed to do in the art of plumbing.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule change is not anticipated to have any effect on revenue collections as the proposed rule only changes the name of Tradesman Plumber to Residential Plumber and increases their scope of work.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change may result in an economic benefit for individual tradesmen who, under a Residential Plumber’s license, will be allowed to perform a greater scope of work under the proposed rule change.
The board estimates the proposed rule change will only affect 20 individuals. The proposed rule change may also allow their companies to utilize them on more jobs in the plumbing field.
- V. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
By broadening the scope of work for previously designated tradesmen who, under the proposed rules, are now designated as Residential Plumbers, there is the potential for a minor increase in competition in the private sector. The 20 current Tradesman Plumbers will be allowed to perform a greater scope of work allowing them to compete for residential jobs previously only available to businesses that employ journeyman plumbers and/or master plumbers. This increase in competition is based only on assumptions and cannot be quantified at this time.

Julie Richard Spencer
Board Counsel
2408#038

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

2024 Annual Quarantine List

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby publishes the 2024 Annual Quarantine List in accordance with LAC 7:XV.107 and 109.

1.0 Sweetpotato Weevil (*Cylas formicarius elegantulus* Sum)

(a) In the United States: the states of Alabama, California, Florida, Georgia, Mississippi, North Carolina, South Carolina, Texas and any other state found to have the sweetpotato weevil.

(b) In the state of Louisiana:

1. The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, DeSoto, East Baton Rouge, East Feliciana, Evangeline, Grant, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Natchitoches, Orleans, Plaquemines, Pointe Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Feliciana.

2.0 Pink Bollworm (*Pectinophora gossypiella* Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

Arizona

(1) Generally infested area: the entire state.

California

(1) Generally infested area: The entire counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, and San Diego.

(2) Suppressive area: The entire counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, and Tulare.

New Mexico

(1) Generally infested area: The entire state.

Texas

(1) Generally infested area: The entire state.

3.0 Phytophagous Snails

The states of Arizona and California.

4.0 Sugarcane Pests and Diseases

All states outside of Louisiana.

5.0 Lethal Yellowing

The state of Florida.

Louisiana

Infested parishes: East Baton Rouge and Jefferson.

6.0 Lethal Bronzing (formerly Texas Phoenix Decline)

The states of Texas and Florida.

Louisiana

Infested parishes: East Baton Rouge, Iberia, Jefferson, Orleans and West Baton Rouge.

7.0 Tristeza, Xyloporosis, Psorosis, Exocortis.

All citrus growing areas of the United States.

8.0 Burrowing Nematode (*Radopholus similis*)

The States of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

Arkansas

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

Illinois

Entire state.

Indiana

Entire state.

Iowa

Entire state.

Kansas

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

Kentucky

Infected counties: Adair, Allen, Ballard, Bath, Bell, Boyd, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carter, Casey, Christian, Clay, Clinton, Cumberland, Daviess, Edmonson, Elliott, Estill, Fleming, Floyd, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jefferson, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Menifee, Metcalfe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Rowan, Russell, Taylor, Todd, Trigg, Union, Warren, Wayne, and Webster.

Maryland

Infected Counties: Allegany, Frederick, Garrett, and Washington.

Michigan

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wyne, and Menominee.

Minnesota

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

Missouri

Entire state.

Nebraska

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

North Carolina

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

Ohio

Entire state.

Oklahoma

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

Pennsylvania

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

South Carolina

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

Tennessee

Infected Counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

Texas

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

Virginia

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

West Virginia

Infected counties: all counties except Tucker and Webster.

Wisconsin

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

Alabama

Entire state.

Arkansas

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

Florida

Entire state.

Georgia

Entire state.

Kentucky

County of McCracken.

Louisiana

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

Mississippi

Entire state.

Missouri

County of Dunklin.

North Carolina

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

South Carolina

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

Tennessee

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

Texas

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas citri* subsp. *citri*)

Louisiana

Infested parishes: Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John and a portion of St. Martin.

Any areas designated as quarantined under the Federal Citrus Canker quarantine 7 CFR 301.75 et seq.

12.0 Citrus Greening [*Candidatus Liberibacter asiaticus*]

Louisiana

Infested parishes: Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles and Washington.

Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine 7 CFR 301.76 et seq.

13.0 Asian Citrus Psyllid [*Diaphorina citri* Kuwayama]

Louisiana

Infested parishes: Jefferson, Orleans, Lafourche, Plaquemines, St. Bernard, St. Charles, St. James, St. Tammany, Tangipahoa and Terrebonne.

Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine 7 CFR 301.76 et seq.

14.0 Emerald Ash Borer [*Agrilus planipennis*]

Louisiana

Infested parishes: Bienville, Bossier, Caddo, Claiborne, Jackson, Lincoln, Morehouse, Ouachita, Union and Webster.

15.0 Roseau Cane Scale (*Nipponaclerda biwakoensis*)

Louisiana

Infested parishes: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson

Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Vernon, Washington, and West Feliciana.

16.0 Guava root knot nematode (*Meloidogyne enterolobii*)

The entire states of Florida, North Carolina, and South Carolina.

Mike Strain DVM
Commissioner

2408#051

POTPOURRI

Board of Elementary and Secondary Education

Notice of Public Hearing

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:XI.305, Chapter 17, Chapter 19, Chapter 35, and 4003)

On June 12, 2024, the Board of Elementary and Secondary Education (BESE) approved, as a Notice of Intent, revisions to Bulletin 111, *The Louisiana School, District, and State Accountability System*: §305. Transition from 2017-2018 to 2024-2025 SPS Release, Chapter 17. The School and District Accountability System, Chapter 19. Inclusion in Accountability, Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability, and §4003. English Language Proficiency Progress. This Notice of Intent was published on pages 1018-1028 of the July 20, 2024, issue of the *Louisiana Register*. Requests for a public hearing regarding the July 20, 2024, Notice of Intent were received. In accordance with R.S. 49:953.A(2)(a) and R.S. 49:953.A(2)(b)(i), BESE will hold a public hearing on August 26, 2024, at 10 a.m., in Room 1-100, the Louisiana Purchase Room, located in the Claiborne Building, 1201 North Third Street, Baton Rouge, Louisiana.

Interested persons may attend and submit oral or written comments. BESE will consider all written and oral comments; however, only written comments received by BESE will be included in the report, and submitted to the Louisiana legislative oversight committees. Written comments must be hand-delivered or mailed to the BESE office. Hand-delivered comments must be date-stamped by BESE office staff on the date received. Comments sent via U.S. Mail must be dated and must include the original signature of the person submitting the comments. If mailing, please send to: Ms. Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804. For hand-delivered comments, the BESE office is located at: 1201 North Third Street, Baton Rouge, LA in the Claiborne Building, Suite 5-190. All comments must be received no later than 9 a.m. on August 26, 2024.

Any individual who needs special assistance in order to attend or speak at this public hearing should notify Kimberly Tripeaux, BESE Interim Executive Director, within ten (10) working days prior to the Hearing Date, in writing at, Board

of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, via email at kimberly.tripeaux@la.gov or by telephone at (225) 342-5840. Any questions should be directed to Erin LeBlanc at 225-342-5841 or call the Board office at (225) 342-5840.

Kimberly Tripeaux
Interim Executive Director

2408#071

POTPOURRI

**Department of Energy and Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
British-American Oil Prod. Co.	Golden Meadow	L	Leo Lafont	003	23914 (30) casing stub
C&C Oil Field Serving Co.	Caddo Pine Island	S	Crawford	002	55022
C&C Oil Field Serving Co.	Caddo Pine Island	S	Crawford	001	54366
Integrated Exploration & Production LLC	Stuards Bluff	L	SI 4909	003-D	175154
Integrated Exploration & Production LLC	Bayou Biloxi	L	Vua;Biloxi Marsh Lands 6	002	228079 (30)
Integrated Exploration & Production LLC	Lake Borgne	L	SI 17546	001	227385 (30)
Integrated Exploration & Production LLC	Bayou Biloxi	L	Cris I Ra Sua;Bmlc	003-ALT	226849
Integrated Exploration & Production LLC	Lake Borgne	L	SI 17073	005	226242

Operator	Field	District	Well Name	Well Number	Serial Number
Integrated Exploration & Production LLC	Bayou Biloxi	L	Cris I Ra Suc;B Marsh Lds 1	002	228303 (30)
Integrated Exploration & Production LLC	Bayou Biloxi	L	Cris I Ra Sua;Biloxi Marshlnd	001	225862
Integrated Exploration & Production LLC	Lake Borgne	L	SI 17074	002	226997
Integrated Exploration & Production LLC	Stuards Bluff	L	SI 4909 Swd	003	173283 (30)
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	010	34399
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	021	51881
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	023	53598
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	005	58115
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	009	126168
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	016	180256
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	002	199425
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark Swd	007	990520
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	017	50785
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	003	53282
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	028	58599
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	011	152575
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	005	199831
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	005	34206

Operator	Field	District	Well Name	Well Number	Serial Number
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	002	33909
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	027	55224
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	007	57907
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	008	57908
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	014	156782
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	021	180986
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	023	186774
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	012	196558
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	001	199424
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	003	34549
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	020	51880
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	004	53426
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	025	55216
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	030	67500
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	003	990516
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	011	34477
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	007	34398
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	031	76661
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	013	153902
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	015	180255
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	019	180921
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	009	196510

Operator	Field	District	Well Name	Well Number	Serial Number
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	007	199420
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	001	990514
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	002	990515
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	014	40369
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	019	51879
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	001	53281
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	002	53283
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Levee Board	006	58116
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	029	58537
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark Swd	001	974401
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	008	35002
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	018	50786
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	022	51882
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	014	196506
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	011	196511
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Noel Estate A	026	55161
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	009	151764
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	020	180985
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	018	180920
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	017	180922
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	013	196559
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	004	199428

Operator	Field	District	Well Name	Well Number	Serial Number
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Clark	006	200137
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	004	990517
J. Kirin Oil & Gas LLC	Caddo Pine Island	S	Geo J J Clark	005	990518
Meridian Resources (USA) Inc.	Lake Verret, East	L	Operc Ra Sua;J K Mckerall	002	219152
Meridian Resources (USA) Inc.	Lake Verret, East	L	Pacific Enterprises	002	224349
Meridian Resources (USA) Inc.	Lake Verret, East	L	Operc Rb Sua;J K Mckerall	003	240046
Meridian Resources (USA) Inc.	Lake Verret, East	L	Simmons	002	223927
Meridian Resources (USA) Inc.	Lake Verret, East	L	D 1 Rb Sub; Kafoury	001	234331
Meridian Resources (USA) Inc.	Lake Verret, East	L	Kafoury	003	242161
Meridian Resources (USA) Inc.	Lake Verret, East	L	Rob 3 Ra Sua;Simmons	003	225698
Meridian Resources (USA) Inc.	Lake Verret, East	L	Mckerall et al	001	220615
Meridian Resources (USA) Inc.	Lake Verret, East	L	J K Mckerall	002-D	219341
Meridian Resources (USA) Inc.	Lake Verret, East	L	Simmons Swd	001	972434
Meridian Resources (USA) Inc.	Lake Verret, East	L	Rob 3-5 Ra Sua; Triche Estate	001	247812
Meridian Resources (USA) Inc.	Lake Verret, East	L	Mckerall et al	001-D	221045
Meridian Resources (USA) Inc.	Lake Verret, East	L	Pacific Enterprises	001	222983

Operator	Field	District	Well Name	Well Number	Serial Number
Meridian Resources (USA) Inc.	Lake Verret, East	L	Rob 5 Ra Sua;Kafoury	002	234235
R L Operating Co LLC	Bunchy Creek	L	K Rb Sua;T L Garth et al	001	241601
R L Operating Co LLC	Bunchy Creek	L	W S Kingrey et al Swd	001	973953
R L Operating Co LLC	Bunchy Creek	L	5830 Ra Sua;T L Garth et al	001-ALT	225560
R L Operating Co LLC	Bunchy Creek	L	Cane River Leasing LLC	001	249134
R L Operating Co LLC	Bunchy Creek	L	5830 Ra Sua;Kingrey Est	001	226841
R L Operating Co LLC	Bunchy Creek	L	Barbara Brawner et al	001	244052
Rapiere Resources Company	Bay St Elaine	L	Vuc;SI 2995 LL&E	1	65307
Rapiere Resources Company	Raceland	L	Gulf States Land & Ind Inc	1	65651
Rapiere Resources Company	Bay St Elaine	L	SI 2995 LL&E Swd	1	68181
Rapiere Resources Company	Bay St Elaine	L	I 1 Sua;SI 2995 LL&E U3	001-D	68596
Rapiere Resources Company	Bay St Elaine	L	SI 2995 LL&E U3	5	76448
Rapiere Resources Company	Bay St Elaine	L	Vuc;SI 2995 LL&E	005-D	77141
Rapiere Resources Company	Bay St Elaine	L	I 1 Sud;SI 2995 LL&E U3	005-T	77456
Rapiere Resources Company	Bay St Elaine	L	SI 2995 LL&E U3	6	83749
Rapiere Resources Company	Bay St Elaine	L	Vuc;SI 2995 LL&E	7	84505

Operator	Field	District	Well Name	Well Number	Serial Number
Rapiere Resources Company	Bay St Elaine	L	Vuc;SI 2995 LL&E	006-D	84684
Rapiere Resources Company	Bay St Elaine	L	Vuc;SI 2995 LL&E	007-D	85696
Rapiere Resources Company	Bay St Elaine	L	Vuc;SI 2995 LL&E	10	88355
Rapiere Resources Company	Bay St Elaine	L	Vuc;SI 2995 LL&E	010-D	89454
Rapiere Resources Company	Bay St Elaine	L	SI 2995 L L & E Unit 3	12	119856
Rapiere Resources Company	Bay St Elaine	L	SI 2995 LL&E Unit 3	012D	121159
Rapiere Resources Company	West Delta Block 27	L	SI 10090	1	180128
Rapiere Resources Company	West Delta Block 27	L	SI 10090	2	180207
Rapiere Resources Company	West Delta Block 27	L	SI 10090	3	181417
Rapiere Resources Company	West Delta Block 27	L	SI 10089	1	184722
Rapiere Resources Company	Iberia	L	J E Schwing Swd	1	193276
Rapiere Resources Company	West Delta Block 27	L	SI 10090	4	203549
Rapiere Resources Company	Bay St Elaine	L	SI 2995-LL&E Swd	2	207489
Rapiere Resources Company	Iberia	L	Mary Schwing Robbins et al	1	218234
Rapiere Resources Company	Iberia	L	7400 Ra Sub;M Robbins et al	3	225320

Operator	Field	District	Well Name	Well Number	Serial Number
Rapiere Resources Company	Iberia	L	Theresa S Broussard et al	2	228933
Rapiere Resources Company	Port Barre	L	Pbgs-Sct	1	232518
Rapiere Resources Company	Salt	L	Slt Csng Unit 1; Weyerhaeuser	1	241143
Rapiere Resources Company	Wildcat-No La Monroe Dist	L	Weyerhaeuser 13	1	241635
Rapiere Resources Company	Chacahoula	L	Cib O-Robu L Ra Sua; Steve Judy	1	244197
Rapiere Resources Company	Summer-ville	L	Weyerhaeuser	1	248440
Rapiere Resources Company	Raceland	L	Gulf States Land & Ind Swd	1	970130
Time Energy, L. L. C.	Cox Bay	L	Bn-1/Bn-8 Ra Sua; Cbu	056-ALT	50287 (30)
Twiner Exploration, Inc.	Little Creek	M	Carroll	001	188490

Benjamin C. Bienvenu
Commissioner

2408#012

POTPOURRI

**Department of Energy and Natural Resources
Office of Conservation**

**Public Hearing—Class II Injection Well Disposal Facility
for Disposal of Exploration and Production Waste Fluids**

Notice is hereby given that the commissioner of Conservation will conduct a hearing at 6 p.m., Thursday, September 26, 2024, at the Natchitoches Events Center, located at 750 Second Street, Natchitoches, Louisiana.

At such hearing, the commissioner, or his designated representative, will hear testimony relative to the application of PA Prospect Corporation, P.O. Box 785, Columbus, Montana 59019. The applicant requests approval from the Office of Conservation to construct and operate a commercial class II injection well disposal facility for

disposal of exploration & production waste (E&P Waste) fluids located in Section 4, Township 9 North, Range 9 West in Natchitoches Parish.

The application is available for inspection by contacting Ms. Noelle Chalona, Office of Conservation, Environmental Division, Eighth Floor of the LaSalle Office Building, 617 North Third Street, Baton Rouge, Louisiana. Copies of the application will be available for review at the Natchitoches Parish Council Government building and the Natchitoches Parish Public Library located at 3204 US Highway 71, Campiti, Louisiana, no later than 30 days prior to the hearing date. Verbal information may be received by calling Ms. Chalona at (225) 342-7334.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., Thursday, October 3, 2024, at the Baton Rouge Office. Comments should be directed to: Office of Conservation, Environmental Division, P.O. Box 94275 Baton Rouge, Louisiana 70804, Re: Docket No. ENV 2024-02, Commercial Facility Well Application, Natchitoches Parish.

In accordance with the Americans with Disabilities Act, if you need assistance at the hearing, please contact the Office of Conservation-Environmental Division at P.O. Box 94275, Baton Rouge, LA 70804-9275 in writing within ten working days of the hearing date.

Benjamin C. Bienvenu
Commissioner

2408#010

POTPOURRI

**Department of Energy and Natural Resources
Office of Conservation**

**Request for Comments—Unit Operation for Geologic
Storage of Carbon Dioxide
Hearing Procedures and Requirements for Unit and
Survey Plats**

The department plans to adopt rules governing the commissioner of conservation’s authority to order the unit operation of a reservoir or a portion thereof for geologic storage of carbon dioxide in accordance with R.S. 30:1104.2 created by Act 645 of the 2024 Regular Legislative Session. As part of this rule adoption the department is seeking comments from interested parties and members of the public on preferred requirements for procedures, applications, hearings, evidence, definitions, requirements for unit and survey plats, and other related matters. Recommendations submitted should be consistent with the requirements of R.S. 30:1104.2. The department further requests comments on what changes to its existing oil and gas unitization requirements for hearings and unit plats found at LAC 43:XIX.Chapters 39 and 41 should be made for carbon dioxide storage unit operations.

Specifically, the department welcomes comments on the following non-exclusive list of topics: definitions of “interested party” and its relationship to the definition of “owner in interest” found in R.S. 30:1104.2(F)(1), whether

there should be any limitations by rule on how the methodology for determining fair and equitable compensation to owners in interest adopted by the commissioner, whether a pre-application conference process should be included, how the release of pertinent data should be addressed, what information should be included in a permit application for unit operation, how proposed revisions to applications should be handled, requirements for opposition and support of applications, whether a commissioner's conference should be authorized, what should be the timelines for filings, requirements for hearing continuance, rules of procedure for hearings, consideration of new evidence that becomes available after the proceedings have been initiated, penalties for non-compliance with the rules, time for commencement, and unit and survey plat requirements.

Comments are requested to be submitted to Office of Conservation, Geological Oil and Gas Division, c/o Reid Bohlinger, 617 North Third Street, 9th Floor, Baton Rouge, LA 70802 by no later than September 9, 2024.

Benjamin Bienvenu
Commissioner

2408#057

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Regional Haze Second Planning Period State Implementation Plan (SIP) Revision

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Planning and Assessment Division, will submit to the Environmental Protection Agency (EPA) a revision to the Louisiana State Implementation Plan (SIP) for Regional Haze, namely the Regional Haze Second Planning Period, as required by CFR 51.308(g). (2408Pot1)

The regional haze rule requires a comprehensive analysis of each state's regional haze SIP every 10 years and a progress report every five years. This 10-year review is intended to provide an update to Louisiana's regional haze SIP. This update provides an opportunity for public input on the state's and EPA's comprehensive revision to Louisiana's regional haze SIP.

All interested persons may submit written comments concerning the revision no later than 4:30 p.m., Tuesday, September 24, 2024, to Arlys Dalton, Office of Environmental Assessment, P.O. Box 4314, Baton Rouge, LA. 70821-4314, or by E-mail at arlys.dalton@la.gov. A public hearing will be granted upon request. The deadline for requesting a public hearing is Friday, September 6, 2024. The revision is available for review via LDEQ's electronic document management service (EDMS), AI# 174156, or at LDEQ Headquarters, 602 North 5th Street, Baton Rouge, Louisiana, 70802.

Aurelia S. Giacometto
Secretary

2408#055

POTPOURRI

Department of Revenue Tax Policy and Planning Division

Notice of Public Hearing—Changes to Proposed Rule Net Capital Gains Deduction (LAC 61:I.1312)

The Department of Revenue published a Notice of Intent to promulgate LAC 61:I.1312 in the February 20, 2024 edition of the *Louisiana Register* (LR 50:313-315). There was one attendee from the Society of Louisiana Certified Public Accountants at the public hearing held on March 28, 2024 and written comments were received by two interested parties. Based on the comments provided and further consideration, the department is amending the proposed Rule as provided below.

The proposed Rule has been revised to add definitions for the terms "controlled entities," "net assets," and "gross assets", to clarify the eligibility requirements for immovable and tangible movable assets relative to R.S. 47:293.2(B)(3), and to make a technical correction. The proposed Rule was further revised to reduce the percentage of real property required to be located in Louisiana from 75 percent or more to more than 50 percent.

No fiscal or economic impact is expected from the changes to the proposed Rule.

Title 61

REVENUE AND TAXATION

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

Chapter 13. Income: Individual

§1312. Net Capital Gains Deduction

A. General. R.S. 47:293(9)(a)(xvii) and (10) provide a deduction for resident individuals and nonresident individuals ("taxpayers"), respectively, for net capital gains resulting from the sale or exchange of an equity interest in, or from the sale or exchange of substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization ("business") commercially domiciled in Louisiana.

B. Definitions

Capital Gains from the Sale or Exchange of the Assets of a Business—capital gains from sales and exchanges that are reported on Federal Form 4797—Sales of Business Property, the gains from which are reportable on Schedule D of Federal Form 1040.

Commercial Domicile—the principal place from which the business is directed or managed.

Controlled Entities—with respect to a business or taxpayer

a. a corporation in which more than 50 percent of the value of the outstanding stock is owned (directly or indirectly) by or for the taxpayer or business,

b. a partnership in which more than 50 percent of the capital interest or profits interest is owned (directly or indirectly) by or for the taxpayer or business, and

c. any entity which is a related person to the taxpayer or business pursuant to paragraph (3), (10), (11), or (12) of 26 U.S.C § 267(b).

Equity Interest—an ownership interest in a business that is not publicly traded, such as stock in a corporation, a partnership interest in a partnership, or a membership interest in a limited liability company.

Net Assets—the total value of gross assets after deducting liabilities reportable or would be reportable on the Federal Form 1120, Schedule L if the form was required to be filed at time of sale as total assets at the end of the year.

Net Capital Gains—the amount reported as capital gains on the Federal Form 1040.

Gross Assets—the total value of assets reportable or would be reportable on the Federal Form 1120, Schedule L if the form was required to be filed at time of sale as total assets at the end of the year without regard to location of the assets and excluding any negative values reported on Lines 1-13.

Related Party—

a. a business or taxpayer and all entities which are controlled entities with respect to such business or taxpayer;

b. a business or taxpayer and any trust in which such business or taxpayer (or his spouse) is a beneficiary, unless such beneficiary's interest in the trust is five percent or less of the value of the trust property; and

c. except in the case of a sale or exchange in satisfaction of a pecuniary bequest, a taxpayer who is an executor of an estate and a beneficiary of such estate.

Sale or Exchange of an Equity Interest—a sale or exchange of an equity interest that is reportable on Schedule D of Federal Form 1040—Capital Gains and Losses.

Sale or Exchange of Substantially all of the Assets of a Business—a sale or exchange of assets that leaves the entity unable to carry-on its business. A sale or exchange of assets is presumed to be a sale or exchange of substantially all of the assets of the business if the selling business transfers at least 90 percent of the fair market value of the net assets and at least 70 percent of the fair market value of the gross assets that it held immediately before the transfer.

C. Documentation Requirements

1. Taxpayers claiming the deduction shall submit the following documentation at the time of filing their Louisiana individual income tax return claiming the deduction:

a. a completed Louisiana Form R-6180, Net Capital Gains Deduction Worksheet;

b. documentary evidence of the date the taxpayer acquired an equity interest in the business, such as articles of incorporation or organization, acts of sale or exchange, or donative instruments;

c. a copy of the taxpayer's federal Schedule K-1, if applicable, from the entity from which the gain was derived; and

d. a complete copy of the taxpayer's Federal Form 1040 filed with the IRS for the period in which the gain was recognized, including the Schedule D and any corresponding schedules and forms.

2. In addition to the documentation required by Paragraph 1 above, when the capital gain for which a

deduction is being claimed is greater than \$250,000, taxpayers shall also submit the following at the time of filing their Louisiana individual income tax return claiming the deduction:

a. copies of the last two returns on which the income from the business was reported. If the gain is derived from a partnership, provide Form IT-565, Louisiana Partnership Return of Income, for the last two years.

b. If the gain is derived from a pass-through entity, provide detailed information on the pass-through structure, such as a complete organizational chart showing each tier between the taxpayer and the entity from which the gain is derived.

c. If the gain is from the sale of assets, the taxpayer shall also provide the following:

i. a depreciation schedule or fixed asset schedule showing a calculation of gross to net asset values; and

ii. an allocation of purchase price among assets as required by IRC Section 1060, and generally reportable on IRS Form 8594.

D. Eligibility Restrictions

1. Net capital gains resulting from the sale or exchange of real property or other immovable assets may qualify for the deduction if more than 50 percent of the real property or other immovable assets are located within Louisiana, provided however, that the income from the related business was subject to Louisiana income tax prior to the sale or exchange.

2. Net capital gains resulting from the sale or exchange of tangible movable assets may qualify for the deduction if during the three years immediately preceding the sale or exchange, the tangible movable assets are located within Louisiana for at least 50 percent of the time in which the assets are in service, provided however, that the income from the related business was subject to Louisiana income tax prior to the sale or exchange. "In service" shall have the same meaning as it does for the purposes of calculating depreciation.

3. Net capital gains from the sale or exchange of an equity interest or from the sale or exchange of substantially all assets shall not qualify for the deduction if the transaction transfers ownership of the interest or assets to a related party.

E. The accrual of refund interest shall be suspended during any period of time that a delay in allowance or approval of the deduction is attributable to the taxpayer's failure to provide information or documentation required herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293(9)(a)(xvii) and (10), 47:293.2 and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Tax Policy and Planning Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4 p.m., Tuesday, September 24, 2024.

Public Hearing

A public hearing will be held on Wednesday, September 25, 2024, at 10 a.m. in the LaBelle Room, on the first floor

of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Should individuals with a disability need an accommodation in order to participate, contact Christina Junker at the address given above in the Public Comments section, by email at LDRadarequests@la.gov, or by phone at (225) 219-2780.

Richard Nelson
Secretary

2408#058

POTPOURRI

**Workforce Commission
Office of Workers' Compensation Administration**

Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2024 through August 31, 2025.

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 2001-Aug 31, 2002	530.43	398.00	106.00
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept 1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept. 1, 2008-Aug. 31, 2009	728.10	546.00	146.00
Sept. 1, 2009-Aug. 31, 2010	768.83	577.00	154.00
Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00
Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00
Sept. 1, 2018-Aug. 31, 2019	886.38	665.00	177.00
Sept. 1, 2019-Aug. 31, 2020	916.85	688.00	183.00
Sept. 1, 2020-Aug. 31, 2021	940.00	705.00	188.00
Sept. 1, 2021-Aug. 31, 2022	990.85	743.00	198.00
Sept. 1, 2022-Aug. 31, 2023	1027.69	771.00	206.00
Sept. 1, 2023-Aug. 31, 2024	1088.07	816.00	218.00
Sept. 1, 2024-Aug. 31, 2025	1127.21	845.00	225.00

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$1127.21	\$845.00	\$225.00	* .67 cents per mile
*Effective January 1, 2024 the mileage reimbursement is \$0.67 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

Actual wages are to be paid if the wages are less than the minimum.

Brian Blackwood
Assistant Secretary

2408#056

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