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Executive Orders

EXECUTIVE ORDER JBE 16-11

Equal Opportunity and Non-Discrimination

WHEREAS, Article 1, Section 1 of the Louisiana Constitution provides that: “All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state;”

WHEREAS, in furtherance of these principles, the State of Louisiana is and should be committed to providing equality of opportunity for all of its citizens; and

WHEREAS, the State of Louisiana is and should be committed to maintaining a work environment for its citizens that is free of harassment and discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age.

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

SECTION 1: No state agencies, departments, offices, commissions, boards, entities or officers of the State of Louisiana shall harass or discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age against any individual in the provision of any service and/or benefit by such agencies, departments, offices, commissions, boards or entities.

SECTION 2: No state agencies, departments, offices, commissions, boards, entities, or officers of the State of Louisiana shall harass or discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age against any individual in any manner pertaining to employment by the state, including, but not limited to, hiring, promotion, tenure, recruitment or compensation.

SECTION 3: All contracts for the purchase of services by any state agencies, departments, offices, commissions, boards, entities, or officers of the state of Louisiana shall be awarded without discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age of the persons seeking such contracts. Further, all such contracts shall include a provision that the contractor shall not discriminate on the basis race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age in any matter relating to employment. The provisions of this section (and this section only) shall go into effect on July 1, 2016. However, this provision does not apply to a contractor or subcontractor that is a religious corporation, religious association, religious educational institution, or religious society.

SECTION 4: This Order further rescinds and terminates Executive Order BJ 15-8, entitled the “Marriage and Conscience Order,” which is inconsistent with the object and principles of this Executive Order. However, nothing in this Executive Order (JBE 16-11) shall be read to be inconsistent with La. R.S. 13:5231 *et seq.*, the “Preservation of Religious Freedom Act.”

SECTION 5: All state agencies, departments, offices, commissions, boards, entities, or 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 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 13th day of April, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1605#004

EXECUTIVE ORDER JBE 16-12

Work and Career Development Requirements for ABAWD Snap Participants

WHEREAS, for the past nineteen years, due to high unemployment rates in Louisiana, the United States Department of Agriculture Food and Nutrition Service has granted Louisiana’s request to exempt certain able-bodied adults without dependents (ABAWD) in Louisiana from the Supplemental Nutrition Assistance Program (SNAP) time limit set forth in the federal regulation 7 CFR 273.24;

WHEREAS, without this exemption, ABAWDs seeking SNAP assistance are only able to qualify for benefits for three months in a thirty-six month period unless the participant can document satisfactory work, education, or volunteer activities, as qualified under federal law;

WHEREAS, recognizing the daily challenges faced by those receiving government assistance, it is a goal and a priority in the State of Louisiana to provide access to needed benefits while also providing ABAWD participants in Louisiana’s SNAP program with tools to help achieve meaningful and sustainable employment;

WHEREAS, Louisiana Workforce Commission (LWC) currently operates fifty-nine (59) Business and Career Solutions Centers around the state that offer skills assessment services, job search assistance, and referrals to adult education programs seeking to connect individuals with meaningful and sustainable employment;

WHEREAS, Louisiana Community and Technical College System (LCTCS) currently operates Louisiana's comprehensive adult education system, WorkReady U, and partners through co-enrollment with LWC's Business and Career Solutions Centers, offering services at nearly 200 adult education instructional sites around Louisiana;

WHEREAS, approximately one in four ABAWDs are eighteen- to twenty-four-year-olds who would qualify for certain federal incentives provided through LWC, expressly aimed at assisting unemployed youth who are out of school to obtain basic educational certifications, job skills, and sustainable employment;

WHEREAS, the State of Louisiana, through the Department of Children and Family Services (DCFS), in order to provide structured support in the pursuit of meaningful and sustainable employment, is permitted to create and enforce Louisiana's own work-related requirements of ABAWDs who are not currently employed, attending school, enrolled in a job training program, or otherwise exempt from current federal work registration requirements, including requiring participating in basic skills assessment and remediation, and obtaining assistance with resumé preparation, job searches, and enrollment in education and training courses.

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

SECTION 1: DCFS and LWC shall partner to require that, in order to continue participating in SNAP through DCFS, all ABAWDs who are not currently employed, attending school, enrolled in a job training program, or otherwise exempt from current federal work registration requirements shall register and participate in-person with programs offered by LWC Business and Career Solutions Centers providing basic job skills assessments, training and employment assistance.

SECTION 2: DCFS and LWC shall develop policies, procedures and an implementation schedule to effect these requirements on or before July 1, 2016 for all ABAWDs who are not currently employed, attending school, enrolled in a job training program, or otherwise exempt from current federal work registration requirements, and shall adopt any administrative rules necessary to implement this Executive Order.

SECTION 3: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed, within their respective authority, to cooperate with DCFS, LWC, and LCTCS in implementing the provisions of this Order.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of April, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1605#009

EXECUTIVE ORDER JBE 16-13

Flags at Half-Staff to Honor Representative John D. Travis

WHEREAS, former Louisiana State Representative John D. Travis died on Thursday, April 21, 2016, at the age of 75;

WHEREAS, the Honorable John D. Travis represented the Sixty-Second District for the House of Representatives for five terms, from 1984 until 2000, representing the parishes of East Baton Rouge, West Feliciana, East Feliciana, St. Helena, Livingston and Tangipahoa;

WHEREAS, after retiring from the House of Representatives, he then served as Commissioner of the Office of Financial Institutions from 2000 until 2004;

WHEREAS, his experience included nineteen years of leadership in local government, where he began serving as an alderman for the Town of Jackson in 1969, and also included service on the East Feliciana Parish School Board;

WHEREAS, while he was Chairman of the Commerce Committee from 1992 until 2000, his tenure at the state legislature also included membership on multiple committees, including the House and Governmental Affairs Committee, the Labor and Industrial Relations Committee, the Judiciary Committee, the Joint Legislative Committee on the Budget, the Joint Legislative Committee on Capital Outlay and the Bond Commission;

WHEREAS, Representative Travis will be remembered for his loyalty and the persistence with which he advocated for citizens of the State of Louisiana; and

WHEREAS, Representative Travis made a significant impact on the people of Louisiana through a lifetime of dedicated public service on both the local and state levels.

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

SECTION 1: As an expression of respect for the Honorable John D. Travis, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all public buildings and institutions of the State of Louisiana until sunset on Wednesday, April 27, 2016.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Wednesday, April 27, 2016.

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 26th day of April, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1605#011

EXECUTIVE ORDER JBE 16-14

Governor's Statewide Independent Living Council

WHEREAS, the State of Louisiana remains committed to promoting a philosophy of independent living in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities;

WHEREAS, the State of Louisiana also promotes the integration and full inclusion of individuals with disabilities into the mainstream of Louisiana's communities;

WHEREAS, the Federal Rehabilitation Act of 1973, as amended, specifically, 29 U.S.C.A. § 796, was enacted to promote independent living by:

A. Providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

B. Providing financial assistance to develop and support statewide networks of centers for independent living; and

C. Providing financial assistance to states for improving working relationships among independent living partners; and

WHEREAS, to be eligible to receive financial assistance under this chapter, each State must establish a Statewide Independent Living Council.

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

SECTION 1: The State of Louisiana's Statewide Independent Living Council (hereafter "Council") is reestablished and recreated in the executive department, Office of the Governor, in accordance with 29 U.S.C.A. §796d.

SECTION 2: The duties of the Council shall include, but are not limited to, the following:

1. Jointly develop and sign (in conjunction with Louisiana Rehabilitation Services) the State Plan for Independent Living, as described by 29 U.S.C.A. § 796c;

2. Monitor, review, and evaluate the implementation of the State plan;

3. Coordinate activities with the State Rehabilitation Council and other councils which address the needs of specific disability populations and issues under other federal law;

4. Ensure that all regularly scheduled meetings of the Council are held in compliance with Louisiana's Open Meetings Law, La. R.S. 42:11 et seq.; and

5. Submit periodic reports to the federal government, as required by law, regulation, and/or rule.

SECTION 3: The Council shall be composed of twenty-two (22) members who shall be designated by the Governor. The membership of the Council shall be as follows:

A. One (1) director of a center for independent living, chosen by the directors of centers for independent living within the state;

B. Sixteen (16) members selected among the following: individuals with disabilities; representatives from centers for independent living; parents and/or legal guardians of individuals with disabilities; advocates of and for individuals with disabilities; representatives from private businesses; representatives from organizations that provide services for individuals with disabilities; and any other individuals deemed appropriate.

C. Five (5) ex officio, non-voting members, which shall include: one (1) representative from Louisiana Rehabilitation Services, the designated state entity; the Executive Director of the Governor's Office of Disability Affairs and representatives from a State agency that provides services for individuals with disabilities. Ex officio members will not be counted for purposes of a quorum.

SECTION 4: The Council shall be composed of members who provide statewide representation, represent a broad range of individuals with disabilities from diverse backgrounds, and are knowledgeable about centers for independent living and independent living services. A majority of the voting members of the Council shall be individuals with disabilities, as described in 29 U.S.C.A. § 705(20)(B), and shall not be employed by any State agency or center for independent living.

SECTION 5: Council members shall serve a term of three (3) years, except members designated to fill a vacancy, who shall serve the remainder of the unexpired term. The Governor may allow a member currently serving on the Council, as was created by BJ 08-73, to finish his or her term. No member shall serve more than two (2) consecutive full terms.

SECTION 6: The Council shall not be an entity within any state agency, including LRS, and is independent of LRS and all other state agencies. The Council shall coordinate its activities with the Office of Disability Affairs, Office of the Governor. The executive director of the Office of Disability Affairs will provide administrative oversight to ensure that the Council is compliant with all rules and regulations of the state of Louisiana, including those concerning purchasing and procurement, hiring, firing, and evaluating staff, and ethical behavior and practices.

EXECUTIVE ORDER JBE 16-15

Flags at Half-Staff to Honor Frank Levingston

SECTION 7: The majority of the Council members shall not receive compensation, either directly or indirectly, for work performed on behalf of any Center for Independent Living or be employed by any state agency.

SECTION 8: Council members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council;

Council 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; and

Council 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 9: Support staff, facilities, and resources for the Council shall be provided by the Office of the Governor. The Council may evaluate employees of the Council as is necessary to carry out its functions. Any such evaluation shall be forwarded to the Office of the Governor for consideration. Any decisions involving continued employment of individuals providing services to the Council are made by the Office of the Governor.

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 Council 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.

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 April, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1605#019

WHEREAS, Frank Levingston, the oldest living man in the United States and the oldest verified surviving American World War II veteran, died in Louisiana on May 4, 2016 at the age of 110;

WHEREAS, born in North Carolina in 1905, Mr. Levingston enlisted in the U.S. Army on October 6, 1942;

WHEREAS, Mr. Levingston served in the Allied invasion in Italy, and received an honorable discharge in 1945;

WHEREAS, Mr. Levingston was a proud member of the Lake Charles community, before recently moving to Shreveport;

WHEREAS, while never marrying or having children, he was a beloved uncle to the children of his brother and sister;

WHEREAS, in his lifetime, nineteen presidents governed the United States and he survived both world wars; and

WHEREAS, his service and commitment to our country will long be remembered.

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

SECTION 1: As an expression of respect for Frank Levingston, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all public buildings and institutions of the State of Louisiana until sunset on Tuesday, May 10, 2016.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Tuesday, May 10, 2016.

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 9th day of May, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1605#071

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Horticulture and Quarantine Programs Division

Xyloporosis (LAC 7:XV.127)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and the authority of the state entomologist pursuant to R.S. 3:1652, and in order to avoid a lapse in coverage until a permanent Rule is in effect, notice is hereby given that Department of Agriculture and Forestry is extending the emergency regulation differentiating between two strains of xyloporosis for citrus nursery stock. The Emergency Rule was originally published at LR 42:6 and became effective December 31, 2015.

The reason for the Emergency Rule is that new information has been found about the disease xyloporosis. Xyloporosis is synonymous with the names cachexia and hop stunt viroid. These three names were all named for the same disease but, at different times in the last 80 years. As technology became more advanced, PCR testing showed that all three diseases were actually the same disease. The name cachexia is the name that is most commonly used today. In addition, there are two strains of cachexia. One strain infects citrus but is symptomless and it is called non-cachexia variant. The other strain also infects citrus which causes the disease cachexia (or xyloporosis). That strain is called cachexia virulent. Our regulations restrict movement of citrus nursery stock unless it is found free of xyloporosis (along with CTV, psorosis, and exocortis) but, it does not specify between non-cachexia and cachexia. The new regulation differentiates between the two strains of xyloporosis.

Citrus ships into Louisiana beginning in January. If the Emergency Rule differentiating between the two strains of cachexia does not remain in place, citrus which is free from the strain which causes xyloporosis will be prohibited from being shipping into Louisiana, resulting in a loss of business for citrus nursery growers.

This Rule shall have the force and effect of law effective April 29, 2016, and will remain in effect 120 days, unless renewed by the commissioner of Agriculture and Forestry or until permanent rules are promulgated in accordance with law. It is anticipated that the permanent Rule will become effective May 20, 2016.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter B. Nursery Stock Quarantines

§127. Citrus Nursery Stock, Scions and Budwood

A. - B. ...

C. Citrus nursery stock, scions and/or budwood may move into Louisiana from areas in which tristeza is known to occur, provided it has been grown under a citrus budwood registration program against tristeza, xyloporosis, psorosis and exocortis, and provided that under this registration program the following are required.

1. - 2. ...

3. The nursery stock, scions and/or budwood is from parent stock that has been indexed and found free of psorosis and the cachexia virulent strain of xyloporosis.

C.4. - F.6.i.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 40:1308 (July 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture and Quarantine Programs Division, LR 42:

Mike Strain DVM
Commissioner

1605#014

DECLARATION OF EMERGENCY

Department of Children and Family Services
Economic Stability Section

Pre- and Post-Release Family Strengthening Program
(LAC 67:III.5577)

The Department of Children and Family Services (DCFS), Economic Stability, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to adopt LAC 67:III, Subpart 15, Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55, TANF Initiatives, §5577, Pre- and Post-Release Family Strengthening Program. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. This Emergency Rule extension is effective on May 26, 2016 and will remain in effect until the final Rule becomes effective.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, adoption of §5577 is necessary to govern the collection of eligible rehabilitation expenditures for incarcerated and released male offenders who are fathers of minor children who are members of a needy family that may be counted as maintenance of effort (MOE) for the TANF grant.

The department considers emergency action necessary to facilitate the expenditure of TANF funds. The authorization to promulgate Emergency Rules to facilitate the expenditure of TANF funds is contained in Act 16 of the 2015 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES

Part III. Economic Stability

**Subpart 15. Temporary Assistance for Needy Families
(TANF) Initiatives**

Chapter 55. TANF Initiatives

**§5577. Pre- and Post-Release Family Strengthening
Program**

A. The department shall enter into a memorandum of understanding with the Louisiana Department of Public Safety and Corrections to collect information on rehabilitation expenditures for the purpose of claiming eligible expenditures that may count as maintenance of effort (MOE) effective Temporary Assistance for Needy Families (TANF) state plan FY 2015 for the TANF grant. The eligible rehabilitation expenditures that may be claimed as MOE are from the following programs.

1. Regional Reentry Program. This program provides the following services to incarcerated male inmates to assist them in becoming self-sustaining individuals upon release: life skills training; two forms of identification; discharge planning which includes residence, employment, and referral/connection to community resources; high school equivalency classes consisting of literacy, adult basic education, and Pre-HiSET classes; and vocational training opportunities. The program attempts to alter the offender's negative attitudes and behavior through treatment and training, reconnect families separated by incarceration, and prepare the family to receive the offender upon release.

2. Day Reporting Program. This program offers the following services to released offenders with technical violations who face revocation and re-incarceration: non-medical substance abuse treatment, life skills, employment skills, job placement assistance, cognitive-behavioral interventions, and intensive case management. Additional services may also include adult basic education and HiSET preparation, parenting and family relations skills, anger management, pro-social family and community support, relapse prevention activities, and pro-social cognitive decision-making as needed. The program seeks to identify critical thinking and decision making errors that can be addressed, substance abuse and mental health needs, as well as assist with family dynamics to ensure the offender has the resources and tools necessary to remain in the community and avoid a return to prison.

3. Local Jail Transition Specialists. This program uses mobile transition specialists who provide the following services to incarcerated state offenders that are housed at local jails: parenting and anger management programming, behavior modification, and case management. The program seeks to reduce the offender's risk of recidivism, increase pro-social decision making, and ensure offenders are routed to the regional reentry programs and/or day reporting centers as appropriate.

B. These services meet TANF goal 2, to end dependence of needy parents on government benefits, by promoting job preparation, work, and marriage, and TANF goal 4, to encourage the formation and maintenance of two-parent families.

C. Eligibility for services attributable to TANF/MOE funds is limited to incarcerated and released male offenders who are fathers of minor children who are members of a

needy family. A family meets financial eligibility if any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Supplemental Nutrition Assistance Program (SNAP) benefit, Title XIX (Medicaid) Medical Assistance Program benefit, Louisiana Children's Health Insurance Program (LaCHIP) benefit, or Supplemental Security Income (SSI) benefit.

D. Services are considered non-assistance by the department.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., P.L. 104-193, and R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 42:

Marketa Garner Walters
Secretary

1605#043

DECLARATION OF EMERGENCY

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Scholarship/Grant Programs—TOPS Core Curriculum
Equivalents: AP Computer Science A (LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and repromulgate the rules of the scholarship/grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797(D)(2)).

This rulemaking adds AP computer science A as an equivalent to advanced mathematics in the TOPS core curriculum for students who graduate from high school beginning in the 2013-2014 academic year (high school).

This Emergency Rule is necessary to implement changes to the scholarship/grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. LASFAC has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective April 20, 2016, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG16171E)

Title 28

EDUCATION

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs**

**Chapter 7. Taylor Opportunity Program for Students
(TOPS) Opportunity, Performance, and
Honors Awards**

§703. Establishing Eligibility

A. - A.5.a.ii.(d).(ii). ...
* * *

(iii). For students graduating in academic years (high school) 2013-2014 through 2016-2017, for purposes of satisfying the requirements of §703.A.5.a.i

above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.(d).(i) above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Algebra III; Advanced Math–Functions and Statistics, Advanced Math–Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A

(e). For students graduating in academic year (high school) 2017-2018 and after, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course(s)	Equivalent (Substitute) Course
Algebra I, Geometry and Algebra II	Integrated Mathematics I, II and III
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography
Algebra III; Advanced Math–Functions and Statistics, Advanced Math–Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Any listed core course or its equivalent.	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et seq., as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student’s Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

A.5.a.ii.(f). - J.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October

2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:657, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), LR 42:

Robyn Rhea Lively
Senior Attorney

1605#012

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Disproportionate Share Hospital Payments
Inpatient Psychiatric Services
Reimbursement Rate Reduction
(LAC 50:V.959, 2709 and 2903)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.959, §2709 and §2903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for inpatient hospital services in order to provide supplemental Medicaid payments to non-rural, non-state acute care hospitals that enter into a cooperative endeavor agreement with the department to provide inpatient psychiatric services (*Louisiana Register*, Volume 39, Number 2). The department amended the provisions governing disproportionate share hospital (DSH) payments to non-state distinct part psychiatric units that enter into a cooperative endeavor agreement with the department’s Office of Behavioral Health (*Louisiana Register*, Volume 39, Number 3).

As a result of a budgetary shortfall in state fiscal year 2016, the department promulgated an Emergency Rule which amended the provisions governing DSH payments to reduce the payments made to non-rural, non-state acute care hospitals for inpatient psychiatric services (*Louisiana Register*, Volume 41, Number 10). The department determined that it was necessary to amend the provisions of the October 1, 2015 Emergency Rule in order to revise these provisions and to correct the formatting of these provisions to assure that these provisions are promulgated in a clear and

concise manner in the *Louisiana Administrative Code* (LAC) (*Louisiana Register*, Volume 42, Number 1). This Emergency Rule is being promulgated to continue the provisions of the January 20, 2016 Emergency Rule. This action is being taken to avoid a budget deficit in the Medical Assistance Program.

Effective May 20, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing disproportionate share hospital payments to reduce the payments made to non-rural, non-state acute care hospitals for inpatient psychiatric services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter B. Reimbursement Methodology

§959. Inpatient Psychiatric Hospital Services

A. - L. ...

M. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), LR 36:1554 (July 2010), LR 36:2562 (November 2010), LR 37:2162 (July 2011), LR 39:94 (January 2013), LR 39:323 (February 2013), LR 42:

Subpart 3. Disproportionate Share Hospital Payments

Chapter 27. Qualifying Hospitals

§2709. Distinct Part Psychiatric Units

A. - C. ...

D. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1627 (August 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:505 (March 2013), LR 42:

Chapter 29. Public-Private Partnerships

§2903. Reimbursement Methodology

A. Free-Standing Psychiatric Hospitals. Effective for dates of service on or after October 1, 2015, the per diem rate paid to free-standing psychiatric hospitals shall be reduced by 5 percent of the rate in effect on September 30, 2015. The new per diem rate shall be \$552.02 per day.

1. Cost and lengths of stay will be reviewed for reasonableness before payments are made. Payments shall be made on a monthly basis.

2. Aggregate DSH payments for hospitals that receive payment from this category, and any other DSH category, shall not exceed the hospital's specific DSH limit. If payments calculated under this methodology would cause a hospital's aggregate DSH payment to exceed the limit, the payment from this category shall be capped at the hospital's specific DSH limit.

B. Repealed.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:2259 (November 2014), amended LR 42:

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

Rebekah E. Gee MD, MPH
Secretary

1605#047

DECLARATION OF EMERGENCY

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

Home and Community-Based Services Waivers
Adult Day Health Care Waiver
Electronic Visit Verification
(LAC 50:XXI.2705)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt LAC 50:XXI.2705 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, through collaborative efforts, provide enhanced long-term services and supports to individuals with physical, mental or functional impairments through the Adult Day Health Care (ADHC) Waiver program.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which amended the provisions governing the ADHC Waiver in order to adopt requirements which mandate that providers of personal assistant services must utilize the electronic visit verification (EVV) system designated by the department for automated scheduling, time and attendance tracking, and billing for certain home and community-based services (*Louisiana Register*, Volume 41, Number 10). This Emergency Rule is being promulgated to continue the provisions of the November 1, 2015 Emergency Rule.

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

Effective June 18, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing and the

Office of Aging and Adult Services amend the provisions governing the Adult Day Health Care Waiver to establish requirements for the use of an EVV system.

Title 50

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

Subpart 3. Adult Day Health Care

Chapter 27. Provider Responsibilities

§2705. Electronic Visit Verification

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 42:

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

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

Rebekah E. Gee MD, MPH
Secretary

1605#048

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Inpatient Hospital Services
Children's Specialty Hospitals
Supplemental Payments for New Orleans Area Hospitals
(LAC 50:V.969)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services'

disapproval of the state plan amendment for the financing of the transition of the management and operation of certain children's specialty hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which adopted a supplemental payment methodology for inpatient hospital services rendered by children's specialty hospitals in the New Orleans area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective June 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing supplemental payments for inpatient hospital services rendered by children's specialty hospitals in the New Orleans area.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services**

Subpart 1. Inpatient Hospital Services

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter B. Reimbursement Methodology

§969. Supplemental Payments to Children's Specialty Hospitals in the New Orleans Area

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for inpatient hospital services rendered in a hospital in the New Orleans area that meets the following qualifying criteria per the as filed cost report ending in state fiscal year 2014:

1. classified by Medicare as a specialty children's hospital;
2. has a least 100 full-time equivalent interns and residents;
3. has least 70 percent Medicaid inpatient days' utilization rate;
4. has at least 25,000 Medicaid inpatient days; and
5. has a distinct part psychiatric unit.

B. Supplemental payments for inpatient hospital services will be paid quarterly up to the hospital specific upper payment limit (the difference between Medicaid inpatient charges and Medicaid inpatient payments). The payments to the qualifying hospital(s) shall not exceed:

1. the annual Medicaid hospital specific inpatient charges per 42 CFR 447.271;
2. the annual aggregate inpatient hospital upper payment limit for the classification of hospitals per 42 CFR 442.272; and
3. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's 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 and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and

Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

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

Rebekah E. Gee MD, MPH
Secretary

1605#049

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services
Non-Rural, Non-State Hospitals
Public Hospitals Supplemental Payments
(LAC 50:V.963)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.963 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing inpatient hospital services to provide supplemental Medicaid payments to qualifying non-rural, non-state public hospitals (*Louisiana Register*, Volume 39, Number 6). The department promulgated an Emergency Rule which amended the reimbursement methodology governing inpatient hospital services in order to amend the provisions governing supplemental Medicaid payments to qualifying non-rural, non-state public hospitals (*Louisiana Register*, Volume 41, Number 10). This Emergency Rule is being promulgated in order to continue the provisions of the October 1, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective May 30, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state public hospitals.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter B. Reimbursement Methodology

§963. Public Hospitals

A. - B.1. ...

a. be designated as a major teaching hospital by the department as of July 1, 2015 and have at least 300 licensed acute hospital beds; or

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2772 (November 2012), amended LR 38:3181 (December 2012), repromulgated LR 39:95 (January 2013), amended LR 39:1471 (June 2013), LR 42:

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

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

Rebekah E. Gee MD, MPH
Secretary

1605#050

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services
Non-Rural, Non-State Hospitals
Supplemental Payments for Baton Rouge Area Hospitals
(LAC 50:V.973)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.973 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the state plan amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing inpatient hospital services rendered by non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in the Baton Rouge area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient

hospital services through the maximization of federal dollars.

Effective June 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals in the Baton Rouge area.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter B. Reimbursement Methodology

§973. Supplemental Payments to Baton Rouge Area Hospitals

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for inpatient hospital services rendered in a hospital in the Baton Rouge area that meets the following qualifying criteria per the as filed cost report ending in state fiscal year 2014:

1. classified as a major teaching hospital;
2. has at least 3,000 Medicaid deliveries, as verified per the Medicaid data warehouse; and
3. has at least 45 percent Medicaid inpatient days utilization rate.

B. Supplemental payments for inpatient hospital services will be paid quarterly up to the hospital specific upper payment limit (the difference between Medicaid inpatient charges and Medicaid inpatient payments). The payments to the qualifying hospital(s) shall not exceed:

1. the annual Medicaid hospital specific inpatient charges per 42 CFR 447.271;
2. the annual aggregate inpatient hospital upper payment limit for the classification of hospitals per 42 CFR 442.272; and
3. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's 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 and Hospitals, Bureau of Health Services Financing, LR 42:

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

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

Rebekah E. Gee MD, MPH
Secretary

1605#051

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Inpatient Hospital Services
Non-Rural, Non-State Hospitals
Supplemental Payments for Monroe Area Hospitals
(LAC 50:V.971)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.971 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the state plan amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals (DHH), Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in DHH Administrative Region 8 in the Monroe area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated in order to continue the provisions of the February 12, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective June 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals in the Monroe area.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter B. Reimbursement Methodology

§971. Supplemental Payments to Monroe Area Hospitals

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for inpatient hospital services rendered by a hospital in the Monroe area that meets the following qualifying criteria:

1. inpatient acute hospital classified as a major teaching hospital;

2. located in DHH Administrative Region 8 (lowest per capita income of any region per the 2010 U.S. Census Bureau records); and

3. per the as filed fiscal year ending June 30, 2013 cost report has:

a. greater than 25 full-time equivalent interns and residents;

b. at least 40 percent Medicaid inpatient days utilization; and

c. a distinct part psychiatric unit.

B. Supplemental payments for inpatient hospital services will be paid quarterly up to the hospital specific upper payment limit (the difference between Medicaid inpatient charges and Medicaid inpatient payments). The payments to the qualifying hospital(s) shall not exceed:

1. the annual Medicaid hospital specific inpatient charges per 42 CFR 447.271;

2. the annual aggregate inpatient hospital upper payment limit for the classification of hospitals per 42 CFR 442.272; and

3. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's 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 and Hospitals, Bureau of Health Services Financing, LR 42:

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

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

Rebekah E. Gee MD, MPH
Secretary

1605#052

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with
Intellectual Disabilities—Public Facilities
Reimbursement Rate Increase
(LAC 50:VII.32969)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.32969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum

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

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for public intermediate care facilities for persons with developmental disabilities (ICFs/DD), hereafter referred to as intermediate care facilities for persons with intellectual disabilities (ICFs/ID), to establish a transitional Medicaid reimbursement rate for community homes that are being privatized (*Louisiana Register*, Volume 39, Number 2). This Rule also adopted all of the provisions governing reimbursements to state-owned and operated facilities and quasi-public facilities in a codified format for inclusion in the *Louisiana Administrative Code*.

The department promulgated an Emergency Rule which amended the provisions governing the transitional rates for public facilities in order to redefine the period of transition (*Louisiana Register*, Volume 39, Number 10). The department subsequently promulgated an Emergency Rule to assure compliance with the technical requirements of R.S. 49:953, and to continue the provisions of the October 1, 2013 Emergency Rule governing transitional rates for public facilities (*Louisiana Register*, Volume 40, Number 3). The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for ICFs/ID to increase the add-on amount to the per diem rate for the provider fee (*Louisiana Register*, Volume 40, Number 3).

Due to an increase in the add-on amount to the per diem rate for the provider fee, the department promulgated an Emergency Rule which amended the provisions governing the transitional rates for public facilities in order to increase the Medicaid reimbursement rate (*Louisiana Register*, Volume 40, Number 9). This Emergency Rule is being promulgated to continue the provisions of the October 1, 2014 Emergency Rule. This action is being taken to protect the public health and welfare of Medicaid recipients transitioning from public ICFs/ID by ensuring continued provider participation in the Medicaid Program.

Effective May 28, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for public intermediate care facilities for persons with intellectual disabilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter C. Public Facilities

§32969. Transitional Rates for Public Facilities

A. - F.4. ...

G. Effective for dates of service on or after October 1, 2014, the transitional Medicaid reimbursement rate shall be increased by \$1.85 of the rate in effect on September 30, 2014.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

39:326 (February 2013), amended LR 40:2588 (December 2014), LR 42:

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

Rebekah E. Gee MD, MPH
Secretary

1605#053

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services
Children's Specialty Hospitals
Supplemental Payments for New Orleans Area Hospitals
(LAC:V.6121)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.6121 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the state plan amendment for the financing of the transition of the management and operation of certain children's specialty hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which adopted a supplemental payment methodology for outpatient hospital services rendered by children's specialty hospitals in the New Orleans area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to inpatient hospital services through the maximization of federal dollars.

Effective June 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing outpatient supplemental payments for outpatient hospital services rendered by children's specialty hospitals in the New Orleans area.

Title 50 PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospitals

Subpart 5. Outpatient Hospitals

Chapter 61. Other Outpatient Hospital Services

Subchapter B. Reimbursement Methodology

§6121. Supplemental Payments for Children's Specialty Hospitals in the New Orleans Area

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for outpatient hospital services rendered in a hospital in the New Orleans area that meets the following qualifying criteria per the as filed cost report in state fiscal year 2014:

1. classified by Medicare as a specialty children's hospital;
2. has at least 100 full-time equivalent interns and residents;
3. has at least 70 percent Medicaid inpatient days' utilization rate;
4. has at least 25,000 Medicaid inpatient days; and
5. has a distinct part psychiatric unit.

B. Supplemental payments for outpatient hospital services will be paid quarterly. The payments to the qualifying hospital(s) shall not exceed:

1. the aggregate outpatient hospital upper payment limits for the classification of hospitals pursuant to 42 CFR 447.321; and
2. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's 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 and Hospitals, Bureau of Health Services Financing, LR 42:

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

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

Rebekah E. Gee MD, MPH
Secretary

1605#054

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services
Non-Rural, Non-State Hospitals
Supplemental Payments for Baton Rouge Area Hospitals
(LAC 50:V.6905)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.6905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the state plan amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services rendered by non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in the Baton Rouge area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to outpatient hospital services through the maximization of federal dollars.

Effective June 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing the reimbursement methodology for outpatient hospital services rendered by non-rural, non-state hospitals in the Baton Rouge area.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 69. Supplemental Payments

§6905. Non-Rural, Non-State Hospitals in the Baton Rouge Area

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for outpatient hospital services rendered in a hospital in the Baton Rouge area that meets the following qualifying criteria per the as filed cost report ending state fiscal year 2014:

1. classified as a major teaching hospital;
2. has at least 3,000 Medicaid deliveries, as verified per the Medicaid data warehouse; and
3. has at least 45 percent Medicaid inpatient days utilization rate.

B. Supplemental payments for outpatient hospital services will be paid quarterly. The payments to the qualifying hospital(s) shall not exceed:

1. the aggregate outpatient hospital upper payment limits for the classification of hospitals pursuant to 42 CFR 447.321; and

2. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's 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 and Hospitals, Bureau of Health Service Financing, LR 42:

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

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

Rebekah E. Gee MD, MPH
Secretary

1605#055

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services
Non-Rural, Non-State Hospitals
Supplemental Payments for Monroe Area Hospitals
(LAC 50:V.6903)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.6903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the State Plan Amendment for the financing of the transition of the management and operation of certain hospitals from state-owned and operated to private partners, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient hospital services rendered by non-rural, non-state hospitals in order to adopt a supplemental payment methodology for services provided by hospitals located in DHH Administrative Region 8 in the

Monroe area (*Louisiana Register*, Volume 41, Number 2). This Emergency Rule is being promulgated to continue the provisions of the February 12, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation and continued access to outpatient hospital services through the maximization of federal dollars.

Effective June 10, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing supplemental payments for outpatient hospital services rendered by non-rural, non-state hospitals in the Monroe area.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 69. Supplemental Payments

§6903. Non-Rural, Non-State Hospitals in the Monroe Area

A. Effective for dates of service on or after February 12, 2015, quarterly supplemental payments shall be made for outpatient hospital services rendered by a hospital in the Monroe area that meets the following qualifying criteria:

1. inpatient acute hospital classified as a major teaching hospital;

2. located in DHH administrative region 8 (lowest per capita income of any region per the 2010 U.S. Census Bureau records); and

3. per the as filed fiscal year ending June 30, 2013 cost report has:

a. greater than 25 full-time equivalent interns and residents;

b. at least 40 percent Medicaid inpatient days utilization; and

c. a distinct part psychiatric unit.

B. Supplemental payments for outpatient hospital services will be paid quarterly. The payments to the qualifying hospital(s) shall not exceed:

1. the aggregate outpatient hospital upper payment limits for the classification of hospitals pursuant to 42 CFR 447.321; and

2. the budgeted state fiscal year supplemental payment amount included in the Annual Appropriation Act as allocated to this specific program in the budget spread pursuant to the department's 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 and Hospitals, Bureau of Health Services Financing, LR 42:

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

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

copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1605#056

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Pharmacy Benefits Management Program Methods of Payment

The Department of Health and Hospitals, Bureau of Health Services Financing hereby rescinds the provisions of the November 1, 2012 Emergency Rule which revised the reimbursement methodology for pharmacy services covered under the Medical Assistance Program as authorized by R.S. 36:254. This Emergency Rule was adopted on October 19, 2012 and published in the November 20, 2012 edition of the *Louisiana Register*. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage and reimbursement for prescription drugs to Medicaid eligible recipients enrolled in the Medicaid Program. The department promulgated an Emergency Rule which amended the provisions of the September 5, 2012 Emergency Rule to further revise the provisions governing the methods of payment for prescription drugs and the dispensing fee (*Louisiana Register*, Volume 38, Number 11).

Upon further consideration and consultation with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) on the corresponding Medicaid State Plan amendment, the department determined that it was necessary to rescind the provisions of the November 1, 2012 Emergency Rule governing the reimbursement methodology for services rendered in the Pharmacy Benefits Management Program, and to return to the reimbursement rates in effect on September 5, 2012 which is consistent with the currently approved Medicaid State Plan (*Louisiana Register*, Volume 40, Number 10). This Emergency Rule is being promulgated to continue the provisions of the October 1, 2014 Emergency Rule.

Effective May 28, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing rescinds the Emergency Rule governing pharmacy services which appeared in the November 20, 2013 edition of the *Louisiana Register* on pages 2725-2728.

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

copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1605#057

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Pharmacy Benefits Management Program
State Supplemental Rebate Agreement Program
(LAC 50:XXIX.Chapter 11)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:XXIX.Chapter 11 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides Medicaid coverage of prescription drugs through its Pharmacy Benefits Management Program. The department amended the provisions governing the Pharmacy Benefits Management Program in order to establish provisions for the Medicaid Program's participation in The Optimal PDL Solution (TOP\$) State Supplemental Rebate Agreement Program which is a multi-state Medicaid state supplemental drug rebate pooling initiative (*Louisiana Register*, Volume 39, Number 10). This program allows states to leverage their pharmaceutical purchasing power as a group to achieve more supplemental rebates than could be achieved independently. It is anticipated that this program will lower the net cost of brand drugs and the overall dollars spent on pharmacy benefits. The department promulgated an Emergency Rule to assure compliance with the technical requirements of R.S. 49:953, and to continue the provisions of the October 1, 2013 Emergency Rule governing the Pharmacy Benefits Management Program which established provisions for the Medicaid Program's participation in The Optimal PDL Solution (TOP\$) State Supplemental Rebate Agreement Program (*Louisiana Register*, Volume 40, Number 3). This Emergency Rule is being promulgated to continue the provisions of the February 22, 2014 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective June 18, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Medicaid coverage of prescription drugs to establish provisions for participation in TOP\$ State Supplemental Rebate Agreement Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 11. State Supplemental Rebate Agreement Program

§1101. General Provisions

A. Effective October 1, 2013, the Department of Health and Hospitals, Bureau of Health Services Financing hereby establishes provisions for participation in The Optimal PDL Solution (TOP\$) State Supplemental Rebate Agreement (SRA) Program. TOP\$ is a multi-state Medicaid state supplemental drug rebate pooling initiative approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services and administered by Provider Synergies, L.L.C/Magellan Medicaid Administration. The purpose of this program is to allow states the opportunity to leverage their pharmaceutical purchasing power as a group to achieve more supplemental rebates and discounts from prescription drug companies than could be achieved independently.

B. Pursuant to R.S. 46:153.3, the department shall enter into a contractual agreement with Provider Synergies to participate in TOP\$. Provider Synergies/Magellan Medicaid Administration will act on the department's behalf to provide the necessary administration services relative to this agreement for the provision of state supplemental drug rebate contracting and preferred drug list administration services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

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

Rebekah E. Gee MD, MPH
Secretary

1605#058

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Psychiatric Residential Treatment Facilities
Licensing Standards (LAC 48:I.9047)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.9047 as authorized by R.S. 40:2179-2179.1. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and

shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the licensing standards for psychiatric residential treatment facilities (PRTFs) in order to remove service barriers, clarify appeal opportunities, avoid a reduction in occupancy of PRTFs in rural locations, and clarify the process for cessation of business (Louisiana Register, Volume 40, Number 8). The department subsequently amended the provisions of the August 20, 2014 Emergency Rule in order to revise the formatting of these provisions to ensure that these provisions are appropriately promulgated in a clear and concise manner (Louisiana Register, Volume 41, Number 11).

The department has determined that it is necessary to amend the provisions governing PRTFs in order to revise the minimum staffing requirements for staff-to-client ratios. This action is being taken to avoid imminent peril to the public health, safety and welfare of the Medicaid recipients by ensuring sufficient provider participation and recipient access to medically necessary PRTF services. It is estimated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2016-2017.

Effective May 20, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the minimum staffing requirements for psychiatric residential treatment facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing

Chapter 90. Psychiatric Residential Treatment Facilities (under 21)

Subchapter D. Human Resources

§9047. Personnel Requirements

A. - A.4. ...

B. The facility shall maintain a minimum ratio of one staff person for four residents (1:4) between the hours of 6 a.m. and 10 p.m. The staff for purposes of this ratio shall consist of direct care staff (i.e. licensed practical nurse (LPN), MHS, MHP, LMHP, etc.).

C. The facility shall maintain a minimum ratio of one staff person for six residents (1:6) between 10 p.m. and 6 a.m. Staff shall always be awake while on duty. The staff for purposes of this ratio shall consist of direct care staff (i.e. LPN, MHS, MHP, LMHP, etc.).

D. Staffing ratios listed above are a minimum standard. The PRTF must have written policies and procedures that:

1. demonstrate how the staffing pattern will be adjusted when necessary to meet the individual needs and acuity of youth as those fluctuate over time;

2. document how the PRTF continuously monitors the appropriateness of its staffing pattern to ensure the safety of both youth and staff;

a. This documentation shall include specific methods used by the PRTF to monitor metrics such as restraints and seclusions and other adverse incidents, and documentation of how the PRTF uses this monitoring to make ongoing decisions about staffing patterns; and

3. document how the PRTF continuously monitors the appropriateness of its staffing pattern to ensure that youth receive appropriate, individualized care and treatment and therapeutic interactions;

a. This documentation shall include specific methods used by the PRTF to monitor metrics such as clinical progress and outcomes, and documentation of how the PRTF uses this monitoring to make ongoing decisions about staffing patterns.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:385 (February 2012), amended LR 42:

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

Rebekah E. Gee MD, MPH
Secretary

1605#046

DECLARATION OF EMERGENCY

Department of Natural Resources Office of Conservation

Statewide Order No. 29-B
General Provisions—Financial Security
(LAC 43:XIX.104)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and the authority of the commissioner of Conservation pursuant to R.S. 30:1 et seq., the following Emergency Rule is necessary to protect the public health, safety and welfare of the people of the state of Louisiana.

An audit issued by the Louisiana Legislative Auditor on May 28, 2014, included recommendations that the Office of Conservation (“Conservation”) “should consider revising its current regulations and require that all operators provide financial security or some type of financial assurance on newly permitted wells or wells with amended permits,” and that Conservation “should consider revising its current regulations to increase the amount for financial security to be more reflective of the costs to properly plug and remediate orphaned well sites. In addition, financial security amounts should be periodically reviewed and adjusted to ensure they are reflective of the costs to plug and remediate orphan well sites.” In agreeing with the same, Conservation promulgated regulations (published in LR 41:952 in May 2015) to accomplish this goal.

The Legislative Auditor’s report also stated that “Effective regulation is ... important in preventing operators from abandoning their wells. If operators abandon their wells or cannot maintain their wells in compliance with regulations, [Conservation] will orphan all of the operators’ wells...” where orphaned wells are defined as “abandoned oil and gas wells for which no responsible operator can be located or

such operator has failed to maintain the well site in accordance with state regulations.”

The price of oil has dropped to historically low levels and most operators are unable to afford the increased financial security amounts promulgated in LR 41:952. Additionally, recent extensive flooding has precluded operators from producing their wells and may require the use of remaining assets to restore production. As the auditor’s report discussed “effective regulation”, if these new rules continue to be enforced they will likely result in Conservation orphaning the wells of these small operators, ultimately putting them out of business and thereby make the environmental concerns created by orphaned wells more severe. This Emergency Rule suspends the effect of these new rules until Conservation can review the matter further and amend the Rule to account for these unintended consequences.

In support of these reasons, Conservation has considered the testimony of stripper operators before the House Natural Resources and Environment Committee, statements submitted and made at several public meetings and rulemaking hearings held with regard to the rules, statements submitted by Senators Barrow Peacock and Neil Riser on behalf of their constituents, and Representatives Stuart Bishop, Charles “Bubba” Chaney, Richard Burford, James “Jim” Morris, Mike Johnson, Terry Brown, and former Representative Henry Burns on behalf of their constituents, as well as various other petitions noting the objections of approximately 760 individuals and 96 oil and gas operators.

Conservation finds that this action at this time is necessary to protect the public health, safety and welfare of the people of the state of Louisiana, but that this action is truly only the first step in working toward a more lasting solution to achieve the goals raised in the legislative auditor’s report.

This Rule shall have the force and effect of law effective April 13, 2016 and will remain in effect for 120 days, unless renewed by the commissioner of Conservation, withdrawn by the commissioner of Conservation, or until permanent rules are promulgated in accordance with law.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 1. General Provisions

§104. Financial Security

A. Unless otherwise provided by the statutes, rules and regulations of the Office of Conservation, financial security shall be required by the operator of record (operator) pursuant to this Section for each applicable well as further set forth herein in order to ensure that such well is plugged and abandoned and associated site restoration is accomplished. A compliance order and/or civil penalty which has been timely satisfied shall not cause an operator to be considered a non-compliant operator for the purpose of this Section.

1. Permit to Drill

a. On or after July 1, 2000, the applicant for a permit to drill must provide financial security for such well in accordance with the following.

i. An operator who has exhibited a record of compliance with the statutes, rules, and regulations of the Office of Conservation for a period of 48 months immediately preceding the permit date of the well and who

has no outstanding violations shall be exempt from providing financial security under this Section.

ii. An operator who has not been a registered operator of record for a period of 48 months immediately preceding the permit date of the well in question shall comply with the following.

(a). An operator who has not previously been an operator of a well (drilling, drilled or completed) shall provide financial security in a form acceptable to the commissioner prior to issuance of a permit to drill.

(b). An operator who has previously been an operator of a well (drilling, drilled or completed) for less than the prescribed 48 months but has otherwise exhibited a record of compliance with the statutes, rules and regulations of the Office of Conservation and who has no outstanding violations shall provide financial security in a form acceptable to the commissioner within 30 days of completion date as reported on Form Comp or Form WH-1.

iii. An operator who has not exhibited a record of compliance with the statutes, rules, and regulations of the Office of Conservation for a period of 48 months immediately preceding the permit date of the well shall provide financial security in a form acceptable to the commissioner prior to issuance of permit to drill.

2. Amended Permit to Drill/Change of Operator

a. Any application to amend a permit to drill for change of operator must be accompanied by financial security in accordance with the following.

i. An operator who has previously been an operator of a well for a period of at least 48 months immediately preceding the amended permit to drill date, who has exhibited a record of compliance with the statutes, rules and regulations of the Office of Conservation and who has no outstanding violations shall be exempt from providing financial security under this Section.

ii. Any operator who does not meet the criteria specified in §104.A.2.a.i above shall provide financial security in a form acceptable to the commissioner prior to issuance of an amended permit to drill.

3. Financial security in a form acceptable to the commissioner shall be provided prior to issuance of a permit to drill or amended permit to drill to any operator which includes a primary officer therein who is or was a primary officer of an operator assigned an orphan status.

4. The financial security requirements provided herein shall apply to class V wells as defined in LAC 43:XVII.103 for which an application for a permit to drill or amended permit to drill is submitted on and after July 1, 2000, at the discretion of the commissioner.

B. Compliance with this financial security requirement shall be provided by any of the following or a combination thereof:

1. certificate of deposit issued in sole favor of the Office of Conservation in a form prescribed by the commissioner from a financial institution acceptable to the commissioner. A certificate of deposit may not be withdrawn, canceled, rolled over or amended in any manner without the approval of the commissioner; or

2. a performance bond in sole favor of the Office of Conservation in a form prescribed by the commissioner issued by an appropriate institution authorized to do business in the state of Louisiana; or

3. letter of credit in sole favor of the Office of Conservation in a form prescribed by the commissioner issued by a financial institution acceptable to the commissioner.

C. Financial Security Amount

1. Land Location

a. Individual well financial security shall be provided in accordance with the following.

Measured Depth	Amount
< 3000'	\$2 per foot
3001-10000'	\$5 per foot
> 10001'	\$4 per foot

b. Blanket financial security shall be provided in accordance with the following.

Total Number of Wells Per Operator	Amount
≤ 10	\$ 25,000
11-99	\$125,000
≥ 100	\$250,000

2. *Water Location—Inland Lakes and Bays*—any water location in the coastal zone area as defined in R.S. 49:214.27 except in a field designated as offshore by the commissioner.

a. Individual well financial security shall be provided in the amount of \$8 per foot of well depth.

b. Blanket financial security shall be provided in accordance with the following.

Total Number of Wells Per Operator	Amount
< 10	\$ 250,000
11-99	\$1,250,000
> 100	\$2,500,000

3. *Water Location—Offshore*—any water location in a field designated as offshore by the commissioner.

a. Individual well financial security shall be provided in the amount of \$12 per foot of well depth.

b. Blanket financial security shall be provided in accordance with the following.

Total Number of Wells Per Operator	Amount
≤ 10	\$ 500,000
11-99	\$2,500,000
≥ 100	\$5,000,000

4. An operator of land location wells and water location wells who elects to provide blanket financial security shall be subject to an amount determined by the water location requirements.

5. The amount of the financial security as specified above may be increased at the discretion of the commissioner.

D. A change of name by a compliant operator of record through acquisition, merger, or otherwise does not preclude said successor operator from meeting the requirements for exemption from financial security under this Section.

E. The commissioner retains the right to utilize the financial security provided for a well in responding to an emergency applicable to said well in accordance with R.S. 30:6.1.

F. Financial security shall remain in effect until release thereof is granted by the commissioner pursuant to written request by the operator. Such release shall only be granted after plugging and abandonment and associated site restoration is completed and inspection thereof indicates compliance with applicable regulations or upon transfer of such well to an exempt operator. In the event provider of financial security becomes insolvent, operator shall provide substitute form of financial security within 30 days of notification thereof.

G. Plugging and abandonment of a well, associated site restoration, and release of financial security constitutes a rebuttable presumption of proper closure but does not relieve the operator from further claim by the commissioner should it be determined that further remedial action is required.

H. In the event that an operator has previously provided financial security pursuant to LAC 43:XIX.104, such operator shall provide increased financial security, if required to remain in compliance with this Section, within 30 days after notice from the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R. S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation LR 26:1306 (June 2000), amended LR 27:1917 (November 2001), LR 41:952 (May 2015), LR 42:

Richard P. Ieyoub
Commissioner

1605#003

DECLARATION OF EMERGENCY

**Department of Public Safety and Corrections
Office of State Police**

Escorts by DPS Police (LAC 73:I.1901)

The Department of Public Safety and Corrections, Office of State Police (LSP) has exercised the emergency provision in R.S. 49:953(B), of the Administrative Procedure Act, to amend, LAC 73:I.1901 as authorized by R.S.32:3. This Emergency Rule will become effective May 9, 2016 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The LSP is required to provide proper escort for certain oversize permit loads as directed by the Department of Transportation and Development to protect the interests of the state, the state highway system and public safety. The safe and timely movement of these oversize permit loads is vital to the safety of the public traveling our state's highways and has a direct impact on commerce in our state. The Office of State Police is proposing the adoption of an Emergency Rule to allow Department of Public Safety officers within the Office of State Police to provide proper escort when a state police trooper is not available. Currently, the Office of State Police is assigning on-duty troopers to escort permit loads when there is an increase in demand. This decreases the number of troopers available for calls and increases their response time thus creating an imminent peril to public safety. The proposed amendment to the present Rule will immediately address the impact on public safety by

increasing the number of officers available to conduct these escorts.

The public welfare dictates that these changes be implemented immediately through the adoption of this proposed Emergency Rule to promote greater public safety.

Adopted April 20, 2016. Effective April 20, 2016.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 19. Escort Requirements for Oversize and/or Overweight Vehicles or Loads

§1901. Provision Enforcement

A. - B.15. ...

16. No current full-time employee of the Department of Transportation and Development shall be used for or engage in self or private escort service. Under the existing policy of the Department of Public Safety, Office of State Police, an off-duty trooper or DPS police officer working in uniform may serve as escort for movements of oversize and/or overweight loads.

17. In the event a state police escort is required, the permittee shall pay the escort fee, or any portion thereof, in addition to pay of the off-duty trooper or DPS police officer.

B.18. - E.1.n. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:3 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 30:1490 (July 2004), amended by the Department of Public Safety and Corrections, Office of State Police, LR 42:

Jason Starnes
Undersecretary

1605#005

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Uniform Construction Code Council

Uniform Construction Code (LAC 17:I.Chapter 1)

The Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency provision in accordance with R.S. 49:953(B), of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 17:I.Chapter 1 in the state Uniform Construction Code as authorized by R.S. 40:1730.26 and R.S. 40:1730.28. Furthermore, the LSUCCC has found an immediate need to adopt amendments of the current plumbing provisions in the *International Building Code*, *International Residential Code*, and the *International Plumbing Code* regarding health and safety for the public.

The LSUCCC is promulgating this Rule adoption and amendments to provide greater health and safety for the public and those providing installation and maintenance on plumbing systems. This rule was first adopted on December 9, 2015 and published in the December 2015 edition of the *Louisiana Register* (Vol. 41, No. 12). The rule became effective on January 1, 2016. This Emergency Rule is being promulgated to continue those provisions. It was adopted

and became effective May 10, 2016 and shall be in effect for the maximum period allowed under the Act (120 days) or until adoption of the final Rule, whichever occurs first.

Act 836 of the 2014 Regular Session of the Louisiana Legislature mandates the adoption of the plumbing provisions in the *International Plumbing Code*, *International Building Code* and the *International Residential Code*. This Emergency Rule addresses this mandate by providing for necessary amendments to the codes. These amendments address the newly mandated provisions which the Department of Health and Hospitals (DHH) deemed inadequate. These amendments will also allow new technology and methods to be used that were not previously allowed in the current Louisiana state *Plumbing Code*. There are additional changes to the current rules to reformat the codification of LAC 55:XVII. The formatting changes allow for Title XVII, entitled "Construction" to consist of Part I, the Uniform Construction Code, as well as Part III, which will be designated for the Code Council's administrative enforcement laws.

The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater safety to existing plumbing systems and those providing maintenance and installation on plumbing systems thus allowing new and existing facilities to incorporate designs which provided for greater public safety while providing more cost-effective new methods and technology.

The public welfare further dictates that these changes are implemented immediately through the adoption of the Emergency Rule because of the health risks these amendments address. Adoption of this emergency rule will allow owners and developers to immediately use these new standards in expanding existing facilities or constructing new facilities.

Adoption of this Emergency Rule will also provide proven methods for plumbing systems and new technology in the plumbing codes which will ensure the health, safety and welfare of not only plumbers, installers and maintenance workers, but for the public as well.

Title 17

CONSTRUCTION

Part I. Uniform Construction Code

Chapter 1. Uniform Construction Code

§107. *International Residential Code* (Formerly LAC 55:VI.301.A.3.a)

A.1. ...

a. Add the following Chapter 2 definitions and amend as follows.

Air Break (Drainage System)—a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, or receptacle at a point below the flood level rim and above the trap seal. An unobstructed horizontal distance of free atmosphere between the outside of the indirect waste pipe and the inside of the waster receptor must exist so as to allow a back-flow of sewage to spill over the flood level rim of the receiving sink or other receptor to prevent such back-flow from reaching the fixture, device, appliance or apparatus served by the indirect waste pipe.

Barometric Loop—a fabricated piping arrangement rising at least 35 feet at its topmost point above

the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.

Building Sewer—that part of the drainage system that extends from the end of the building drain and conveys the discharge to community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal.

By-Pass—any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer.

Containment—a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.

Continuous Water Pressure—a condition when a backflow preventer is continuously subjected to the upstream water supply pressure for a period of 12 hours or more.

Degree of Hazard—an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.

Domestic Well—a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.

Dual Check Valve—a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter. Not an approved backflow prevention device.

Fixture Isolation—a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.

Human Consumption—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

Indirect Waste Pipe—a waste pipe that does not connect directly with the drainage system, but that discharges into the drainage system through an air break or air gap into a trap, fixture, or waste receptor.

NOTE: Delete definition *Individual Water Supply*—a water supply that serves one or more families, and that is not an approved public water supply.

Lead Free—

(a). in general:

(i). not containing more than 0.2 percent lead when used with respect to solder and flux; and

(ii). not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

(b). calculation:

(i). the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:

[a]. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the

weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Division (a) (ii) above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

Master Meter—a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered.

Multipurpose Piping Fire Sprinkler System—a piping system intended to serve both domestic needs in excess of a single fixture and fire protection needs from one common piping system throughout the dwelling unit(s).

Potable Water—water free from impurities present in amount sufficient to cause disease or harmful physiological effects and conforming to the bacteriological, physical, radiological, and chemical quality requirements of the federal Safe Drinking Water Act or the regulations of the Department of Health and Hospitals, Office of Public Health.

Potable Water Supply—a publicly owned or privately owned water supply system which purveys potable water.

Private Water Supply—a potable water supply that does not meet the criteria for a public water supply including, but not limited to, a domestic well.

NOTE: Delete definition *Public Water Main*—A water supply pipe for public use controlled by public authority.

Public Water Supply—public water system.

Public Water System—a particular type of *water supply system* intended to provide *potable water* to the public having at least fifteen service connections or regularly serving an average of at least twenty-five individuals daily at least sixty days out of the year.

Sanitary Sewage—see “sewage.”

Septic Tank—a water-tight receptor that receives the discharge of a building sanitary drainage system and is constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquid effluent to discharge into the soil outside of the tank through a system of open joint or perforated piping or is otherwise treated and disposed of utilizing other methods approved by the state health officer.

Sewerage System—any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.

Stand-Alone Fire Sprinkler System—a sprinkler system where the aboveground piping serves only fire sprinklers.

Waste Receptor—a plumbing fixture designed specifically to collect and dispose of liquid waste received from an indirect waste pipe which is connected to other plumbing fixtures, plumbing equipment or appliances which are required to discharge to the drainage system through either an air gap (drainage system) or air break (drainage system). The following type fixtures fall within the classification of indirect waste receptors: floor sinks, curbed

cleaning facilities with floor drain, and standpipe drains with integral air gaps (drainage system) or air breaks (drainage system), and may include others when approved as such by the code official.

Water Supplier—a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.

Water Supply System—the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.

1.b. - 3. ...

4. Amend Section R303.4 Mechanical Ventilation. When a blower door test is performed, and the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested in accordance with the 2009 IRC Section N1102.4.2.1, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.

5. - 8.x.i. ...

9. Amend Chapter 30 Sanitary Drainage.

a. Add Section 3001.4 Repairs to drainage system via re-route.

i. In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be cut or otherwise disconnected from the entire drainage system. At the point of such cutting or disconnection, the entire circumference of the existing pipe which remains connected to the drainage system shall have a wall thickness of not less than 1/8-inch. The existing pipe which remains connected to the drainage system shall be sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.

b. Amend Section P3005.2.2, Horizontal Drains within buildings.

i. Horizontal drains within buildings shall be provided with cleanouts as follows.

(a). All horizontal drains 3-inch nominal diameter or less, cleanouts shall be located at not more than 50 feet (15 200mm) intervals.

(b). For horizontal drains 4-inch nominal diameter through 6-inch nominal diameter, cleanouts shall be located at not more than 80 feet (24 400mm) intervals.

(c). Horizontal drains larger than 6-inch nominal diameter shall be provided with cleanouts located at not more than 100 feet (30 480 mm) intervals.

c. Amend Section P3005.2.4, Change of direction.

i. Each horizontal drainage pipe shall be provided with a cleanout at the upstream end of the pipe and in changes of direction over 45° (0.785 rad).

(a). Exceptions. The following plumbing arrangements are acceptable in lieu of the upstream cleanout:

(i). "P" traps connected to the drainage piping with slip joints or ground joint connections;

(ii). "P" traps into which floor drains, shower drains or tub drains with removable strainers discharge;

(iii). "P" traps into which the straight through type waste and overflow discharge with the overflow connecting to the branch of the tee;

(iv). "P" traps into which residential washing machines discharge;

(v). test tees or cleanouts in a vertical pipe above the flood-level rim of the fixtures that the horizontal pipe serves and not more than 4-feet (1219 mm) above the finish floor.

d. Amend Section P3005.2.7, Building drain and building sewer junction.

i. There shall be a cleanout within 6 feet (1829 mm) of the junction of the building drain and building sewer. This cleanout shall be either inside or outside the building wall, provided that it is brought up to finish grade or to the lowest floor level. An approved two-way cleanout shall be permitted to serve as the required cleanout for both the building drain and the building sewer.

e. Amend Section P3005.4.1, Branch and stack sizing.

i. Branches and stacks shall be sized in accordance with Table P3005.4.1. Below grade drain pipes shall be not less than 1 1/2 inches (38 mm) in diameter. Drain stacks shall be not smaller than the largest horizontal branch connected.

(a). Exceptions:

(i). a 4-inch by 3-inch (102 mm by 76 mm) closet bend or flange;

(ii). a 4-inch (102 mm) closet bend connected to a 3-inch (76 mm) stack tee shall not be prohibited.

f. Amend Table P3005.4.1, Maximum fixture units allowed to be connected to branches and stacks.

i. Table P3005.4.1—Maximum Fixture Units Allowed to be Connected to Branches and Stacks

Nominal Pipe Size (inches)	Any Horizontal Fixture Branch	Any One Vertical Stack or Drain
1 1/4 ^a	—	—
1 1/2 ^b	3	4
2b	6	10
2 1/2 ^b	12	20
3	20 (not over two water closets)	30 (not over six water closets)
4	160	240

For SI: 1 inch = 25.4 mm.

^a 1 1/4-inch pipe size limited to a single-fixture drain or trap arm. See Table P3201.7.

^b No water closets.

g. Amend Section P3005.4.2, Building drain and sewer size and slope.

i. Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.1.

h. Amend Table P3005.4.2, Maximum number of fixture units allowed to be connected to the building drain, building drain branches or the building sewer.

i. Table P3005.4.2—Maximum Number of Fixture Units Allowed to be connected to the Building Drain, Building Drain Branches or The Building Sewer

Diameter of Pipe (inches)	Slope Per Foot		
	1/8 inch	1/4 inch	1/2 inch
1 1/2a, b	—	Note a	Note a
2b	—	21	27
2 1/2b	—	24	31
3	20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	180	216	250

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

^a 1 1/2-inch pipe size limited to a building drain branch serving not more than two waste fixtures, or not more than one waste fixture if serving a pumped discharge fixture or garbage grinder discharge.

^b No water closets.

i. Add Section P3005.6, Minimum size of soil and waste stacks.

i. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4x3 water closet connection shall not be considered as a reduction in pipe size. The soil or waste stack shall run undiminished in size from its connection to the building drain to its connection to the stack vent.

j. Add Section P3005.7, Minimum size of drain serving a water closet.

i. The minimum size of any building drain serving a water closet shall be 3 inches. Not more than two water closets shall discharge into a horizontal 3-inch building drain.

k. Add Section P3005.8, Minimum size of building sewer.

i. In accordance with P3001.4, no building sewer shall be less than 4 inches in size with the exception of force lines.

l. Add Section P3005.9, Underground drainage piping.

i. Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter.

m. Amend Section P3009.1, Scope.

i. Gray water recycling systems shall only be considered on an individual basis and plans and specifications for any proposed gray water recycling system shall be submitted to the code official or local jurisdiction for review and approval prior to construction. Such plans and specifications shall be appropriately sealed and signed by a Louisiana Registered Professional Engineer. Potable makeup water supply lines shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. The provisions of Section P3009 shall govern the materials, design, construction and installation of gray water systems for flushing of water closets and urinals and for subsurface landscape irrigation. See Figures P3009.1(1) and P3009.1(2).

n. Amend Section P3009.14, Landscape irrigation systems.

i. In accordance with provisions of the *Louisiana State Sanitary Code* [LAC 51:XIII (Sewage Disposal)], a permit shall be obtained from the state health officer prior to the construction of any subsurface landscape irrigation

system which utilizes gray water. Subsurface landscape irrigation systems shall comply with Sections P3009.14.1 through P3009.14.11; however, the regulations of the *Louisiana State Sanitary Code* shall supersede any provisions of P3009.14.1 through P3009.14.11 when a conflict exists or a provision is less stringent than those contained in the *Louisiana State Sanitary Code*.

o. Amend Section P3010.1, Air break.

i. An air break shall be provided between the indirect waste pipe and the trap seal of the waste receptor or standpipe. The air break (drainage system) between the indirect waste and the building drainage system shall be installed such that the level of the lowest outlet located on the fixture, device, appliance or apparatus (to which the indirect waste pipe connects) is above the flood-level rim of the receiving sink or other receptor by a vertical distance of at least twice the diameter of the effective opening of the indirect waste pipe, but in no case less than 2 inches (51 mm). In addition, the indirect waste pipe shall terminate below the flood-level rim of the receiving sink or other receptor a distance equal to not more than one-half (1/2) the diameter of the effective opening of the indirect waste pipe.

p. Amend Section P3104.1, Connection.

i. All individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.

q. Amend Section P3201.5, Prohibited trap designs.

i. The following types of traps are prohibited:

(a) bell traps;

(b) separate fixture traps that depend on interior partitions for the water seal, except those lavatory traps made of plastic, stainless steel or other corrosion-resistant material;

(c) "S" traps;

(d) drum traps;

(e) trap designs with moving parts;

(f) crown-vented traps;

(g) running traps;

(i) exceptions:

[a]. a running trap with cleanout may be allowed on condensate waste lines and for certain floor level fixtures installed on a combination waste and vent system.

r. Delete Section P3114, Air Admittance Valves in its entirety and all referencing sections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2383 (November 2015), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council LR 42:

§111. The International Plumbing Code (Formerly LAC 55:VI.301.A.5)

A. ...

B. Amend Chapter Two Definitions

Adult Day Care Center—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home.

Air Break (Drainage System)—a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, or receptacle at a point below the flood level rim and above the trap seal. An unobstructed horizontal distance of free atmosphere between the outside of the indirect waste pipe and the inside of the waster receptor must exist so as to allow a back-flow of sewage to spill over the flood level rim of the receiving sink or other receptor to prevent such back-flow from reaching the fixture, device, appliance or apparatus served by the indirect waste pipe.

Barometric Loop—a fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.

Building Drain—that part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes in side and that extends 30 inches (762 mm) in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer.

NOTE: Delete definition Combined—a building drain that conveys both sewage and storm water or other drainage.

a. *Sanitary*—a *building drain* that conveys sewage only.

b. *Storm*—a *building drain* that conveys storm water or other drainage, but not sewage.

Building Sewer—that part of the drainage system that extends from the end of the building drain and conveys the discharge to a community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal.

NOTE: Delete definition Combined—a building sewer that conveys both sewage and storm water or other drainage.

a. *Sanitary*—a *building drain* that conveys sewage only.

b. *Storm*—a *building drain* that conveys storm water or other drainage, but not sewage.

By-Pass—any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer.

Child Day Care Center—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center.

NOTE: Delete definition Combined Building Drain—"See building drain, combined"

NOTE: Delete definition Combined Building Sewer—"See Building sewer, combined"

Commercial Treatment Facility—any treatment facility which is required by the state health officer whenever the use of an individual sewerage system is unfeasible or not authorized.

Community Sewerage System—any sewerage system which serves multiple connections and consists of a collection and/or pumping system/transport system and treatment facility.

Containment—a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.

Continuous Water Pressure—a condition when a backflow preventer is continuously subjected to the spill over the flood level rim of the receiving sink or other receptor to prevent such back-flow from reaching the fixture, device, appliance or apparatus served by the indirect waste pipe.

NOTE: Delete definition Lead Free Pipe and Fittings—Containing not more than 8.0 percent lead

NOTE: Delete definition Lead Free Solder and Flux—Containing not more than 0.2 percent lead

Master Meter—a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered.

Plumbing—the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems. Plumbing includes yard piping connecting sanitary or storm drainage with any point of disposal or other acceptable terminal as well as the water service piping connecting to a water main or other source of water supply. Plumbing does not include the installation, alteration, repair or maintenance of automatic fire sprinklers and including the underground or overhead water supply beginning at the outlet of an approved backflow prevention device installed under the plumbing provisions of this code where water is to be used or is intended to be used exclusively for fire protection purposes.

Potable Water—water free from impurities present in amount sufficient to cause disease or harmful physiological effects and conforming to the bacteriological, physical, radiological, and chemical quality requirements of the federal Safe Drinking Water Act or the regulations of the Department of Health and Hospitals, Office of Public Health.

Potable Water Supply—a publicly owned or privately owned water supply system which purveys potable water.

Preschool—any child less than five years of age.

Private Water Supply—a potable water supply that does not meet the criteria for a public water supply including, but not limited to a domestic well.

Public or Public Utilization—in the classification of plumbing fixtures, "public" applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, hotel/motel rooms, airports, bus and railroad stations, public buildings, bars, public comfort stations, office buildings, stadiums, stores, restaurants, patient rooms and other installations

where a number of fixtures are installed so that their utilization is similarly unrestricted.

NOTE: Delete definition *Public Water Main*—A water supply pipe for public use controlled by public authority.

Public Water Supply—public water system.

Public Water System—a particular type of water supply system intended to provide potable water to the public having at least 15 service connections or regularly serving an average of at least 25 individuals daily at least 60 days out of the year.

Putrescible Waste—waste which is subject to spoilage, rot, or decomposition and may give rise to foul smelling, offensive odors and/or is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies. It includes wastes from the preparation and consumption of food, vegetable matter, and animal offal and carcasses.

Residential Facility—any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.

Sanitary Sewage—see “sewage.”

Sewer—a pipe or other constructed conveyance which conveys sewage, rainwater, surface water, subsurface water, or similar liquid wastes.

a. *Building Sewer*—see “building sewer.”

b. *Public Sewer*—a common sewer directly controlled by a public authority or utilized by the public

c. *Sanitary Sewer*—a sewer that carries sewage and excludes storm, surface and ground water.

d. *Storm Sewer*—a sewer that conveys rainwater, surface water, subsurface water and similar liquid wastes.

Sewerage System—any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.

Waste Receptor—a *plumbing fixture* designed specifically to collect and dispose of liquid waste received from an indirect waste pipe which is connected to other *plumbing fixtures*, plumbing equipment or appliances which are required to discharge to the drainage system through either an air gap (drainage system) or air break (drainage system). The following type fixtures fall within the classification of indirect waste receptors: floor sinks, curbed cleaning facilities with floor drain, and standpipe drains with integral air gaps (drainage system) or air breaks (drainage system), and may include others when approved as such by the code official.

Water Main—a water supply pipe or system of pipes installed and maintained by a city, township, county, Public Utility Company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use. This term shall also mean the principal artery (or arteries) used for the distribution of potable water to consumers by any water supplier including, but not limited to, those public water systems which are not owned by the public and which may not be on public property.

Water Supplier—a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.

Water Supply System—the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.

NOTE: Delete definition *Well*—

Bored—a well constructed by boring a hole in the ground with an auger and installing a casing.

Drilled—a well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.

Driven—a well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

Dug—a well constructed by excavating a large-diameter shaft and installing a casing.

C. - J.2.a.vii(a)(i). . . .

3. Amend Section 1002.4 Trap Seals.

a. Each fixture trap shall have a liquid seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm), or deeper for special designs relating to accessible fixtures. Where a trap seal is subject to loss by evaporation, (*i.e.*, *floor drains or similar traps where the water seal is not replenished regularly and automatically*) a trap seal primer valve shall be installed. Trap seal primer valves shall connect to the trap at a point above the level of the trap seal. A trap seal primer valve shall conform to ASSE 1018 or ASSE 1044.

4. Add Section 1002.4.2 Drainage type trap seal primer valves.

a. Drainage-type trap seal primers meeting ASSE 1044 shall capture liquid wastes only from:

i. the tail piece of a lavatory;

ii. the discharge side of the atmospheric vacuum breaker located downstream of a flushometer valve servicing a water closet or a clinical sink (the takeoff point on the discharge pipe must be at least 4” below the critical level of the vacuum breaker); or,

iii. the refill/hush tube of ballcocks

5. Amend Section 1003.2, Approval.

a. Interceptors and of each separators shall be designed and installed in accordance with the manufacturer’s instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator. No interceptor or separator shall be installed until its design, size, location and venting has been approved by the local jurisdictional code official. The local jurisdictional code official shall have the authority to require a grease interceptor to be serviced, repaired, or replaced with a larger unit when it is determined that a unit is not working or being maintained properly, the unit is damaged, or the mode of operation of the facility no longer meets the anticipated conditions of use (*i.e.*, offensive odors, sewage backups or overflows, or when it is determined that grease is bypassing the grease interceptor and causing downstream blockages or interfering with sewage treatment.

6. Amend Section 1003.3, Grease interceptors.

a. Grease interceptors shall comply with the requirements of Sections 1003.3.1 through 1003.3.5.

7. Amend Section 1003.3.1, Grease interceptors and automatic grease removal devices required.

a. A grease interceptor or automatic grease removal device, sized in accordance with Section 1003.3.5 of this code, shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall include pot sinks, prerinse sinks; soup kettles or similar devices; work stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils or grease to be discharged. Other than standard detergents associated with dishwashing; emulsifiers, chemicals, enzymes or bacteria shall not discharge into a grease interceptor or automatic grease removal device. A grease interceptor or an automatic grease removal device shall not be required for individual detached one- and two-family dwelling units or any private living quarters.

8. Amend Section 1003.3.2, Hydromechanical grease interceptors.

a. Hydromechanical grease interceptors shall be evaluated, tested, and certified for conformance with ASME A 112.14.3, PDI-G101, or PDI-G102. Hydromechanical grease interceptors shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device shall be vented and terminate not less than 6 inches (152 mm) above the flood rim level or be installed in accordance with the manufacturer's instructions. To prevent odors in the kitchen or occupied space, such vent shall be directly connected to the building vent system. Hydromechanical grease interceptors shall be sized in accordance with Section 1003.3.5 of this code.

9. Amend Section 1003.3.3, Automatic grease removal devices.

a. Automatic grease removal devices shall be evaluated, tested, and certified for conformance with ASME A112.14.4. Where automatic grease removal devices are installed, such devices shall be located downstream of each fixture or multiple fixtures in accordance with the manufacturer's instructions. Ready access shall be provided for inspection and maintenance. Automatic grease removal devices shall be sized in accordance with Section 1003.3.5 of this code.

10. Amend Section 1003.3.4, Gravity grease interceptors.

a. Gravity grease interceptors shall comply with the requirements of Sections 1003.3.4.1 through 1003.3.4.8 and shall be sized in accordance with Section 1003.3.5 of this code.

11. Amend 1003.3.4.1, Indoor installations.

a. If a gravity grease interceptor must be installed within an enclosed building, any access covers shall be gasketed to prevent the intrusion of odors into the building.

12. Amend Section 1003.3.4.2, Distance.

a. The grease interceptor shall be placed as close to the plumbing fixture(s) discharging greasy waste as possible, but preferably on the outside of the building when feasible.

13. Add Section 1003.3.4.3, Outlet pipe.

a. The minimum diameter of the outlet pipe shall not be less than 4 inches. The invert of the gravity grease interceptor outlet opening (i.e., lowest portion of the outlet pipe where it draws waste near the bottom of the grease interceptor), shall be located at a maximum of 6 inches and a minimum of 4 inches from the floor of the grease interceptor. This requirement also applies to any intermediate outlets in multi-compartment gravity grease interceptors.

14. Add Section 1003.3.4.4, Air space.

a. A minimum of one foot of air space shall be provided above the static water level.

15. Add Section 1003.3.4.5, Venting.

a. A gravity grease interceptor outlet shall be properly vented in accordance with this section to prevent it from siphoning itself out. Any internally vented outlet line shall have the vent terminal extended to within 2 inches of the bottom of the access cover to prevent grease from escaping the gravity grease interceptor through the open vent terminal. For those gravity grease interceptors having a gasketed cover, the gravity grease interceptor outlet line shall not be allowed to be internally vented. In this case, the outlet line itself shall be vented with a minimum 2-inch vent pipe installed in accordance with Chapter 9 of this code.

16. Add Section 1003.3.4.6, Water seal.

a. On unbaffled single compartment gravity grease interceptors, a 90° ell shall be used on the inlet and shall terminate 6 inches below the static water level. On baffled single compartment gravity grease interceptors, a baffle wall shall be placed between the inlet and outlet. The inlet shall discharge into the gravity grease interceptor at a level at least 6 inches below the top of the baffle wall.

17. Add Section 1003.3.4.7, Minimum horizontal distance.

a. The minimum horizontal distance between the inlet and outlet piping in the gravity grease interceptor shall be 24 inches.

18. Add Section 1003.3.4.8, Access/Covers.

a. Access from the top of the gravity grease interceptor shall be provided by an easily removable cover above an access opening for proper maintenance. Additional access opening/covers shall be provided as necessary to provide accessibility to each compartment in multi-compartment or multi-baffled arrangements as well as access to both the inlet and outlet. Access opening covers shall be above or at grade (G) to provide ready accessibility. Each access cover shall be designed so that it cannot slide, rotate, or flip when properly installed in order that the opening is not unintentionally exposed. Especially for lightweight covers, mechanical fasteners are recommended to augment the safety of and ensure positive closure of the cover.

19. Amend Section 1003.3.5, Minimum required liquid holding capacity.

a. In all instances of new construction, change of occupancy classification or use of the property, a gravity grease interceptor or hydro-mechanical grease interceptor

meeting the minimum capacity as required by this Section of the Code shall be installed. The minimum required capacity (volume) of the grease interceptor shall be determined based upon the maximum number of persons served during the largest meal period in accordance Section 1003.3.5.1 or 1003.3.5.2 of this code.

20. Add Section 1003.3.5.1, Without garbage grinder.

a. The minimum capacity for applications without a garbage grinder shall not be less than 125 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 125 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.

21. Add Section 1003.3.5.2, With garbage grinder.

a. When a garbage grinder is connected, the minimum capacity shall not be less than 500 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When a garbage grinder is connected and over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 500 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.

i. Exception

(a). At the discretion of the code official local jurisdictional code official, a smaller, point of use type hydro-mechanical grease interceptor or automatic grease removal device may be permissible when:

(i). a concrete slab would have to be broken at an existing building or facility for the proper installation of a grease interceptor; or

(ii). an outside, unpaved area surrounding an existing building where a grease interceptor could be installed is available; however, it is determined that the area is located further than 75 feet from the plumbing fixtures that the grease interceptor would be servicing; or

(iii). the code official local jurisdictional code official determines that the installation is unfeasible such as when servicing a kitchen located on the upper floors of a multistoried building; or

(iv). the code official local jurisdictional code official determines that minimal fat, oil and grease will be produced or introduced into the sanitary drainage system based on the menu and mode of operation of the facility (i.e., snowball stands, sandwich shops, or other similar facilities with low grease production and which utilize single-service tableware and hollowware including forks, knives, spoons, plates, bowls, cups, and other serving dishes).

(b). In these instances, listed under the exception, the minimum required size of the hydromechanical grease interceptor shall be determined based upon fixture discharge rate (gpm) and grease retention capacity (pounds) in accordance with PDI G101 or ASME A 112.14.3. Automatic grease removal devices shall be sized in accordance with

ASME A112.14.4. In no case shall a grease interceptor or automatic grease removal device be installed which has an approved rate of flow of less than 20 gallons per minute.

22. Amend Section 1003.10, Access and maintenance of interceptors and separators.

a. Access shall be provided to each interceptor and separator for service and maintenance. A two-way cleanout shall be provided on the discharge waste line immediately downstream of all interceptors and separators. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.

K. - O.5.c.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 42:

Jason Starnes
Interim Undersecretary

1605#069

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Recreational Gag Season Reef Fish Harvest—2016

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NOAA Fisheries are applicable in waters of the exclusive economic zone (EEZ) of the United States. NOAA Fisheries, through the Gulf Council, has promulgated regulations adjusting the season for the recreational harvest of gag grouper to be open from June 1 through December 31, previously July 1-December 2, each year. NOAA Fisheries has further promulgated regulations adjusting the minimum size limit of gag and black grouper from 22 inches total length to 24 inches total length based upon an analysis of size at maturity.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters to coincide with these size and season modifications set forth by NOAA Fisheries, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedures Act, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:6(25)(a) and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons and limits for saltwater finfish, the commission hereby declares:

The recreational season for gag grouper in Louisiana waters shall open on June 1, 2016 and remain open through December 31, 2016. The commission further declares that the size limit for recreationally harvested gag and black grouper shall be 24 inches total length until further notice.

The commission also hereby grants authority to the secretary of the Department of Wildlife and Fisheries, upon informing the chairman of the Louisiana Wildlife and Fisheries Commission, to modify the provisions of this Declaration of Emergency if notified by NOAA Fisheries that the recreational seasons or limits for the harvest of gag and black grouper have been modified in the federal waters of the Gulf of Mexico, or as needed to effectively implement the provisions herein upon notification to the chairman of the Wildlife and Fisheries Commission. Such authority shall extend through January 31, 2017.

Bart Yakupzack
Chairman

1605#030

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Shrimp Season Opening in Portion of State Outside Waters

In accordance with the emergency provisions of R.S. 49:953 and R.S. 49:967 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 have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of, and based upon, technical and biological data which indicate that marketable shrimp, in sufficient quantities are available for harvest; and, a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on January 7, 2016 which authorizes the secretary of the Department of Wildlife and Fisheries to reopen any area closed to shrimping when the closure is no longer necessary, the secretary hereby declares:

That state outside waters extending a distance of 3 nautical miles seaward of the inside/outside shrimp line as described in R.S. 56:495, from the northwest shore of Caillou Boca at -90 degrees 50 minutes 27 seconds west longitude westward to the Atchafalaya River Ship Channel at Eugene Island as delineated by the Channel red buoy line shall reopen to shrimping at 6 a.m., April 22, 2016.

Recent biological samples taken by Office of Fisheries biologists indicate that small white shrimp which have overwintered in these waters from December through the present time have reached marketable sizes and the closure is no longer necessary. Significant numbers of smaller size white shrimp still remain in state outside waters west of the Atchafalaya River Ship Channel to the western shore of Freshwater Bayou Canal at -92 degrees 18 minutes 33 seconds west longitude, and these waters will remain closed to shrimping until further notice.

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.

Charlie Melancon
Secretary

1605#008

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Spring Shrimp Season Opening Dates

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497, which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and 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 2016 spring shrimp season in Louisiana state waters to open as follows:

In state inside waters at 6 a.m. Monday, May 23.

In that portion of state outside waters extending a distance of 3 nautical miles seaward of the inside/outside shrimp line as described in R.S. 56:495 from the Atchafalaya River ship channel at Eugene Island as delineated by the red Channel buoy line to the western shore of Freshwater Bayou at 92 degrees 18 minutes 33 seconds west longitude to open at 6 a.m. Monday, May 23, 2016.

The commission also hereby grants authority to the secretary of the Department of Wildlife and Fisheries to delay or advance these opening dates if biological and technical data indicate the need to do so, and; to close any portion of Louisiana's inside 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 reopen 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.

This Emergency Rule is effective May 5, 2016.

Bart Yakupzack
Chairman

1605#032

DECLARATION OF EMERGENCY

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

Wildlife Management Area Reopening

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopt the following Emergency Rule:

Currently, due to excessive high water levels associated with excessive rainfall in North Louisiana, Big Lake and Bayou Macon wildlife management areas are closed to all activities. Water has receded on these areas. Staff have inspected the area roads and deemed the areas suitable and safe for public access. Therefore, it is deemed appropriate to reopen these areas to all activities.

In accordance with the provisions of 56:6.1, public access to, and use of, the above mentioned wildlife management areas shall be as follows: Open to all activities. This Declaration of Emergency shall become effective April 14, 2016.

Charles J. Melancon
Secretary

1605#007

DECLARATION OF EMERGENCY

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

Wildlife Management Area Reopening

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopt the following Emergency Rule:

Currently, due to excessive high water levels associated with excessive rainfall in North Louisiana, Russell Sage Wildlife Management Area is closed to all activities. While much of the area is still inundated, water has receded to the extent that the portion of the area known as Wham Brake has been deemed suitable and safe for public access. Therefore, it is deemed appropriate to reopen that portion of Russell Sage Wildlife Management Area known as Wham Brake to all activities.

In accordance with the provisions of 56:6.1, public access to and use of the above mentioned portion of this wildlife management area shall be as follows: open to all activities. This Declaration of Emergency shall become effective May 2, 2016.

Charles J. Melancon
Secretary

1605#020

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Horticulture and Quarantine Programs—Xyloporosis
(LAC 7:XV.127)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1652, the Department of Agriculture and Forestry (“department”) has adopted the Rule set forth below, differentiating between two strains of xyloporosis in citrus nursery stock. The Rule was first established by Emergency Rule (*Louisiana Register*, Volume 42, Number 1).

The Rule is necessary because new information has been found about the disease xyloporosis. Xyloporosis is synonymous with the names cachexia and hop stunt viroid. These three names were all named for the same disease but, at different times in the last 80 years. As technology became more advanced, PCR testing showed that all three diseases were actually the same disease. The name cachexia is the name that is most commonly used today. In addition, there are two strains of cachexia. One strain infects citrus but is symptomless and it is called non-cachexia variant. The other strain also infects citrus which causes the disease cachexia (or xyloporosis). That strain is called cachexia virulent. The current regulations restrict movement of citrus nursery stock unless it is found free of xyloporosis (along with CTV, psorosis, and exocortis) but, it does not specify between non-cachexia and cachexia. The regulation differentiates between the two strains of xyloporosis.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter B. Nursery Stock Quarantines

§127. Citrus Nursery Stock, Scions and Budwood

A. - B. ...

C. Citrus nursery stock, scions and/or budwood may move into Louisiana from areas in which tristeza is known to occur, provided it has been grown under a citrus budwood registration program against tristeza, xyloporosis, psorosis and exocortis, and provided that under this registration program the following are required.

1. - 2. ...

3. The nursery stock, scions and/or budwood is from parent stock that has been indexed and found free of psorosis and the cachexia virulent strain of xyloporosis.

C.4. - F.6.i.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences,

LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 40:1308 (July 2014), LR 42:730 (May 2016).

Mike Strain DVM
Commissioner

1605#039

RULE

Department of Agriculture Forestry Office of Agricultural and Environmental Sciences

Pesticides

(LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry (“department”), through the Office of Agricultural and Environmental Sciences, has amended LAC 7:XXIII.103, 307, 309, 1101 and 1103 and repealed §727. The Rule adds a definition for the term ‘drift’ and a regulation that prohibits drift. The rules add a procedure for requests for the adoption, amendment or repeal of a Rule. The rules add a procedure for declaratory orders and rulings relating to rules. Under the rules, restrictions on the application of certain herbicide classes during specific months and in specific areas of Louisiana have been changed. In addition, the restriction on cash sales of methyl parathion has been deleted.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 1. Authority, Pesticide Declarations, Definitions

§103. Definitions

A. ...

B. The following words and terms are defined for the purposes of this Part.

* * *

Division—the Division of Pesticide and Environmental Programs in the Office of Agricultural and Environmental Sciences of the department.

Drift—the physical movement of pesticides either in particulate, liquid or vapor form beyond the target area where the pesticide was applied.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3202 and 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:171 (April 1983), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 15:76 (February 1989), LR 27:2085 (December 2001), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental

Sciences, Advisory Commission on Pesticides, LR 35:626 (April 2009), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3466 (December 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 38:3103 (December 2012), LR 42:730 (May 2016).

Chapter 3. Advisory Commission on Pesticides

§307. Requests for Adoption, Amendment or Repeal of a Rule

A. Any interested person may, pursuant to R.S. 49:953(C), request the commissioner adopt, amend, or repeal a rule (“rule change”) that the commissioner has the authority to make.

B. A request for a rule change shall be in writing, be signed by the person making the request, and shall contain the following information:

1. a statement of whether the requested rule change involves the adoption, amendment, or repeal of a rule, or any combination thereof;

2. a citation to the existing rule for which an amendment or repeal is being requested or a statement that the rule will be a new rule, if proposed for adoption;

3. a draft of the proposed wording of the requested rule change or a statement detailing the content of the requested rule change;

4. a statement of why the request is being made;

5. a simple, concise and direct statement of the material facts that the requesting party believes support the requested rule change;

6. a statement of who would benefit from the requested rule change and how they would be benefited if not already included in any of the previously required statements;

7. if known, the specific citation to any statute(s) that specifically relates to the content of the requested rule change;

8. the name, address, telephone number, and, if available, a fax number and e-mail address of the person making the request;

9. a request that does not comply with the Paragraphs in this Subsection shall be returned to the requesting party with an attached statement explaining why the request is incomplete.

C. The written request for a rule change shall be addressed to the director of the Advisory Commission on Pesticides and shall be mailed or hand delivered to 5825 Florida Boulevard, Suite 3003, Baton Rouge, LA 70806.

D. The request for a rule change shall be presented to the commissioner for due consideration.

1. The commissioner or an officer of the department statutorily authorized to make the rule change may make a decision regarding the requested rule change without the necessity of meeting with the requesting party in person.

a. A decision will be made within 30 days of receipt of the written request unless referred to the commission as provided in Paragraph 2 of this Subsection or unless taken under consideration.

b. The requesting party shall be notified in writing or by electronic means of the commissioner’s decision.

2. The commissioner may direct that the request for a rule change be presented to the commission for review and recommendation. In such case, the request shall be presented

to the commission at its next regularly scheduled meeting. If the next regularly scheduled meeting is more than 30 days from the date the request for a rule change was received by the department, the chairman of the commission may call a special meeting for the purpose of hearing the request. The proposed rule change shall be reviewed by the agency’s staff which may participate in any discussion and make any recommendations to the commission that the staff deems proper.

a. Notice of the meeting and the placement of the request on the agenda shall be provided to the person submitting the request at least 10 days prior to the meeting.

b. Failure of the requesting party to attend the meeting for purposes of discussing the proposed rule change may be cause for the request to be denied.

c. The commission may take the matter under consideration or defer action pending further information. If the matter is taken under consideration or action is deferred, then it will be taken up again at the next regularly scheduled meeting of the agency.

d. The commission shall make a recommendation to the commissioner on the request for a rule change. The person requesting the rule change shall be notified in writing or by electronic means of the commissioner’s decision.

E. The agency, in its review of the requested rule change, shall be exercising its rulemaking powers under the Administrative Procedure Act (R.S. 49:950 et seq.) and its decision shall be a discretionary exercise of its rulemaking powers and shall not be a “decision” or “order” as defined in the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3467 (December 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:731 (May 2016).

§309. Procedure for Declaratory Orders and Rulings

A. This rule provides for the filing and prompt disposition of petitions or requests for declaratory orders and rulings as to the applicability of any statutory provision or as to the applicability or validity of any rule or order of the agency, as required by R.S. 49:962 and 49:963(D) of the Administrative Procedure Act.

B. No technical form of making a request is required but a request for a declaratory order or ruling shall be made in writing, shall be signed by the person making the request, and shall contain the following information:

1. a citation to the specific statutory provision, rule or order that will be the subject of the declaratory order or ruling;

2. a simple, concise, and direct statement of the material facts that the requesting party believes the agency should be aware of in making a determination;

3. a concise statement of why the declaratory order or ruling is being requested;

4. a short, simple and direct statement of how the requesting party would like the agency to rule;

5. a short, simple, and direct statement of the statute, cases, opinions, or other legal authority that the requesting party believes support the requested declaratory order or ruling;

6. a list of all persons that the requesting party may call to testify and a list of all documents that may be submitted as evidence, if the agency decides to hear testimony and take evidence;

7. the name, address, telephone number, and, if available, a fax number and e-mail address of the person making the request. This information shall be either printed on any letterhead or provided in the written request in legible form;

8. a request that does not comply with the Paragraphs in this Subsection shall be returned to the requesting party with an attached statement explaining why the request is incomplete.

C. A written request for a declaratory order or ruling shall be addressed to the director of the Advisory Commission on Pesticides and shall be mailed or delivered to 5825 Florida Boulevard, Suite 3003, Baton Rouge, LA 70806.

D. The request for a declaratory order or ruling shall be referred by the commissioner to the commission for review and recommendation. The commission shall consider the request as follows.

1. The request for a declaratory order shall be presented to the commission at its next regularly scheduled meeting that is more than 30 days after the request is received unless the department's staff determines that the matter can be fairly heard at a meeting that is scheduled to be held less than 30 days after the request is received.

2. Notice of the meeting and the placement of the request on the agenda shall be provided at least 10 days prior to the meeting to the person submitting the requesting party.

3. Failure of the requesting party to attend the meeting for purposes of presenting the matter to the agency may be cause for the request to be denied.

4. The requesting party and the department may both call witnesses and present documentary evidence in regard to the matter. The administrative proceeding shall be conducted in accordance with the Administrative Procedure Act. The administrative proceeding shall be recorded and the decision of the agency shall be based on the record and evidence presented.

5. The commission may take the matter under consideration or defer action pending further information.

6. The commission shall make a recommendation to the commissioner. The person requesting the declaratory meeting shall be notified in writing of the commissioner's decision.

E. Judicial review of any declaratory order or ruling of the department shall be as provided by the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 49:962 and R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:731 (May 2016).

Chapter 7. Examinations, Certification and Licensing

Subchapter C. Licensing Requirements

§727. Pesticides Dealers; Restrictions on Cash Sales

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3252(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 19:609 (May 1993), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3477 (December 2011), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:732 (May 2016).

Chapter 11. Regulations Governing Application of Pesticides

§1101. General Requirements

A. - H. ...

I. No person shall make an application of any pesticide to a target site in such a manner or under such conditions that drift of the pesticide, which is avoidable through reasonable precautions, infringes on a non-target site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3477 (December 2011), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:732 (May 2016).

§1103. Restrictions on Application of Certain Pesticides

A. - A.3. ...

B. The following pesticides may not be applied by commercial applicators during the times set forth in this Rule in the areas listed in §1103.C, D and E.

	Chemical Name	Common Name
1.	4-amino-3, 5,6-trichloro-picolinic acid	Picloram
2.	Arsenic trioxide	---
3.	3-chlorophenoxy-alpha-propionamide	3-CPA
4.	4-chlorophenoxy acetic acid	4-CPA
5.	2,4-dichlorophenoxy acetic acid (all salts, all formulations)	2,4-D
6.	4-(2,4-dichlorophenoxy) butyric	2,4-DB
7.	2-methoxy-3, 6-dichlorobenzoic acid (all salts, all formulations)	Dicamba
8.	2-methyl-4-chlorophenoxyacetic acid	2, 4-MCPA
9.	4-(2 methyl-4-chlorophenoxy) butyric acid	---
10.	2-(2 methyl-4-chlorophenoxy)	2-MCPP
11.	Arsenic acid	Arsenic

C. The pesticides listed in §1103.B shall not be applied by commercial applicators between April 1 and September 15 in the following parishes, unless a waiver has been granted pursuant to §1107:

1. Avoyelles;
2. Bossier;
3. Caddo;
4. Caldwell;
5. Catahoula;
6. Concordia;
7. East Carroll;
8. Evangeline, Wards 1, 3 and 5;
9. Franklin;
10. Grant;
11. Madison;
12. Morehouse;
13. Natchitoches;

14. Ouachita;
15. Pointe Coupee;
16. Rapides;
17. Red River;
18. Richland;
19. St. Landry;
20. Tensas;
21. West Carroll.

D. The pesticides listed in §1103.B shall not be applied by commercial applicators between March 1 and June 15 in the area between the Mississippi River and Highway 61 in the parishes of St. James and St. John the Baptist.

E. The pesticides listed in §1103.B shall not be applied by commercial applicators in the parish of Plaquemines.

F. No commercial applicator may make application of the products listed in §1103.B and the following pesticides when the wind speed is at 10 miles per hour or above:

1. 3¹4¹-Dichloropropionanilide—Propanil;
2. 1:1-Dimethyl-4, 41-Bipyridinium (cation)—Paraquat;
3. Isopropylamine salt of glyphosate—Glyphosate and other salts of glyphosate;
4. Glufosinate-ammonium.

G - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), LR 19:1119 (September 1993), LR 21:668 (July 1995), LR 24:281 (February 1998), LR 24:2076 (November 1998), LR 26:1428 (July 2000), LR 26:1966 (September 2000), LR 27:279 (March 2001), LR 27:1672 (October 2001), LR 33:1855 (September 2007), LR 35:628 (April 2009), LR 36:1980 (September 2010), LR 37:269 (January 2011), LR 37:809 (March 2011), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3478 (December 2011), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 38:1556 (July 2012), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 42:732 (May 2016).

Mike Strain, DVM
Commissioner

1605#041

RULE

Department of Agriculture and Forestry Office of Forestry

Forest Productivity Program and Electronic
Timber Records (LAC 7:XXXIX.1307, 1501 and 1503)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through authority granted in accordance with Act 591 of 1970 and R.S. 3:4402, the Department of Agriculture and Forestry (“department”), through the Office of Forestry, has amended the above cited regulations. LAC 7:XXXIX.1307 has been amended to increase the maximum

cost share amount available to a landowner. This will result in more efficient use of timber management practices. LAC 7:XXXIX.1501 and 1503 have been amended in order to allow for the use of certain electronic records.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 13. Forestry Productivity Program

§1307. Extent of State Participation

A. - C. ...

D. The maximum cost share rates are established as follows. Fifty percent of the cost per acre shall not exceed the following rates.

1. Artificial Regeneration: Tree Planting:
 - a. pine (loblolly, slash or shortleaf, planting and seedling cost): \$50/acre;
 - b. containerized pine (loblolly, slash or shortleaf, planting and seedling cost): \$60/acre;
 - c. hardwood (planting and seedling cost): \$90/acre;
 - d. containerized hardwood (planting and seedling cost): \$110/acre;
 - e. labor only (pine or hardwood): \$25/acre;
 - f. labor only (containerized pine or hardwood): \$35/acre;
 - g. longleaf pine (planting and seedling cost): \$60/acre;
 - h. containerized longleaf pine (planting and seedling cost): \$80/acre.
2. Artificial Regeneration: Direct Seeding:
 - a. pine (seed and labor cost): \$15/acre;
 - b. hardwood (seed and labor cost): \$30/acre.
3. Artificial Regeneration: Site Preparation:
 - a. light (disking, mowing, or sub-soiling): \$15/acre;
 - b. burn only (cut-over areas or agriculture lands): \$20/acre;
 - c. chemical and burn (aerial, ground, or injection): \$75/acre;
 - d. chemical only: \$60/acre;
 - e. mechanical and burn: \$115/acre;
 - f. Mechanical Only: \$100/acre;
 - g. post-site preparation (aerial, ground, or injection): \$50/acre;
 - h. chemical and herschal drag: \$90/acre.
4. Site Preparation for Natural Regeneration:
 - a. burning only: \$15/acre;
 - b. chemical or mechanical: \$65/acre;
 - c. chemical and burning: \$75/acre.
5. Control of Competing Vegetation:
 - a. chemical release (aerial, ground, or injection): \$50/acre;
 - b. precommercial thinning (mechanical): \$65/acre;
 - c. burning only: \$15/acre.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4412 and R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1679 (September 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 28:267 (February 2002), LR 34:2338 (November 2008), LR 41:2102 (October 2015), LR 42:733 (May 2016).

Chapter 15. Timber Harvesting and Receiving Records

§1501. Loaders Log: Required Information; Distribution; Maintenance of Records

A. - B.9. ...

C. A loaders log may be kept in an electronic form. If a loaders log is kept in electronic form, it shall contain all required information set forth in Subsection B of this regulation and be maintained for a period of not less than six years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:31 (January 2001), amended LR 27:1005 (July 2001), LR 37:2985 (October 2011), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 42:734 (May 2016).

§1503. Scale/Load Tickets: Required Information; Distribution; Maintenance of Records

A. - C.9. ...

D. A scale ticket may be kept in an electronic form. If a scale ticket is kept in electronic form, it shall contain all required information set forth in Subsection C of this regulation and be maintained for a period of not less than six years. The use of an electronic scale ticket does not relieve the purchaser of the timber from the obligations set forth in Subsection B of this regulation. If scale tickets are kept in electronic form as provided by this Rule, the signature required by Paragraph C.9 of this Section may also be in electronic form.

E. Restrictions. Wood-receiving facilities cannot accept any load of timber unless all information required by these regulations is provided at the time of delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:31 (January 2001), amended LR 27:1005 (July 2001), LR 37:2985 (October 2011), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 42:734 (May 2016).

Mike Strain, DVM
Commissioner

1605#040

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Parental Viewing of Assessments (LAC 28:CXI.321)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 118—Statewide Assessment Standards and Practices*: §321, Parental Viewing of Assessments. Through House Resolution 195 of the 2015 Regular Legislative Session (HR 195), the

Louisiana Legislature requested the state Board of Elementary and Secondary Education to promulgate rules relative to teacher and parental access to and review of student assessments. In response to this request, the proposed revisions establish a process for student assessment(s) to be viewed by the parent or legal custodian of a student beginning with the assessments administered to students during the 2015-2016 school year.

**Title 28
EDUCATION**

Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 3. Test Security

§321. Parental Viewing of Assessments

A. State assessments serve as valid and reliable measurements of students' learning of academic content and skills at the end of grade levels or courses. They provide valuable information for parents and educators in determining a student's readiness for higher-level content and the need for additional academic supports. Thus, in making assessments available for viewing by parents and supporting their involvement in their child's education, it is essential to maintain the integrity and security of the assessments to ensure that they continue to serve as valid and reliable measurements of student learning.

B. Parents and legal custodians of students taking Louisiana statewide assessments shall be granted the opportunity to view each assessment taken by their child upon request as provided in this Section, with the exception of proprietary assessments used in multiple states for purposes other than state assessment, such as college admissions and college credit. The LDE may provide for standardized processes to receive and schedule assessment viewings and to maintain test security in accordance with this Section.

C. The viewing shall be held not later than 10 business days following the release of student-level state assessment results by the LDE to local education agencies and shall be offered for 10 business days at the LDE office in Baton Rouge during normal business hours.

1. The viewing shall take place by appointment in the presence of the director of assessment or his designee.

2. In order to confirm the requestor is the parent or legal custodian of a child who took a Louisiana statewide assessment, the requestor shall present a valid form of government issued identification and the child's birth certificate or a recently issued report card containing child's name, school, district, and grade level. The LDE shall view the child's birth certificate or report card for identification purposes only and shall not maintain a copy of such documentation.

3. If a parent or legal custodian has questions or concerns regarding a particular assessment item or question, he shall be provided an opportunity at the time of the review to discuss his questions or concerns with the director of assessments or other appropriate person as determined by the director of assessments

4. The parent or legal custodian shall be given a reasonable amount of time to view the assessment; however, such time shall not exceed two hours.

5. During the review, the parent or legal custodian shall not:

- a. photocopy or photograph any assessment item or question;
- b. make any notes, including but not limited to handwritten, typed, or orally recorded notes that identify an assessment item or question;
- c. bring an electronic device into the viewing area; or
- d. discuss or disclose an assessment item or question with another child's parent or legal custodian.

6. Following the review, the parent or legal custodian shall not discuss or disclose an assessment item or question to any person.

D. A parent or legal custodian who violates the provisions of this Section shall be required to reimburse the LDE for any costs incurred by the LDE to replace any assessment items, questions, or full test forms determined by the LDE to no longer be secure due to the actions of the parent or legal custodian.

1. Replacement of assessment items or questions shall include but is not limited to:

- a. the cost of developing and field testing any items or questions; and
- b. printing revised test booklets, as needed to ensure the security of the assessment.

2. The LDE may take any steps necessary to secure collection, including referral to the attorney general for collection. If the LDE makes such referral, the attorney general shall be responsible for collection of any balance due to the state resulting from the actions of the parent or legal custodian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:734 (May 2016).

Shan N. Davis
Executive Director

1605#006

RULE

Department of Environmental Quality Office of the Secretary Legal Division

Electronic Submittal of
Discharge Monitoring Reports (DMRs)
(LAC 33:IX.2701)(WQ094)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.2701 (WQ094).

This Rule adopts the EPA federal regulation that requires NPDES regulated entities to submit discharge monitoring reports (DMRs) electronically through a department-approved electronic document receiving system unless

granted an electronic reporting waiver. The basis and rationale are to comply with federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 27. LPDES Permit Conditions

§2701. Conditions Applicable to All Permits

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2703. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

A. - L.3. ...

4. Monitoring Reports

a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be submitted through a department-approved electronic document receiving system in accordance with LAC 33:I.Chapter 21 unless the state administrative authority gives written authorization to the permittee to submit monitoring results in an alternative format.

i. Results of wastewater or effluent monitoring must be reported on a discharge monitoring report (DMR) EPA Form 3320-1, or an approved substitute. The results of monitoring of sludge use or disposal practices shall be reported on forms specified or approved by the administrative authority.

ii. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 (see LAC 33:IX.4901) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (see LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

iii. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

iv. Discharge monitoring reports shall be completed in accordance with the instructions on EPA Form 3320-1.

L.5. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:724 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR

26:2553 (November 2000), LR 28:468 (March 2002), repromulgated LR 30:230 (February 2004), amended LR 30:1676 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2431, 2512 (October 2005), LR 32:1220 (July 2006), LR 33:2168 (October 2007), LR 34:1887 (September 2008), amended by the Office of the Secretary, Legal Division, LR 42:735 (May 2016).

Herman Robinson
General Counsel

1605#017

RULE

Department of Environmental Quality Office of the Secretary Legal Division

Recreational Water Quality Criteria for
Louisiana Coastal Beach Recreation Waters
(LAC 33:IX.107 and Chapter 11)(WQ092)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.107, 1105, 1113, 1117 and 1123.C.2.a and b, and E, Table 3 and ENDNOTE 25 (WQ092).

This update to the Louisiana surface water quality standards in LAC 33:IX.Chapter 11 adds definitions to Section 1105 to define *enterococci* and Beaches Environmental Assessment and Coastal Health (BEACH) Act waters. These definitions will also be added to LAC 33:IX.107. Additional revisions will be made to Chapter 11, Sections 1113, 1117, and 1123 to adopt enterococci criteria for Louisiana coastal beach recreation waters and to identify those subsegments containing coastal beach recreation waters (BEACH Act primary contact recreation waters).

Under federal regulations at 40 CFR 131.11(a)(1), a state is required to adopt water quality criteria protective of uses and based on sound scientific rationale. Louisiana, as a Beaches Environmental Assessment and Coastal Health (BEACH) Act state, has specific requirements with regard to recreational water quality criteria. Section 303(i)(1)(B) of the Clean Water Act (CWA), as amended by the BEACH Act, directs each state with coastal recreational waters to adopt and submit to the U.S. Environmental Protection Agency (USEPA) new or revised water quality standards for those waters for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable. Louisiana must adopt the new recreational water quality criteria by December 2015 or risk having the USEPA promulgate recreational water quality criteria for the state. The basis and rationale for this Rule are to comply with the Clean Water Act, as amended by the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 1. General Provisions

§107. Definitions

* * *

Enterococci—a group of fecal bacteria used as an indicator of fecal contamination and predictor of human illness.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2538 (November 2000), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1857 (October 2006), LR 33:2365 (November 2007), amended by the Office of the Secretary, Legal Division, LR 42:736 (May 2016).

Chapter 11. Surface Water Quality Standards

§1105. Definitions

* * *

Enterococci—a group of fecal bacteria used as an indicator of fecal contamination and predictor of human illness.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 35:445 (March 2009), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), LR 42:736 (May 2016).

§1113. Criteria

A. - C.4.c. ...

5. Bacteria. The applicability of bacterial criteria to a particular subsegment depends upon the use designation and geographic location of the subsegment. Criteria are established to protect water quality to support the designated uses assigned to the subsegment. The most stringent applicable fecal coliform bacterial criteria for each individual Louisiana subsegment and the applicability of enterococci bacterial criteria for coastal primary contact recreation waters are outlined in the "BAC" column of Table 3, LAC 33:IX.1123.

a. Primary Contact Recreation. The primary contact recreation criteria shall apply only during the defined recreational period of May 1 through October 31. During the nonrecreational period of November 1 through April 30, the criteria for secondary contact recreation shall apply.

i. Enterococci. The indicator, enterococci, will be used for coastal marine waters, gulf waters to the state three-mile limit, coastal bays, estuarine waters, and adjacent

subsegments with recreational beach waters. The enterococci geometric mean density shall not exceed 35 colonies/100 mL and no more than 10 percent of the individual samples in the data set shall exceed 130 enterococci colonies/100 mL. The interval of time for calculating the geometric mean and the 10 percent exceedance rate may be one month or greater, but shall not exceed three months.

ii. Fecal Coliform. The indicator, fecal coliform, will be used for subsegments without applicable enterococci criteria. No more than 25 percent of the total samples collected on a monthly or near-monthly basis shall exceed a fecal coliform density of 400 colonies/100 mL.

5.b. - 6.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007), LR 35:446 (March 2009), amended by the Office of the Secretary, Legal Division, LR 42:736 (May 2016).

§1117. References

A. - A.12. ...

13. U.S. Environmental Protection Agency. October 10, 2000. Beaches Environmental Assessment and Coastal Health Act of 2000 (BEACH Act). Public Law 106-284.

14. U.S. Environmental Protection Agency. November 26, 2012. Recreational Water Quality Criteria. Office of Water. 820-F-12-058.

15. U.S. Environmental Protection Agency. July 31, 2014. *National Beach Guidance and Performance Criteria for Grants*, 2014 Edition. Office of Water. EPA-823-B-14-001.

16. *Webster's II New Riverside University Dictionary*, Anne H. Soukhanov, editor. 1988. Houghton Mifflin Company, Boston, MA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2403 (December 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2507 (October 2005), LR 33:2163 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:737 (May 2016).

§1123. Numerical Criteria and Designated Uses

A. - C.2.a. ...

b. The code number identified under the numerical criteria subheading "BAC" in Table 3 represents the most stringent bacterial criteria that apply to each individual subsegment. Where applicable, additional bacterial criteria also apply, depending on the designated uses of the subsegment and the geographic location of the subsegment. The specified numeric bacterial criteria for each designated use listed in this Paragraph can be found in LAC 33:IX.1113.C.

D. - E. ...

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									

010901	Atchafalaya Bay and Delta and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	32	N/A
Barataria Basin (02)									

020402	Bayou Lafourche—From ICWW at Larose to Yankee Canal (Estuarine)	A B C	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1 [25]	32	N/A
020403	Bayou Lafourche—From Yankee Canal and saltwater barrier to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4 [25]	32	N/A

020601	Intracoastal Waterway—From Bayou Villars to Mississippi River (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A

020801	Intracoastal Waterway—From Larose to Bayou Villars and Bayou Barataria (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1 [25]	35	N/A
020802	Bayou Barataria and Barataria Waterway—From ICWW to Bayou Rigolettes (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1 [25]	35	N/A
020901	Bayou Rigolettes and Bayou Perot to Little Lake (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4 [25]	35	N/A

Table 3. Numerical Criteria and Designated Uses

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
020902	Little Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
020903	Barataria Waterway (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1 [25]	35	N/A
020904	Wilkinson Canal and Wilkinson Bayou (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4 [25]	35	N/A
020905	Bayou Moreau (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4 [25]	35	N/A
020906	Bay Rambo (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
020907	Bay Sansbois, Lake Judge Perez, and Bay De La Cheniere (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
021001	Lake Washington, Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay, Spanish Pass, and Bay Jacques (Estuarine)	A B C E	N/A	N/A	4.0	6.5-8.5	4 [25]	35	N/A
021101	Barataria Bay; includes Caminada Bay, Hackberry Bay, Bay Batiste, and Bay Long (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
021102	Barataria Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	32	N/A
Calcasieu River Basin (03)									
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030301	Calcasieu River and Ship Channel—From saltwater barrier to Moss Lake; includes Ship Channel, Coon Island Loop, and Clooney Island Loop (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
030302	Lake Charles	A B C	N/A	N/A	5.0	6.0-8.5	1 [25]	35	N/A
030303	Prien Lake	A B C	N/A	N/A	5.0	6.0-8.5	1 [25]	35	N/A
030304	Moss Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
030305	Contraband Bayou (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
030306	Bayou Verdine—south of the Houston River Canal to the Calcasieu River (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
030401	Calcasieu River—From below Moss Lake to the Gulf of Mexico; includes Ship Channel and Monkey Island Loop (Estuarine)	A B C E	N/A	N/A	4.0	6.0-8.5	4 [25]	35	N/A
030402	Calcasieu Lake	A B C E	N/A	N/A	5.0	6.0-8.5	4 [25]	32	N/A
030403	Black Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
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030901	Bayou D'Inde—From headwaters to Calcasieu River (Estuarine)	A B C	N/A	N/A	4.0	6.5-8.5	1 [25]	35	N/A
031001	Bayou Choupique—From headwaters to ICWW (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
031002	Intracoastal Waterway—From West Calcasieu River Basin boundary to Calcasieu Lock (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
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031201	Calcasieu River Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.0-9.0	4 [25]	32	N/A
Lake Pontchartrain Basin (04)									
* * *									
040803	Tchefuncte River—From La. Highway-22 to Lake Pontchartrain (Estuarine)	A B C	850	135	4.0	6.0-8.5	1 [25]	30	1,850
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040902	Bayou LaCombe—From CDM Ecoregion boundary to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	835	135	4.0	6.0-8.5	1 [25]	32	1,850
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Table 3. Numerical Criteria and Designated Uses

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO₄	DO	pH	BAC	°C	TDS
040904	Bayou Cane—From CDM Ecoregion boundary to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A

040906	Bayou Liberty—From La. Highway 433 to Bayou Bonfouca; includes Bayou de Chien (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A

040908	Bayou Bonfouca—From CDM Ecoregion boundary to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A

040910	Salt Bayou—From headwaters to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A
040911	Grand Lagoon; includes associated canals (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A

040913	Bayou LaCombe—From US Highway 190 to CDM Ecoregion boundary (Scenic) (Estuarine)	A B C G	835	135	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1 [25]	32	1850
040914	Bayou Cane—From US Highway 190 to CDM Ecoregion boundary (Scenic) (Estuarine)	A B C G	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1 [25]	32	N/A

040916	Bayou Paquet—From headwaters to Bayou Liberty (Estuarine)	A B C	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1 [25]	32	N/A
040917	Bayou Bonfouca—From La. Highway 433 to CDM Ecoregion boundary (Estuarine)	A B C	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1 [25]	32	N/A
041001	Lake Pontchartrain—West of US-11 bridge (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	32	N/A
041002	Lake Pontchartrain—East of US Highway 11 bridge (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	32	N/A

041201	Bayou Labranche—From headwaters to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1 [25]	32	N/A
041202	Bayou Trepagnier—From Norco to Bayou Labranche (Scenic) (Estuarine)	A B C G	N/A	N/A	2.3 Mar.-Nov.; 4.0 Dec.-Feb.	6.0-8.5	1 [25]	32	N/A
041203	Duncan Canal—From headwaters to Lake Pontchartrain; also called Parish Line Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-8.5	1 [25]	32	N/A
041204	Bayou Traverse-From headwaters to LMRAP Ecoregion boundary (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A
041301	Bayou St. John (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A
041302	Lake Pontchartrain Drainage Canals in Jefferson and Orleans Parishes (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A
041401	New Orleans East Leveed Water Bodies (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A
041501	Inner Harbor Navigation Canal—From Mississippi River Lock to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041601	Intracoastal Waterway—From Inner Harbor Navigation Canal to Chef Menteur Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
041701	The Rigolets (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	32	N/A
041702	Bayou Sauvage—From New Orleans hurricane protection levee to Chef Menteur Pass; includes Chef Menteur Pass (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	32	N/A
041703	Intracoastal Waterway—From Chef Menteur Pass to Lake Borgne (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	32	N/A

041801	Bayou Bienvenue—From headwaters to hurricane gate at MRGO (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A

Table 3. Numerical Criteria and Designated Uses

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO₄	DO	pH	BAC	°C	TDS
041802	Bayou Chaperon (Scenic)(Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041803	Bashman Bayou—From headwaters to Bayou Dupre (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041804	Bayou Dupre—From Lake Borgne Canal to Terre Beau Bayou (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041805	Lake Borgne Canal—From Mississippi River siphon at Violet to Bayou Dupre; also called Violet Canal (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041806	Pirogue Bayou—From Bayou Dupre to New Canal (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041807	Terre Beau Bayou—From Bayou Dupre to New Canal (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041808	New Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A

041901	Mississippi River Gulf Outlet (MRGO)—From ICWW to Breton Sound at MRGO mile 30	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042001	Lake Borgne	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042002	Bayou Bienvenue—From Bayou Villere to Lake Borgne (Scenic) (Estuarine)	A B C E G	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
042003	Bayou La Loutre—From MRGO to Eloi Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
042004	Bayou Bienvenue—From MRGO to Bayou Villere (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
042101	Bayou Terre Aux Boeufs (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
042102	River Aux Chenes; also called Oak River (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
042103	Bayou Gentilly—From Bayou Terre Aux Boeufs to Petit Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A

042201	Chandeleur Sound	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042202	California Bay and Breton Sound	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042203	Bay Boudreau	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042204	Drum Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042205	Morgan Harbor	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042206	Eloi Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042207	Lake Fortuna	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042208	Bay Gardene, Black Bay, Lost Bayou, American Bay, and Bay Crabe	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
042209	Lake Pontchartrain Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	32	N/A
Mermentau River Basin (05)									

050801	Mermentau River—From Catfish Point Control Structure to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
050802	Big Constance Lake; includes associated water bodies (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
050901	Mermentau River Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	32	N/A

Table 3. Numerical Criteria and Designated Uses

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
Vermilion-Teche River Basin (06)									

060803	Vermilion River Cutoff—From ICWW to Vermilion Bay (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
060804	Intracoastal Waterway—From Vermilion Lock to 1/2 mile west of Gum Island Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A

060901	Bayou Petite Anse—From headwaters to Bayou Carlin (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
060902	Bayou Carlin—From Lake Peigneur to Bayou Petite Anse; also called Delcambre Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
060903	Bayou Tigre—From headwaters to Bayou Petite Anse (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
060904	New Iberia Southern Drainage Canal—From headwaters to ICWW (Estuarine)	A B L-[24]	N/A	N/A	[24]	6.5-9.0	[24] [25]	35	N/A
060906	Intracoastal Waterway—From New Iberia Southern Drainage Canal to Bayou Sale (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A

060910	Boston Canal; includes associated canals (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
060911	Dugas Canal—By Tiger Lagoon Oil and Gas Field (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
061001	West Cote Blanche Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
061002	East Cote Blanche Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
061101	Bayou Petite Anse—From Bayou Carlin at its confluence with Bayou Tigre to ICWW (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
061102	Intracoastal Waterway—From 1/2 mile west of Gum Island Canal to New Iberia Southern Drainage Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
061103	Freshwater Bayou Canal—From 1/2 mile below ICWW to control structure (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
061104	Vermilion Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
061105	Marsh Island (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A
061201	Vermilion-Teche River Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.0-9.0	4 [25]	32	N/A
Mississippi River Basin (07)									

070401	Mississippi River Passes—Head of Passes to Mouth of Passes; includes all passes in the birdfoot delta (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A

070601	Mississippi River Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	32	N/A
Ouachita River Basin (08)									

Pearl River Basin (09)									

090103	East Pearl River—From I-10 to Lake Borgne (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A

090208	Little Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A

Table 3. Numerical Criteria and Designated Uses

A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters

Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
Red River Basin (10)									

Sabine River Basin (11)									

110301	Sabine River—From Old River below Sabine Island WMA to Sabine Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
110302	Black Bayou—From Pirogue Ditch to Sabine Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	32	N/A
110303	Sabine Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.0-8.5	4 [25]	35	N/A
110304	Sabine Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A

110601	Vinton Waterway—From Vinton to ICWW (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
110602	Black Bayou—From ICWW to Pirogue Ditch (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
110701	Sabine River Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	32	N/A
Terrebonne Basin (12)									

120502	Bayou Grand Caillou—From Bayou Pelton to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4 [25]	35	N/A

120504	Bayou Petit Caillou—From LA-24 bridge to Boudreaux Canal (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4 [25]	32	N/A

120506	Bayou Du Large—From Marmande Canal to 1/2 mile north of St. Andrews Mission (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4 [25]	35	N/A
120507	Bayou Chauvin—From Ashland Canal to Lake Boudreaux (Estuarine)	A B C	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	1 [25]	32	N/A
120508	Houma Navigation Canal—From Bayou Pelton to 1 mile south of Bayou Grand Caillou (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4 [25]	35	N/A

120601	Bayou Terrebonne—From Houma to Company Canal (Estuarine)	A B C	445	105	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	1 [25]	32	1,230
120602	Bayou Terrebonne—From Company Canal to Humble Canal (Estuarine)	A B C E	5,055	775	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4 [25]	32	10,000

120605	Bayou Pointe Au Chien—From headwaters to St. Louis Canal	A B C	445	105	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1 [25]	32	1,000
120606	Bayou Blue—From Grand Bayou Canal to Bully Camp Canal (Estuarine)	A B C	5,055	775	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	1 [25]	32	10,000
120701	Bayou Grand Caillou—From Houma Navigation Canal to Caillou Bay (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4 [25]	35	N/A
120702	Bayou Petit Caillou—From Boudreaux Canal to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4 [25]	32	N/A
120703	Bayou Du Large—From 1/2 mile north of St. Andrews Mission to Caillou Bay (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.0-9.0	4 [25]	35	N/A
120704	Bayou Terrebonne—From Humble Canal to Lake Barre (Estuarine)	A B C E	N/A	N/A	3.8 April-Aug.; 5.0 Sept.-Mar.	6.5-9.0	4 [25]	35	N/A

Table 3. Numerical Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
120705	Houma Navigation Canal—From 1/2 mile south of Bayou Grand Caillou to Terrebonne Bay (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4 [25]	35	N/A
120706	Bayou Blue—From Bully Camp Canal to Lake Raccourci (Estuarine)	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.5-9.0	4 [25]	35	N/A
* * *									
120708	Lost Lake and Four League Bay	A B C E	N/A	N/A	5.0	6.0-9.0	4 [25]	35	N/A
120709	Bayou Petite Caillou—From Houma Navigation Canal to Terrebonne Bay	A B C E	N/A	N/A	3.8 June-Aug.; 4.0 Sept.-May	6.0-9.0	4 [25]	32	N/A
120801	Caillou Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
120802	Terrebonne Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
120803	Timbalier Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
120804	Lake Barre	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
120805	Lake Pelto	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
120806	Terrebonne Basin Coastal Bays and Gulf Waters to the State 3 mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	32	N/A

ENDNOTES:

- [1]. - [24]. ...
 [25]. Enterococci criteria apply to subsegment from May through October to protect primary contact recreation (see LAC 33:IX.1113.C.5.a).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009), amended LR 36:2276 (October 2010), amended by the Office of the Secretary, Legal Division, LR 41:2603 (December 2015), LR 42:737 (May 2016).

Herman Robinson
 General Counsel

1605#016

RULE

**Office of the Governor
 Crime Victims Reparations Board**

Compensation to Victims (LAC 22:XIII.303 and 503)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the

Crime Victims Reparations Board hereby promulgates rules and regulations regarding the awarding of compensation to applicants. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
 ENFORCEMENT**

Part XIII. Crime Victims Reparations Board

Chapter 3. Eligibility and Application Process

§303. Application Process

A. Claimant Responsibility

1. ...
2. Applications:
 - a. - b. ...

c. victims of sexual assault may assign their right to collect medical expenses associated with the sexual assault to a hospital/health care facility. The hospital/health care facility may then apply for reparations;

A.2.d. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended by the Office of the Governor, Crime Victims Reparations Board, LR 41:1668 (September 2015), LR 42:743 (May 2016).

Chapter 5. Awards

§503. Limits on Awards

- A. - L.1. ...
- M. Crime Scene Evidence
 1. - 1.c. ...

2. Medical Examination of Sexual Assault Victims

- a. Costs of the forensic medical examination are reimbursable by the Crime Victims Reparations Board (CVR Board) under this Section and payable directly to the healthcare provider who provides the service. All other

expenses related to victims of sexual assault are reimbursable by the board subject to the maximum permitted by law and the provisions of the Crime Victims Reparations Act and its administrative rules.

b. - d. ...

3. Healthcare providers shall be reimbursed for expenses associated with providing a forensic medical exam in the same amount as provided for in the Medicare fee schedule for the Louisiana region. The total amount reimbursable to all providers per forensic medical exam shall in no case exceed \$1000.

N. - O.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR 37:1605 (June 2011), LR 39:1042 (April 2013), LR 41:1668 (September 2015), LR 42:743 (May 2016).

Ann Polak
Chairman

1605#067

RULE

Office of the Governor Division of Administration Racing Commission

Jockey Apparel Advertising (LAC 46:XLI.742)

The Louisiana State Racing Commission hereby formally adopts the following Rule. Jockey advertising has historically been allowed in Louisiana, but there was a lack of rules regulating such advertising. This Rule provides the specific parameters and allows stewards discretion in disallowing advertising when inappropriate, indecent, in poor taste, or controversial.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLI. Horseracing Occupations

Chapter 7. Jockeys and Apprentice Jockeys

§742. Jockey Apparel Advertising

A. A jockey shall not wear advertising or promotional material of any kind on clothing during a race, unless the following criteria are met:

1. a maximum of 32 square inches on each thigh of the pants on the outer side between the hip and knee and 10 square inches on the rear of the pant at the waistline at the base of the spine;

2. a maximum of 24 square inches on boots and leggings on the outside of each nearest the top of the boot;

3. a maximum of six square inches on the front center of the neck area (on a turtleneck or other undergarment);

4. such advertising or promotional material does not compete with, conflict with, or infringe upon any current sponsorship agreement to the racing association race or race meet.

B. The stewards, at their discretion, may disallow any advertising that is not in compliance with this Rule, any other rules of racing, or any advertising they deem to be inappropriate, indecent, in poor taste, or controversial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 42:744 (May 2015).

Charles A. Gardiner III
Executive Director

1605#015

RULE

Office of the Governor Division of Administration Tax Commission

Ad Valorem Taxation

(LAC 61:V.101, 303, 304, 703, 907, 1103, 1307,
1503, 2501, 2503, 2713, 2717, 3101 and 3103)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, the Tax Commission has adopted, amended and/or repealed Sections of the Louisiana Tax Commission real/personal property rules and regulations for use in the 2016 (2017 Orleans Parish) tax year.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§101. Constitutional Principles for Property Taxation

Editor's Note. Repealed.

A. - F.3.h. ...

G. Special Assessment Level

1. - 1.d. ...

2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, for the year prior to the application for the special assessment, exceeds \$71,491 for tax year 2016 (2017 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:425 (March 2006), LR 33:489 (March 2007), LR 34:673 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:528 (March 2014), LR 41:671 (April 2015), LR 42:744 (May 2016).

Chapter 3. Real and Personal Property

§303. Real Property

A. - C.1. ...

2. The capitalization rate shall be set by the Louisiana Tax Commission in conjunction with its rulemaking session.

a. It is recommended that the capitalization rate for affordable rental housing properties categorized as tier 1 shall be within a range of 5.5-6.5 percent, increased by the effective tax rate; for affordable rental housing properties categorized as tier 2 shall be within a range of 6.5-7.5 percent, increased by the effective tax rate; and for affordable rental housing properties categorized as tier 3 shall be within a range of 7.5-8.5 percent, increased by the effective tax rate. The tiers are as established and defined by the Real Estate Research Corporation for Apartment Investment Properties. These capitalization rates shall remain in effect until modified by the Louisiana Tax Commission in accordance with its rulemaking authority.

D. The Louisiana Tax Commission has ordered all property to be reappraised for the 2016 tax year in all parishes. All property is to be valued as of January 1, 2015.

E. ...

C. Electronic Tax Roll Export Specifications

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000), LR 29:367 (March 2003), LR 30:487 (March 2004), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 42:745 (May 2016).

§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications

A. Electronic Change Order Specifications

B. Property Classifications Standards

1. ...

Parish Information (Parish.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Assessment Information (Assmt.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
***	***	***	***	***
homestead_exempt	Numeric	1	Yes	0 = None (default), 1 = homestead exemption and 2 = 100% Disabled Vet Homestead
***	***	***	***	***
taxpayer_addr3	Character	40	No	Tax payer's address line 3.
freeze	Numeric	1	Yes	0 = None (default), 1 = Over 65 Freeze, 2 = Disabled, 3 = Disabled Vet Freeze and 4 = Widow of POW/MIA
usufruct	Character	1	Yes	"N" = No (default) and "Y" = Yes

Assessment Value Information (Avalue.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Assessment Millage Information (Amillage.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Millage Group Information (Tgroup.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Parcel Information (Parcel.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
***	***	***	***	***
par_address	Character	50	Yes	Parcel address. (911 address)
***	***	***	***	***

Legal Description Information (Legal.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Additional Owner Information (Owner.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Improvement Information (Improve.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Place FIPS Information (FIPS.txt)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), amended LR 32:427 (March 2006), LR 36:765 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:529 (March 2014), LR 41:672 (April 2015), LR 42:745 (May 2016).

Chapter 7. Watercraft

§703. Tables—Watercraft

A. Floating Equipment—Motor Vessels

Table 703.A Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	94	.94
2014	1.012	2	87	.88
2013	1.025	3	80	.82
2012	1.034	4	73	.75
2011	1.063	5	66	.70
2010	1.097	6	58	.64
2009	1.088	7	50	.54
2008	1.120	8	43	.48
2007	1.164	9	36	.42
2006	1.227	10	29	.36
2005	1.284	11	24	.31
2004	1.381	12	22	.30
2003	1.429	13	20	.29

B. Floating Equipment—Barges (Non-Motorized)

Table 703.B Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	97	.97
2014	1.012	2	93	.94
2013	1.025	3	90	.92
2012	1.034	4	86	.89
2011	1.063	5	82	.87
2010	1.097	6	78	.86
2009	1.088	7	74	.81
2008	1.120	8	70	.78
2007	1.164	9	65	.76
2006	1.227	10	60	.74
2005	1.284	11	55	.71
2004	1.381	12	50	.69
2003	1.429	13	45	.64
2002	1.453	14	40	.58
2001	1.462	15	35	.51

Table 703.B Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2000	1.474	16	31	.46
1999	1.501	17	27	.41
1998	1.505	18	24	.36
1997	1.518	19	22	.33
1996	1.543	20	21	.32
1995	1.566	21	20	.31

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016).

Chapter 9. Oil and Gas Properties

§907. Valuation of Oil, Gas, and Other Wells

A. ...

ii. For wells producing 2 mcf or less of gas per day an additional reduction of 35 percent shall be applied.

1. Oil, Gas and Associated Wells; Region 1—North Louisiana

Table 907.A.1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	37.53	131.37	5.63	19.71
1,250-2,499 ft.	33.89	96.60	5.08	14.49
2,500-3,749 ft.	26.64	63.97	4.00	9.60
3,750-4,999 ft.	36.84	63.74	5.53	9.56
5,000-7,499 ft.	43.32	62.22	6.50	9.33
7,500-9,999 ft.	94.97	83.87	14.25	12.58
10,000-12,499 ft.	276.94	101.73	41.54	15.26
12,500-14,999 ft.	450.38	153.62	67.56	23.04

Table 907.A.1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
15,000-17,499 ft.	576.45	175.17	86.47	26.28
17,500-Deeper ft.	N/A	490.00	N/A	73.50

2. Oil, Gas and Associated Wells; Region 2—South Louisiana

Table 907.A.2 Oil, Gas and Associated Wells; Region 2—South Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	288.60	130.51	43.29	19.58
1,250-2,499 ft.	99.66	216.92	14.95	32.54
2,500-3,749 ft.	97.32	172.95	14.60	25.94
3,750-4,999 ft.	85.78	138.35	12.87	20.75
5,000-7,499 ft.	117.19	157.16	17.58	23.57
7,500-9,999 ft.	159.87	164.54	23.98	24.68
10,000-12,499 ft.	218.00	215.08	32.70	32.26
12,500-14,999 ft.	285.98	278.26	42.90	41.74
15,000-17,499 ft.	463.22	372.55	69.48	55.88
17,500-19,999 ft.	565.59	527.70	84.84	79.16
20,000-Deeper ft.	302.00	792.24	45.30	118.84

3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Table 907.A.3 Oil, Gas and Associated Wells; Region 3—Offshore State Waters*				
Producing Depths	Cost—New By Depth, Per Foot		15% Of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	N/A	N/A	N/A	N/A
1,250-2,499 ft.	1,446.66	1,057.06	217.00	158.56
2,500-3,749 ft.	743.89	812.39	111.58	121.86
3,750-4,999 ft.	1,061.83	744.93	159.27	111.74
5,000-7,499 ft.	528.41	689.97	79.26	103.50
7,500-9,999 ft.	669.93	652.91	100.49	97.94
10,000-12,499 ft.	758.42	661.82	113.76	99.27
12,500-14,999 ft.	659.61	644.07	98.94	96.61
15,000-17,499 ft.	454.63	668.29	68.19	100.24
17,500-19,999 ft.	226.46	638.90	33.97	95.84
20,000-Deeper ft.	N/A	1,004.29	N/A	150.64

B. The determination of whether a well is a region 2 or region 3 well is ascertained from its onshore/offshore status as designated on the permit to drill or amended permit to drill form (location of wells section), located at the Department of Natural Resources as of January 1 of each tax year. Each assessor is required to confirm the onshore/offshore status of wells located within their parish by referring to the permit to drill or amended permit to drill form on file at the Department of Natural Resources.

1. Parishes Considered to be Located in Region 1

Table 907.B.1 Parishes Considered to be Located in Region 1			
Bienville	DeSoto	Madison	Tensas
Bossier	East Carroll	Morehouse	Union

Table 907.B.1 Parishes Considered to be Located in Region 1			
Caddo	Franklin	Natchitoches	Webster
Caldwell	Grant	Ouachita	West Carroll
Catahoula	Jackson	Red River	Winn
Claiborne	LaSalle	Richland	
Concordia	Lincoln	Sabine	

NOTE: All wells in parishes not listed above are located in Region 2 or Region 3.

2. Serial Number to Percent Good Conversion Chart

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2015	248832	Higher	97
2014	247423	248831	93
2013	245849	247422	90
2012	244268	245848	86
2011	242592	244267	82
2010	240636	242591	78
2009	239277	240635	74
2008	236927	239276	70
2007	234780	236926	65
2006	232639	234779	60
2005	230643	232638	55
2004	229010	230642	50
2003	227742	229009	45
2002	226717	227741	40
2001	225352	226716	35
2000	223899	225351	31
1999	222882	223898	27
1998	221596	222881	24
1997	220034	221595	22
1996	218653	220033	21
1995	Lower	218652	20 *
VAR.	900000	Higher	50

*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

C. - C.6. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR 40:531 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016).

Chapter 11. Drilling Rigs and Related Equipment
§1103. Drilling Rigs and Related Equipment Tables

A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	625,100	93,800
4,000	707,600	106,100
5,000	883,600	132,500
6,000	1,190,800	178,600
7,000	1,594,800	239,200
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	2,060,900	309,100
9,000	2,555,000	383,300
10,000	3,045,300	456,800
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	4,004,400	600,700
12,000	4,466,000	669,900
13,000	4,846,300	726,900
14,000	5,135,800	770,400
15,000	5,335,600	800,300
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	5,459,100	818,900
17,000	5,533,800	830,100
18,000	5,602,900	840,400
19,000	5,726,600	859,000
20,000	5,983,800	897,600
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	6,474,600	971,200
25,000 +	7,320,400	1,098,100

1. - 2. ...

B. Jack-Ups

C. Semisubmersible Rigs

1. - 3.b.i. ...

D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M#	C-7 50 SERIES 6V71	170,000	25,500
	71' X 150M#			
	72' X 125M#			
	72' X 150M#			
	75' X 150M#			
II	96' X 150M#	C-11 50 SERIES 8V71	215,000	32,300
	96' X 180M#			
	96' X 185M#			
	96' X 200M#			
	96' X 205M#			
	96' X 210M#			
	96' X 212M#			
	96' X 215M#			

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
III	96' X 240M#	C-11 50 SERIES 8V92	265,000	39,800
	96' X 250M#			
	96' X 260M#			
	102' X 215M#			
IV	102' X 224M#	C-15 60 SERIES 12V71	305,000	45,800
	102' X 250M#			
	103' X 225M#			
	103' X 250M#			
	104' X 250M#			
V	105' X 225M#	C-15 60 SERIES 12V71	345,000	51,800
	105' X 250M#			
	105' X 280M#			
	106' X 250M#			
	108' X 250M#			
VI	108' X 260M#	C-15 60 SERIES 12V71	385,000	57,800
	108' X 268M#			
	108' X 270M#			
	108' X 300M#			
VII	110' X 250M#	C-15 60 SERIES (2) 8V92 (2) 12V71	470,000	70,500
	110' X 275M#			
	112' X 300M#			
	112' X 350M#			

D.1. - E.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016).

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines (Onshore)

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 178,910	\$26,840
4	210,660	31,600
6	248,060	37,210
8	292,090	43,810
10	343,940	51,590
12	404,990	60,750
14	476,880	71,530
16	561,530	84,230
18	661,200	99,180
20	778,570	116,790
22	916,770	137,520

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
24	1,079,510	161,930
26	1,271,130	190,670
28	1,496,760	224,510
30	1,762,450	264,370
32	2,075,300	311,300
34	2,443,680	366,550
36	2,877,450	431,620
38	3,388,220	508,230
40	3,989,650	598,450
42	4,697,850	704,680
44	5,531,750	829,760
46	6,513,680	977,050
48	7,669,900	1,150,490

NOTE: Excludes river and canal crossings

B. Current Costs for Other Pipelines (Offshore)

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,014,580	\$ 152,190
4	1,017,520	152,630
6	1,021,320	153,200
8	1,037,910	155,690
10	1,062,240	159,340
12	1,094,340	164,150
14	1,134,190	170,130
16	1,181,800	177,270
18	1,237,170	185,580
20	1,300,300	195,050
22	1,371,180	205,680
24	1,449,820	217,470
26	1,536,220	230,430
28	1,630,370	244,560
30	1,732,280	259,840
32	1,841,950	276,290
34	1,959,380	293,910
36	2,084,560	312,680
38	2,217,500	332,630
40	2,358,200	353,730
42	2,506,650	376,000
44	2,662,860	399,430
46	2,826,830	424,020
48	2,998,560	449,780

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007), LR 34:684 (April 2008), LR 35:499 (March 2009), LR 36:778 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:496 (March

2013), LR 40:537 (March 2014), LR 41:680 (April 2015), LR 42:748 (May 2016).

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	97	.97
2014	1.012	2	93	.94
2013	1.025	3	90	.92
2012	1.034	4	86	.89
2011	1.063	5	82	.87
2010	1.097	6	78	.86
2009	1.088	7	74	.81
2008	1.120	8	70	.78
2007	1.164	9	65	.76
2006	1.227	10	60	.74
2005	1.284	11	55	.71
2004	1.381	12	50	.69
2003	1.429	13	45	.64
2002	1.453	14	40	.58
2001	1.462	15	35	.51
2000	1.474	16	31	.46
1999	1.501	17	27	.41
1998	1.505	18	24	.36
1997	1.518	19	22	.33
1996	1.543	20	21	.32
1995	1.566	21	20	.31

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 42:749 (May 2016).

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used in General Business Activity

A. - G.2. ...

H. Alternative Procedure 3

1. This procedure should be used only if external (economic) and/or functional obsolescence has affected the fair market value of the business and industrial personal

property. External (economic) and/or functional obsolescence are defined in §301 of these rules and regulations. This procedure is to be used for Salt Dome Storage Wells and Caverns permitted as Class II Type 10, 11-L or 11-N. Negative economic obsolescence may occur resulting in a positive adjustment known as munificence.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:500 (March 2009), LR 42:749 (May 2016).

§2503. Tables Ascertain Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. - A.1. ...

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Agricultural Machinery and Equipment	10
Feed Mill Equipment (Production Line)	20
***	***
Rock Crushers (See: Construction)	
Salt Dome Storage Wells and Caverns (LDNR Class II Type 10, 11-L or 11-N)	30
Sawmills (See: Lumber)	
***	***
*If acquisition cost and age of service station equipment are not available, see Chapter 9, Table 907.B-2 for alternative assessment procedure.	

B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2015 = 100*
2015	1	1593.7	1.003
2014	2	1578.8	1.012
2013	3	1558.7	1.025
2012	4	1545.9	1.034
2011	5	1503.2	1.063
2010	6	1457.4	1.097
2009	7	1468.6	1.088
2008	8	1427.3	1.120
2007	9	1373.3	1.164
2006	10	1302.3	1.227
2005	11	1244.5	1.284
2004	12	1157.3	1.381
2003	13	1118.6	1.429
2002	14	1100.0	1.453
2001	15	1093.4	1.462
2000	16	1084.3	1.474
1999	17	1065.0	1.501
1998	18	1061.8	1.505
1997	19	1052.7	1.518
1996	20	1036.0	1.543
1995	21	1020.4	1.566
1994	22	985.0	1.622
1993	23	958.0	1.668
1992	24	939.8	1.700
1991	25	928.5	1.721
1990	26	910.2	1.756

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2015 = 100*
1989	27	886.5	1.803
1988	28	841.4	1.899
1987	29	806.9	1.981
1986	30	795.4	2.009
1985	31	787.9	2.028

*Reappraisal Date: January 1, 2015 - 1598.1 (Base Year)

C. Percent Good

Table 2503.C Percent Good										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.49	.69	.73	.79	.84	.87	.90	.93	.95	.97
3	.34	.52	.57	.67	.76	.80	.85	.90	.93	.95
4	.16	.34	.41	.54	.67	.73	.79	.86	.90	.93
5		.23	.30	.43	.58	.66	.73	.82	.87	.91
6			.18	.26	.39	.50	.62	.74	.81	.86
7				.22	.30	.43	.55	.70	.78	.84
8					.20	.24	.36	.49	.65	.82
9						.21	.29	.43	.60	.79
10							.20	.24	.37	.55
11								.22	.31	.50
12									.20	.26
13										.26
14										.23
15										.21
16										.20
17										.27
18										.24
19										.24
20										.21
21										.20
22										.20
23										.26
24										.24
25										.20
26										.20
27										.28
28										.26
29										.23
30										.21
31										.20

C. Composite Multipliers 2016 (2017 Orleans Parish)

Table 2503.D Composite Multipliers 2016 (2017 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.50	.70	.74	.80	.85	.88	.91	.94	.96	.98
3	.35	.53	.58	.69	.78	.82	.87	.92	.95	.97
4	.17	.35	.42	.56	.69	.75	.82	.89	.93	.96
5		.24	.32	.46	.62	.70	.78	.87	.92	.95
6			.20	.21	.36	.54	.64	.75	.86	.94
7				.28	.42	.54	.67	.81	.88	.94
8					.25	.34	.48	.62	.78	.94
9						.23	.28	.42	.57	.76
10							.26	.36	.53	.74
11								.26	.31	.48
12									.30	.43
13										.29
14										.37
										.33
										.58
										.81
										.90

Table 2503.D Composite Multipliers 2016 (2017 Orleans Parish)										
15							.31	.51	.76	.90
16							.29	.46	.71	.90
17								.41	.66	.87
18								.36	.59	.81
19								.33	.52	.77
20								.32	.46	.73
21								.31	.44	.69
22									.42	.65
23									.40	.62
24									.34	.58
25									.34	.53
26									.33	.49
27										.47
28										.44
29										.42
30										.40
31										.39

1. Data sources for tables are:
 - a. cost index—Marshall and Swift Publication Co.;
 - b. percent good—Marshall and Swift Publication Co.;
 - c. average economic life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016).

Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2713. Assessment of Timberland

A. - B.4. ...

C. Range of Productivity of Timberland. The timberland productivity of each of the four classifications of timberland is hereby established to be as follows:

1. class 1 = 86.6 cu. ft. of growth/acre/year;
2. class 2 = 66.8 cu. ft. of growth/acre/year;
3. class 3 = 39.4 cu. ft. of growth/acre/year;
4. class 4 = 38.8 cu. ft. of growth/acre/year.

D. Production Costs of Timberland. The average timberland production costs are hereby established to be \$10.46/acre/year.

E. Gross Returns of Timberland. The gross value per cubic foot of timber production is hereby established to be \$0.58 per cubic foot.

F. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 14:872 (December 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 42:751 (May 2016).

§2717. Tables—Use Value

A. Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class

Table 2717.A Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class		
Class	Assessed Value Per Acre	
	Upper	Lower
Class I	\$40.01	\$33.81
Class II	\$33.57	\$25.23
Class III	\$24.75	\$21.90
Class IV	\$21.41	\$14.26

B. Average Assessed Value per Acre of Timberland, by Class

Table 2717.B Average Assessed Value per Acre of Timberland, by Class	
Class	Assessed Value Per Acre
Class 1	\$39.77
Class 2	\$28.28
Class 3	\$12.39
Class 4	\$ 7.53

C. Average Assessed Value per Acre of Marsh Land, by Class

* * *

NOTE: Only the parishes listed above should have lands classified as marshland. All other parishes should classify such land as all other acreage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 42:751 (May 2016).

Chapter 31. Public Exposure of Assessments; Appeals §3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

A. - I. ...

J. The Board of Review shall provide each appellant taxpayer with a written notice of their particular appeal determination with a copy submitted to the assessor and the Tax Commission on or before the certification of the

assessment list to the Tax Commission. The notice of determination shall be sent to the assessor and the taxpayer at the address shown on the appeal form by certified mail.

K. The determination of the Board of Review shall be final unless appealed, in writing, to the Tax Commission within 10 business days after certified mail delivery to the appealing taxpayer or assessor of the Board of Review notice of determination. Either or both parties may appeal the Board of Review determination to the Tax Commission.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992, R.S. 47:2301 and R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:512 (March 2000), LR 30:492 (March 2004), LR 32:435 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 35:501 (March 2009), LR 36:781 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 38:811 (March 2012), LR 40:539 (March 2014), LR 41:682 (April 2015), LR 42:751 (May 2016).

§3103. Appeals to the Louisiana Tax Commission

A. ...

B. An appeal to the Louisiana Tax Commission shall be filed with the commission within 10 business days after the Board of Review's written decision is delivered to the appealing taxpayer or assessor via certified mail. In order to institute a proceeding before the commission, the taxpayer or assessor shall file Form 3103.A and, if applicable, Form 3103.B. The assessor shall confirm, in writing, to the Tax Commission that the Board of Review has issued a written determination to each taxpayer and to the assessor's office in the format required by §3101.J.

C. All filings to the Louisiana Tax Commission shall be filed in proper form, consisting of an original and seven copies on letter size paper, with the Office of the Administrator. All exhibits, where it is helpful, to the consideration of such exhibits, shall be indexed, numbered, color coded, tabbed or otherwise so identified as to provide ready accessibility. All appeals and filings shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail.

C.1. - T. ...

U. The parties to an appeal shall be notified in writing, by certified mail, of the final decision by the commission. The taxpayer or assessor shall have 30 days from receipt of the order to appeal to a court of competent jurisdiction.

V. - X. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005),

LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:752 (May 2016).

Lawrence E. Chehardy
Chairman

1605#018

RULE

Department of Health and Hospitals Board of Medical Examiners

Clinical Laboratory Personnel, Licensure and
Certification (LAC 46:XLV.3519)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270 and the Louisiana clinical laboratory personnel law, R.S. 37:1311-1329, the board has amended §3519.A and B of its clinical laboratory personnel rules. The amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 35. Clinical Laboratory Personnel

Subchapter B. Licensure and Certification Requirements

§3519. Temporary License or Certificate

A. Generally. Applicants that qualify by education, experience, or training but have not taken or passed an approved nationally recognized certification examination may be granted a temporary license or temporary certificate that will allow that individual to engage in the practice of clinical laboratory science at the appropriate level (CLS-G, CLS-S, CLS-T, cytotechnologist, or phlebotomist). The temporary license or certificate will be valid for three months.

B. Failure to Pass Examination; Renewal. A temporary license or temporary certificate issued pursuant to this Section may be renewed one time upon failure to pass an approved nationally recognized certification examination. Such renewal shall be effective for three months. Applicants who fail to pass the appropriate approved nationally recognized certification examination a second time may not renew their temporary license or temporary certificate. Such applicants shall:

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(5) and 37:1311-1329.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1289 (November 1994), amended LR 42:752 (May 2016).

Eric D. Torres
Executive Director

1605#044

RULE

**Department of Health and Hospitals
Board of Nursing**

**Permission to Enroll or Progress in Undergraduate
Clinical Nursing Courses (LAC 46:XLVII.3324)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, the Louisiana State Board of Nursing (LSBN) is adding a new Section to Chapter 33. The new Section is 3324 and will focus on student enrollment in undergraduate clinical nursing courses. Section 3324 will outline the required expectations and consequences for nursing students' enrollment and/or progression of enrollment. These procedures are currently implemented under Title 46, Professional and Occupational Standards, Part XLVII, Chapter 35, Nursing Education Programs, Section 3517, Student Selection and Guidance.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XLVII. Nurses: Practical Nurses and Registered
Nurses**

Subpart 2. Registered Nurses

Chapter 33. General

**Subchapter C. Registration and Registered Nurse
Licensure**

**§3324. Permission to Enroll or Progress in
Undergraduate Clinical Nursing Courses**

A. Approval by the board is required prior to student enrollment in undergraduate clinical nursing courses.

B. Requirements to enroll/progress in clinical nursing courses include:

1. evidence of good moral character;
2. eligibility for admission to clinical nursing courses at a program approved by the board;
3. verification of eligibility for admission by the chief nurse administrator or designee of the administrative nursing unit;
4. a complete application form to include the permission to obtain criminal history record information as specified in LAC 46:XLVII.3330, fees and costs as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant and remittance of the required fee as specified in LAC 46:XLVII.3341 prior to the deadline date established by the board;
5. freedom from violations of R.S. 37:911 et seq., or of grounds for delay/denial of permission to enroll in clinical nursing courses as specified in LAC 46:XLVII.3331 or other administrative rules;
6. freedom from acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and LAC 46:XLVII.3403 and 3405; or if found guilty of committing such acts or omissions, the board finds, after investigation, that sufficient restitution, rehabilitation, and education has occurred.

C. Applicants who falsify the application or fail to disclose information that should have been reported to the board will be denied enrollment/progression in clinical nursing courses and will not be eligible to resubmit an application until completion of the disciplinary process. Falsifying an application shall result in denial of permission to enroll in clinical nursing courses or application for licensure as a registered nurse in Louisiana for a minimum of five years.

D. Approval to enroll/progress expires upon 12 months if not enrolled in clinical nursing courses.

E. Evidence of violation of R.S. 37:911 et seq., or of grounds for denial or delay of approval to enroll in clinical nursing courses as specified in LAC 46:XLVII.3331 or acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and LAC 46:XLVII.3403 and 3405 shall result in immediate denial to progress in clinical nursing courses until completion of the disciplinary process.

F. Incidents which constitute grounds for disciplinary action that occur after initial approval is granted and which may affect progression in clinical nursing courses shall be immediately disclosed on the clinical nursing student disclosure form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 42:753 (May 2015).

Karen C. Lyon
Executive Director

1605#010

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Greater New Orleans Community Health Connection
Waiver Termination
(LAC 50:XXII.Chapters 61-69)**

The Department of Health and Hospitals, Bureau of Health Services Financing has repealed LAC 50:XXII.Chapters 61-69 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act on July 1, 2016 or upon the implementation of Medicaid expansion under the provisions of the Affordable Care Act (ACA). This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXII. 1115 Demonstration Waivers**

**Subpart 7. Greater New Orleans Community Health
Connection Waiver**

Chapter 61. General Provisions

§6101. Purpose

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:820 (March 2012), repealed LR 42:753 (May 2016).

§6103. Program Design

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:820 (March 2012), repealed LR 42:754 (May 2016).

Chapter 63. Eligibility

§6301. General Provisions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:820 (March 2012), repealed LR 42:754 (May 2016).

§6303. Recipient Qualifications

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:820 (March 2012), LR 39:3297 (December 2013), repealed LR 42:754 (May 2016).

Chapter 65. Services

§6501. Covered Services

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:821 (March 2012), repealed LR 42:754 (May 2016).

§6503. Service Delivery

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:821 (March 2012), repealed LR 42:754 (May 2016).

Chapter 67. Provider Participation

§6701. General Provisions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:821 (March 2012), repealed LR 42:754 (May 2016).

§6703. Reporting Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:822 (March 2012), repealed LR 42:754 (May 2016).

Chapter 69. Reimbursement

§6901. General Provisions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:822 (March 2012), repealed LR 42:754 (May 2016).

§6903. Reimbursement Methodology

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:822 (March 2012), LR 39:3297 (March 2013), repealed LR 42:754 (May 2016).

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

Rebekah E. Gee MD, MPH
Secretary

1605#062

RULE

Department of Health and Hospitals Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Expansion under the Affordable Care Act
(LAC 50:I.3103, 3105, 3301, 3507 and 3509)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:I.3103, §3105, 3301, §3507 and §3509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 31. General Provisions

§3103. Recipient Participation

A. - A.1.h. ...

i. former foster care children eligible under §1902(a)(10)(A)(i)(IX) and (XVII) of the Act;

j. individuals and families who have more income than is allowed for Medicaid eligibility, but who meet the standards for the Regular Medically Needy Program; or

k. individuals from age 19 to 65 years old at or below 133 percent of the federal poverty level with a 5 percent income disregard as provided in 42 CFR 435.119, hereafter referred to as the new adult group.

B. - H.1.c. ...

d. have a limited period of eligibility and participate in either the Spend-Down Medically Needy Program or the Emergency Services Only program; or

e. receive services through the Take Charge Plus program.

f. Repealed.

I. ...

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 37:1573 (June 2011), amended LR 40:310 (February 2014), LR 40:1096 (June 2014), LR 40:2258 (November 2014), LR 41:929 (May 2015), LR 41:2363 (November 2015), LR 42:754 (May 2016).

§3105. Enrollment Process

A. - G.3. ...

a. Special Provisions for Medicaid Expansion. Individuals enrolled in the Take Charge Plus and/or the Greater New Orleans Community Health Connection (GNOCHC) Waiver program upon implementation of the new adult group will be auto assigned to an MCO by the enrollment broker as provided for in the automatic assignment process defined in §3105.H-H.3.

4. ...

a. Special Provisions for Medicaid Expansion. Individuals transferred from Take Charge Plus and/or GNOCHC will be given 90 days to change plans without cause following auto assignment to an MCO upon implementation of the new adult group.

G.5. - K.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1574 (June 2011), amended LR 40:310 (February 2014), LR 40:1097 (June 2014), LR 41:929 (May 2015), LR 41:2364 (November 2015), LR 42:755 (May 2016).

Chapter 33. Coordinated Care Network Shared Savings Model

§3301. Participation Requirements

A. - B. ...

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1577 (June 2011), amended LR 41:932 (May 2015), LR 42:755 (May 2016).

Chapter 35. Managed Care Organization Participation Criteria

§3507. Benefits and Services

A. - D.36. ...

37. other services as required which incorporate the benefits and services covered under the Medicaid State Plan, including the essential health benefits provided in 42 CFR 440.347.

NOTE. - H.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:185 (June 2011), amended LR 39:92 (January 2013), repromulgated LR 39:318 (February 2013), LR 41:936 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016).

§3509. Reimbursement Methodology

A. - A.1. ...

2. As the Bayou Health Program matures and fee-for-service, shared savings and LBHP data are no longer available, there will be increasing reliance on Bayou Health managed care organization encounter data and/or financial data to set future rates, subject to comparable adjustments.

3. ...

4. Capitation rates will be risk-adjusted for the health of Medicaid enrollees enrolled in the MCO as appropriate.

A.4.a. - N.2.a. ...

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 37:1587 (June 2011), amended LR 39:92 (January 2013), repromulgated LR 39:318 (February 2013), LR 41:937 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016).

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

Rebekah E. Gee MD, MPH
Secretary

1605#063

RULE

Department of Health and Hospitals Bureau of Health Services Financing

Medicaid Eligibility
Expansion under the Affordable Care Act
(LAC 50:III.2317)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:III.2317 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2317. New Adult Eligibility Group

A. Pursuant to the Patient Protection and Affordable Care Act (P.L. No. 111-148), hereafter referred to as the Affordable Care Act (ACA), and §1937 of title XIX of the Social Security Act, the department will expand Medicaid coverage to a targeted new eligibility group, hereafter referred to as the new adult group.

B. Effective July 1, 2016, the department will establish a new Medicaid eligibility category for the new adult group, as defined in §1905(y)(2)(A) of title XIX of the Social Security Act.

C. Eligibility Requirements. Coverage in the new adult group will be provided to individuals with household income up to 133 percent of the federal poverty level with a 5 percent income disregard who are:

1. from age 19 to 65 years old;
2. not pregnant;
3. not entitled to, or enrolled in Medicare Part A or Medicare Part B; and
4. not otherwise eligible for and enrolled in mandatory coverage under the Medicaid State Plan.

a. Parents, children or disabled persons receiving Supplemental Security Income (SSI) benefits are excluded from enrollment as a new adult.

D. Covered Services. The new adult group will be provided with a benefit package which incorporates the benefits and services covered under the Medicaid State Plan including essential health benefits as provided in §1302(b) of ACA effective July 1, 2016.

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 42:755 (May 2016).

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

Rebekah E. Gee MD, MPH
Secretary

1605#064

RULE

Department of Health and Hospitals Bureau of Health Services Financing

Medicaid Expansion under the Affordable Care Act (LAC 50:I.Chapters 101-103)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:I.Chapters 101-103 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 11. Medicaid Expansion under the Affordable Care Act

Chapter 101. Alternative Benefit Plan

§10101. General Provisions

A. Pursuant to the Patient Protection and Affordable Care Act (P.L. No. 111-148), hereafter referred to as the Affordable Care Act (ACA), and §1937 of title XIX of the Social Security Act, the department shall expand Medicaid coverage to individuals from age 19 to 65 years old at or below 133 percent of the federal poverty level with a 5 percent income disregard as provided in 42 CFR 435.119, hereafter referred to as the new adult group.

B. Effective July 1, 2016, the department will expand Medicaid coverage to the new adult group, as defined in §1905(y)(2)(A) of title XIX of the Social Security Act, and provide a secretary-approved coverage option, hereafter referred to as the Alternative Benefit Plan (ABP), which

incorporates the benefits and services covered under the Medicaid State Plan, including the essential health benefits as provided in §1302(b) of ACA. The department will utilize a federally-approved benchmark benefit package to ensure that the ABP includes benefits that are appropriate to meet the needs of the new adult group.

1. *Benchmark*—coverage is based on benefits that are at least equivalent to one of the federally statutorily specified benchmark plans.

C. The Basic Blue Cross/Blue Shield preferred provider option offered through the Federal Employees Health Benefit program (FEHBP) will be the benchmark plan used to design the ABP for the state.

D. The ABP shall provide coverage of essential health benefits pursuant to federal regulations in §1302(b) of ACA.

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 42:756 (May 2016).

§10103. Benefits and Services

A. Minimum Essential Health Benefits. Pursuant to §1302(b) of ACA, the ABP must provide the new adult group with a benchmark benefit or benchmark-equivalent benefit package that includes the required minimum essential health benefits (EHBs) provided in affordable insurance exchanges. There are 10 benefit categories and some of the categories include more than one type of benefit. The following services are considered EHBs:

1. ambulatory patient services;
2. emergency services;
3. hospitalization;
4. maternity and newborn care;
5. mental health and substance use disorder services, including behavioral health treatment:
 - a. these services shall be in accordance with the Mental Health Parity and Addiction Equity Act (MHPAEA) of 2008;
6. prescription drugs;
7. rehabilitative and habilitative services and devices;
8. laboratory services;
9. preventive services and chronic disease management; and
10. pediatric services, including oral and vision care.

a. The requirements of this service category are met through the Early and Periodic Screening, Diagnosis and Treatment Program.

B. Enrollees shall receive the full range of benefits and services covered under the ABP state plan amendment. The ABP package will incorporate the benefits and services covered under the Medicaid State Plan, including the essential health benefits as provided in §1302(b) of ACA.

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 42:756 (May 2016).

Chapter 103. Supplemental Nutrition Assistance Program Enrollment Option

§10301. General Provisions

A. Effective July 1, 2016, the department may use the Supplemental Nutrition Assistance Program (SNAP) option for streamlined enrollment of SNAP recipients who meet eligibility requirements for the new adult group.

B. In the event the SNAP enrollment option is used, the Medicaid program will not conduct a separate modified adjusted gross income (MAGI) based income determination on SNAP participants. The department will utilize the gross income determination provided by SNAP to make the financial eligibility determination.

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 42:757 (May 2016).

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

Rebekah E. Gee MD, MPH
Secretary

1605#065

RULE

**Department of Transportation and Development
Intermodal Transportation Division
Aviation Section**

Intermodal Transportation (LAC 70:IX.Chapters 1 and 3)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 2:6, 2:8, and 2:802-803, the Department of Transportation and Development, Intermodal Division, Aviation Section has amended current regulations pertaining to aeronautics in Louisiana and the Airport Construction and Development Priority Program process.

Amendments to Chapter 1 reflect technical changes pertaining to the landing area registration process. These revisions include adding supporting information that will accompany an application for a new landing area, as well as reflecting the updated state classification for each public airport as listed in the new Louisiana aviation system plan. Amendments to Chapter 3 include technical revisions pertaining to the project prioritization process. These revisions include adding timelines for executing grants for projects, adding specific language for eligible projects, and clarifying the scoring process and procedure for eligible projects. These revisions also update the technical terminology used in fiscal year airport project application procedures, which will allow airports to update their project applications on file with the state to properly reflect

requested projects for inclusion in the Airport Construction and Development Priority Program and to ensure that the projects submitted are scored accurately. Finally, the revisions add language and guidance for the development of new airports and documentation that the program will need to receive in order to prioritize future project applications for public airports.

Title 70

TRANSPORTATION

Part IX. Intermodal Transportation

Chapter 1. Aeronautics in Louisiana

§101. General

A. - B.5. ...

6. One copy of the Federal Aviation Administration's notification of its favorable or unfavorable airspace findings.

C. Classifications of Louisiana Airports, Seaplane Bases and Heliports

1. The classification of airports is necessary to assure an orderly method of administration by establishing a coded identity for each airport which relates to the role it plays in the Louisiana aviation systems plan (LASP), what guidelines should be followed in its development, and what special funds may be available for scheduled improvements.

2. Airports. The airports in the LASP are classified according to a simplified version of the Federal Aviation Administration's national plan of integrated airport systems (NPIAS) classification system. Essentially, this involves identifying the airport according to the type of aircraft which it will principally serve. Although the LASP classification is less complicated than that of the FAA NPIAS, there is no conflict between the NPIAS classification of an airport and the LASP classification. The state classification of each publicly-owned airport is listed in the Louisiana aviation system plan. Additional classifications were necessary to complete the system plan: landing strip; seaplane base; and heliport. The letter codes used are as follows:

C.2.a. - H. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 6:163 (May 1980), amended LR 6:559 (September 1980), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:510 (March 2007), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:757 (May 2016).

**Chapter 3. Airport Construction and Development
Priority Program Process
[Formerly Chapter 9]**

§301. Introduction

[Formerly §901]

A. The Louisiana Department of Transportation and Development (DOTD), Aviation Section is responsible for developing public aviation facilities in the state, fostering air commerce, promoting aeronautics statewide, and protecting the health and safety of those engaged in aeronautics. Assistance with the planning, design, construction, and inspection of facilities is provided to local governments

which own the public airports. In addition, state funding is used in many cases to provide all or a portion of the local match requirement if the improvement is federally funded, received 90 percent or more of project funds from sources other than state funds, or if most or all of the total funding is previously approved by the Legislature. The aviation portion of the Louisiana transportation trust fund is known as the aviation trust fund (ATF), which is funded by the collection of sales tax solely on aviation fuels, and is the only source of state funds for airport capital improvements or matching grants for federal airport improvement grants.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803(B) and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007), amended by the Department of Transportation and Development, Aviation Section, LR 39:104 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:757 (May 2016).

§303. Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grants
[Formerly §903]

A. Federal funding for projects is received through grants from the Federal Aviation Administration directly to the recipient airport. Under the Airport Improvement Program (AIP) a minimum of 90 percent of project funds are federal. Occasionally, the FAA may offer a grant requiring a local match of more than 10 percent. For example, terminal building projects at commercial service airports are offered as 75 percent federal, 25 percent local match. Terminal buildings at commercial service airports may have a percentage of the project not eligible to receive funding. In most instances, the FAA determines what portion is or is not eligible. When the local sponsor requests state funding assistance for the local share, the project is evaluated through the priority system because of the use of state dollars. The local sponsor must coordinate the development of the project with the Aviation Section and the FAA in order to receive the matching funds through the priority system. When the required match to the federal grant is greater than 10 percent, the state will participate in no more than 10 percent of the project cost and the local sponsor must provide the remaining amount necessary to match the federal grant. The FAA provides the AIP grants directly to the airport sponsor who is responsible for administering the grant.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803(B) and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:104 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:758 (May 2016).

§307. Project Prioritization Process
[Formerly §907]

A. The prioritization of a project is a two-step process. The first step is to determine whether the project should be included in the priority process. The second step is to determine whether the information necessary for prioritization is available. Support documentation shall include a project resolution from the local airport owner or sponsor requesting state assistance for that project, project scope and estimated cost, justification of the project, any environmental clearance documentation (if necessary), and information from the local sponsor necessary for prioritization of the project. Height limitation and land use zoning ordinances, operations manual, documentation that part 139 and 5010 inspection discrepancies have been corrected, pavement maintenance plan with repair logs, and a certified copy of the legal document creating the airport district or authority may also be requested before the process can continue. If any pertinent documentation is missing, the review process may cease and not continue until all information is made available to the Aviation Section. If all of the necessary documents are not received by the Aviation Section by November 1, the proposed project may not be allowed to compete for funding for that fiscal year being prioritized but may be considered for the following fiscal year.

B. ...

C. The project components are also reviewed to determine if the project can be prioritized as one project or requires restructuring into more than one project. The project will be restructured into usable units if necessary. An example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and is usable without the extension of the taxiway so these may be considered as two projects in the priority system. On the other hand, the extension of the runway's lighting system would be included with the runway extension as one project because the additional runway length cannot be used at night without the extended lighting.

D. - F. ...

G. Prioritized projects which have been approved for state funding but which, for lack of federal matching funds or other reasons, do not have an executed sponsor-state agreement within one fiscal year, beginning July 1 of the fiscal year in which the project was approved by the legislature, shall be cancelled from the funded program and placed back on the unfunded prioritized list of projects. The project may then compete for funding in subsequent years. Funds which had been approved for a cancelled project will be reallocated to any other prioritized project the legislature has approved as needed. Normally such funds will be used to cover project overruns, "up front" engineering costs (FAA reimbursable engineering costs incurred by the airport owner prior to the issuance of a federal grant in aid), or "up front" land purchase costs (FAA reimbursable costs associated with survey, real estate and title fees, and purchase of land by the airport owner prior to the issuance of a federal grant-in-aid).

H. These funds may also be used to fund the next-in-line project on the subsequent fiscal year prioritized unfunded list and finally the three-year unfunded portion of the priority list if that project has received funding or for projects funded by other than state funds not covered by the future FAA obligations funds. As a general rule, funds originally allocated to commercial service airports will, whenever practical, be used to fund projects on the commercial service airport unfunded list. Funds allocated to general aviation airports will likewise be used to fund projects on the general aviation airport unfunded list.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803(B) and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:520 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:105 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:758 (May 2016).

§309. Nonprioritized Programs [Formerly §909]

A. Through the legislative approval process for the Priority Program, the Aviation Section may specify on the Priority Program, nonprioritized programs as needed. Such statewide programs may include, but are not limited to planning, navigational aids, discretionary projects, maintenance reimbursement, obstruction removal safety programs, future FAA obligations, Statewide Marking Program, Statewide Sealcoat Program, and the General Aviation Enhancement Program. These programs are an integral element of the state's aviation program. Projects cannot reach the facility improvement stage without going through the planning phase. Navigational aid projects enhance use of the overall state system by providing an increased level of safety. Discretionary projects provide the Aviation Section with the latitude to fund emergency or safety related projects on a real-time basis and to undertake projects which are too small to be eligible for funding through the priority program. The state's airport system would be stagnated without these types of projects. The Maintenance Reimbursement Program assists the general aviation and commercial service airports in the high cost of maintaining an airport and allows the airport to maintain a safe and operational status. The Obstruction Removal Safety Program is needed to keep the state's airports safe from obstructions that penetrate the airports approach slopes, runway protection zones, FAR part 77 and transitional surfaces. The future FAA obligations are needed to meet the funding requirements for the projects the Federal Aviation Administration (FAA) has funded after the priority program has been approved. This phenomenon is caused by the state's fiscal year being out of synchronization with the federal fiscal year by approximately three months. This special program precludes the loss of federal funds and improves the state's timely response. The Statewide Marking Program assists airports statewide in maintaining a safe visual marking aid environment on the airfield. The Statewide Sealcoat Program and pavement condition index study assists airports statewide in maintaining their pavement in good condition.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:521 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:106 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:759 (May 2016).

§313. Preliminary Evaluation [Formerly §913]

A. - A.2. ...

B. A review committee consisting of, at a minimum, the aviation director, assistant aviation director, and the aviation program manager for the airport concerned will make an initial determination of whether there is sufficient information to prioritize a project when a project request is received. Some of the information considered by the committee is required by either title 2 of the *Louisiana Revised Statutes*, the Airport Construction and Development Priority Program process, or DOTD and Aviation Section policy.

C. The DOTD Aviation Section is responsible for assigning priority values to projects and determining if they are consistent with development plans in the master plan or action plan for the airport. If insufficient data is sent to the Aviation Section, correct prioritization of the project will not be possible. When insufficient data is provided, a request will be made for the additional information needed. Therefore, project applications and necessary documentation should be sent to the Aviation Section early enough to allow time for processing and possible return for additional information before the program can be presented to the legislature for approval. Any document package not meeting all requirements and not in Aviation Section hands by the deadline may not be prioritized or included in the upcoming fiscal year's program.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1507 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:522 (March 2007), amended by the Department of Transportation and Development, Aviation Section, LR 39:107 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:759 (May 2016).

§315. Project Support Documentation [Formerly §915]

A. Once it has been determined that a project is of the type and size to be considered in the priority system, an evaluation of required supporting documentation will be made. The project support documentation is a combination of documents and information necessary for the Aviation Section to determine if the project is developed sufficiently for inclusion in the priority listing. Documentation shall include the following items:

A.1. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1508 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:522 (March 2007), amended by the Department of Transportation and Development, Aviation Section, LR 39:107 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:759 (May 2016).

§317. Project Priority Rating System
[Formerly §917]

A. There are four categories of evaluation. The categories are as follows:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1510 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:524 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:109 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:760 (May 2016).

§319. Category I—Project Type (see Exhibit 1)
[Formerly §919]

A. - E. ...

F. Safety (see Exhibit 1.A). Projects in this subcategory are limited to those that only affect aircraft operational safety. These are projects such as obstruction removal, runway grooving, aircraft rescue and firefighting (ARFF) equipment, and lighting. It can be argued that most aviation improvement projects increase safety at an airport, but caution is used to place only those projects in this subcategory that specifically affect the safety of aircraft using the airport. For example, lengthening of a runway improves safety, but its primary purpose is to allow utilization by larger or faster aircraft. In the case of ARFF vehicles, a request for a new ARFF vehicle must have adequate justification. For example: If an airport's ARFF index requires, as part of its certification, one 1,500 gallon ARFF vehicle, and this vehicle was purchased within the last two years, the ARFF vehicle's life cycle is expected to last approximately 10-12 years. Therefore, if the sponsor requests a newer ARFF vehicle within this 10-12 year time frame, the ARFF vehicle will not be scored in the 'safety' category. Rather, the ARFF vehicle will be scored in the 'airside improvement' category due to the age of the recently purchased vehicle, unless it is justified by the airport's current ARFF index. If the ARFF vehicle that is currently allowing the airport to meet its ARFF index requirement is expected to exceed the 10-12 years of age by the time of the request, the vehicle can be scored in the 'safety' category. Projects in the "safety" category are those developed specifically to address an unsafe condition and thus receive the highest evaluation points possible.

G. - H. ...

I. Landside Improvements (see Exhibit 1.D). Projects in this subcategory are those that are designed to facilitate the handling of issues dealing strictly with landside

improvements. These projects receive the least amount of points in the prioritization process due to the fact that emphasis must be put on airside needs in order to maintain a safe and operational airport. Projects in this subcategory may be addressed once the airside issues have been addressed and resolved.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1510 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:524 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:109 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:760 (May 2016).

§321. Category II—Facility Usage (see Exhibit 2)
[Formerly §921]

A. - C. ...

D. The number of based aircraft at an airport, as indicated in the latest 5010 inspection report or the national based aircraft inventory, is used to determine the relative level of use at an airport by general aviation interests. There are some drawbacks to this approach. The number of operations for each based aircraft is not accounted for by using only the based aircraft numbers. Itinerant operations, which are very important to an airport, are not recognized by counting based aircraft. Other operations by aircraft not based on the field, such as agricultural and military aircraft, are also missed. All of these factors affect the overall number of operations at an airport which is a much more accurate measure of airport use than based aircraft, but reliable operations counts at all nontowered airports are not available for general aviation airports. Should the Aviation Section develop a systematic program for counting operations at nontowered airports, the relative number of operations at an airport may replace based aircraft as the indicator of facility use. Until such a system is developed, counts of based aircraft are the only consistent way to measure general aviation use at the airports.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1511 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:525 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:110 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:760 (May 2016).

§323. Category III—Sponsor Compliance
(see Exhibit 3)

[Formerly §923]

A. - C. ...

D. The final evaluation area in the "sponsor responsibility" category is maintenance. The local owners of the airport are responsible for routine maintenance such as cutting the grass, changing light bulbs, maintaining proper

drainage, sealing or filling pavement cracks, and refurbishing marking and painting stripes. If regular maintenance is not done, the airport will not receive full points in this category. If maintenance is cited as a problem, the airport will be notified in writing of the problem and the corrective action to be taken. Until the airport corrects the problem, all projects evaluated in the priority system for the airport will lose points.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1512 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:525 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:110 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:760 (May 2016).

§327. New Airports
[Formerly §927]

A. - D. ...

E. New airports constructed in areas of the state not being served by a public airport should be prioritized under the project type “airside improvements” subcategory. These airports are primarily constructed to increase the capacity of the Louisiana public airports system. As previously discussed, land acquisition costs are usually reimbursed by the FAA and these projects should be prioritized accordingly.

F. ...

G. Under the “sponsor responsibility” category, there are two areas that can be included in the prioritization process. The presence of height limitation zoning/ordinances and land use zoning and subsequent local enforcement policies and procedures should be documented and points assigned accordingly. Most new airports will not have developed an operations manual for the airport. In cases where the airport has not developed an operations manual, the airport will be awarded 5 points based on the assumption that the elements of an operations manual will be in place when the airport is opened for operations.

H. ...

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1513 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:526 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:112 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:761 (May 2016).

§337. Exhibits
[Formerly §937]

A. Exhibit 1

Exhibit 1	
Category I—Project Type	
Points	
A. Safety—Projects Directly Affecting Operational Safety	
50	Correction of runway failures severe enough to be an obvious safety problem. Runway friction surface or grooving or other action directly related to safety.

Exhibit 1	
Category I—Project Type	
Points	
F49	Repair of primary runway lighting system or approach lighting system which is not functional and is deemed to be a safety hazard.
48	Obstruction removal which is requiring the displacement of the runway threshold and relocation of runway lighting.
47	Obstructions within the Runway Protection Zone (RPZ) or Penetrations to the Required FAR Part 77 20:1 Approach Slope Surface.
46	FAR Part 139 Certificated Airport ARFF vehicles and equipment required at commercial service airports or minimum safety equipment at GA airports to maintain current certificated FAA ARFF Index. Security fencing to correct a specific safety problem (does not include general perimeter fencing).
45	Safety condition identified by professional evaluation or accident statistics.
B. Airside Preservation—Preserving the Infrastructure of the Airport Dealing with Air Operations. Examples are preserving and maintaining the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDs, Fuel Farms, T-Hangars, etc.	
20	Primary runway
19	Taxiway serving primary runway
18	Apron
17	Secondary runway
16	Taxiway serving secondary runway
15	Stub taxiways and taxilanes
C. Airside Improvements—Improving the Infrastructure of the Airport Dealing with Air Operations. Examples are improving and upgrading the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDs, Fuel Farms, T-Hangars, Approaches, etc.	
14	Primary runway / Obstructions within the FAR Part 77 7:1 Transitional Slope Surfaces
13	Primary taxiway
12	Apron
11	Perimeter fencing
10	Navigational Aids (NAVAIDs)
9	Secondary runway
8	Secondary taxiway
7	Agricultural loading area
6	Noise Mitigation / Terminal Building for Commercial Service and General Aviation Airports / Hangars / Fuel Systems
5	New airport construction including runway, taxiway, and apron, Any additional ARFF vehicles or equipment beyond minimum requirements to meet current ARFF Index, Masterplans, and Action Plans.
D. Land Side Improvements—Improvements That Enhance an Airport's Infrastructure Not Related to the Air Side.	
4	Land acquisition not related to Airside Improvements for future expansion
3	Primary vehicle access road
2	Primary vehicle nonrevenue-generating parking.
1	Other Land Side Improvements

B. Exhibit 2

Exhibit 2	
Category II—Facility Usage	
Based Aircraft*	Points
91 or More	20
81 to 90	18
71 to 80	16
61 to 70	14
51 to 60	12
41 to 50	10
31 to 40	8
21 to 30	6

Exhibit 2	
Category II—Facility Usage	
11 to 20	4
1 to 10	2
Additional Points for Air Commercial Service Enplanements**	Points
500,000 or more	20
250,000 to 499,999	15
50,000 to 249,999	10
2,500 to 49,999 ***	5
If noncommercial reliever airport	10
*Taken from latest 5010 Inspection or the national based aircraft inventory	
**Taken from Annual FAA Enplanement Data	
***Less than 2,500 enplanement do not receive points	

C. Exhibit 3

Exhibit 3	
Category III—Sponsor Compliance	Points
Height Limitation Zoning	10
Land Use Zoning	5
5010 / Safety Inspection	Points
Inspection Response Letter from Airport Received	10
Airport Performing Basic Maintenance	10
Airport Addressed Inspection Deficiencies on CIP	10

D. - E. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1515 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:528 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:113 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:761 (May 2016).

Dr. Shawn Wilson
Secretary

1605#045

RULE

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

Commercial Turtle Harvest Moratorium (LAC 76:XV.101)

The Department of Wildlife and Fisheries and Wildlife and Fisheries Commission do hereby place a moratorium on the commercial harvest from the wild of razor-backed musk turtles and have amended regulations to be consistent with title 56 of the *Louisiana Revised Statutes*.

Title 76

WILDLIFE AND FISHERIES

Part XV. Reptiles and Amphibians

Chapter 1. Guidelines

**§101. Recreational and Commercial Harvests;
Prohibitions**

A. - F.2. ...

G. Turtle Rules and Regulations

1. - 1.d. ...

e. A reptile and amphibian collector's license is required to collect and sell turtles.

2. Restricted Turtles

a. List of restricted turtles:

i. alligator snapping turtle (*Macrochelys temminckii*);

ii. razor-backed musk turtle (*Sternotherus carinatus*);

iii. box turtles (*Terrapene sp.*).

b. Commercial Prohibition. No person shall commercially take, possess, sell, purchase, trade, barter, or exchange restricted turtles, their eggs, or any parts thereof. Except that nothing herein shall prohibit the legal commercial sale, and possession of restricted turtles by licensed turtle farmers as provided in R.S. 56:632 et seq., and R.S. 3:2358.1 et seq., which were legally acquired prior to the effective date of this prohibition or imported legally into this state which have proper records as provided for in 56:637.

c. Recreational Take and Possession Limit. Persons engaged in collection of native reptiles and amphibians shall be licensed in accordance with R.S. 56:632.3. No person shall possess restricted turtles taken with commercial gear. No person shall possess in the field more than one alligator snapping turtle, two box turtles, or two razor-backed musk turtles. No person shall possess more than four box turtles or four razor-backed musk turtles. Certified zoos, aquariums, universities, research and nature centers will be exempted from take limits.

H. - K.2. ...

L. Except as provided in Subsection K, whoever violates the provisions of this Rule shall be subject to penalties as provided for in R.S. 56:31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), (13), (15) and (25), R.S. 56:23, and R.S. 56:632.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 20:1135 (October 1994), amended LR 30:2495 (November 2004), LR 31:2569 (October 2005), LR 39:1834 (July 2013), LR 42:762 (May 2016).

Edwin "Pat" Manuel
Chairman

1605#033

RULE

**Workforce Commission
Office of Workers' Compensation Administration**

Fees (LAC 40:I.6605)

The Louisiana Workforce Commission has amended LAC 40:I.6605.A. This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1(C). It provides fees for court filings.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 3. Hearing Rules

Chapter 66. Miscellaneous

Subchapter A. General

§6605. Fees

A. The clerks for the Office of Workers' Compensation Administration shall be entitled to demand and receive the following fees as court costs in a workers' compensation dispute. Fees not pre-paid shall be due upon dismissal or final judgment, or on demand by the clerk:

1. filing of LWC-WC-1008—\$50;

2. filing of LWC-WC-1011 where no LWC-WC-1008 has been filed—\$50;

3. service of process on secretary of state—\$50 or as otherwise set by the secretary of state;

4. copies of any paper in any suit record—\$0.25 per page;

5. for each certification—\$1;

6. filing by facsimile transmission—\$5 for the first 10 pages and \$1 for each page thereafter;

7. cost of preparation of record for appeal—available upon request from the district offices;

8. cost of service by certified mail—\$5 per service;

9. subpoenas/subpoenas *duces tecum*—\$5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), amended by the Workforce Commission, Office of Workers' Compensation, LR 37:1630 (June 2011), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 42:763 (May 2016).

Ava Dejoie
Executive Director

1605#023

Notices of Intent

NOTICE OF INTENT

Office of the Governor Board of Pardons Committee on Parole

Parole—Eligibility and Types (LAC 22:XI.303 and 307)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons hereby gives notice of its intent to amend its rules of LAC 22:XI.303 and 307. These proposed rule changes provide technical adjustments to regular parole and revise procedures and eligibility for medical parole. Section 307 provides that a permanently disabled offender or terminally ill offender may be eligible for medical parole and that offender serving a sentence for conviction of first degree murder or who are sentenced to death are not eligible for medical parole consideration. Section 307 establishes procedures for Probation and Parole to monitor offenders granted medical parole.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XI. Committee on Parole

Chapter 3. Parole—Eligibility and Types

§303. Regular Parole

A. An offender's eligibility is specified by Louisiana law. Parole eligibility is generally based on the nature of the offense, offender class, and length of time served. Not all offenders are eligible for parole consideration. Parole eligibility is determined and calculated by the Department of Public Safety and Corrections.

B. Generally within six months prior to an offender's parole eligibility date, all pertinent information will be compiled concerning the offender's case, including but not limited to:

1. the nature and circumstances of the offense;
2. prison records;
3. the pre-sentence investigation report;
4. any other information (including correspondence), reports, or data as may be generated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2295 (December 1998), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 39:2269 (August 2013), LR 42:

§307. Medical Parole

A. An offender determined by the Department of Public Safety and Corrections to be permanently disabled offender or terminally ill offender may be eligible for medical parole consideration.

1. Upon referral by the Department of Public Safety and Corrections, the committee may schedule the offender for a hearing for medical parole consideration.

2. Offenders who are serving a sentence for conviction of first degree murder, second degree murder, or who are sentenced to death are not eligible for medical parole consideration.

3. Medical parole consideration shall be in addition to any other parole for which an offender may be eligible. An offender eligible for both medical parole and traditional parole under the provisions of R.S. 15:574.4 shall be first considered for traditional parole.

B. *Permanently Disabled Offender*—any offender who is unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which is or can be expected to be permanently irreversible.

C. *Terminally Ill Offender*—any offender who, because of an existing medical condition, is irreversibly terminally ill. For the purposes of this Section, “terminally ill” is defined as having a life expectancy of less than one year due to an underlying medical condition.

D. Public hearings for medical parole consideration will be held at a location convenient to the committee and the offender and shall be conducted in accordance with board policies, 05-0511, “Public Hearings/Videoconferencing” and 05-511-A, “Special Needs”. The committee may request that additional medical information be provided or that further medical examinations be conducted.

E. The authority to grant medical parole shall rest solely with the committee.

1. The committee shall determine the risk to public safety and shall granted medical parole only after determining that the offender does not pose a high risk to public safety. In the assessment of risk, emphasis shall be given to the offender's medical condition and how this relates to his overall risk to society.

2. Generally, medical parole consideration shall not be given to an offender when the offender's medical condition was present at the time of sentencing, unless the offender's overall condition has significantly deteriorated since that time.

3. The committee, if it grants medical parole, may establish any additional conditions of medical parole as it may deem necessary to monitor the offender's physical condition and to assure that the offender is not a danger to himself and society.

F. The parole term of an offender released on medical parole shall be for the remainder of the offender's sentence. Supervision of an offender released on medical parole shall consist of periodic medical evaluations at intervals to be determined by the committee at the time of release.

1. An offender released on medical parole may have his parole revoked if his medical condition improves to such a degree that he is no longer eligible for medical parole.

a. If the offender's medical parole is revoked due to an improvement in his condition, and he would be otherwise eligible for parole, he may then be considered for parole under the provisions of R.S. 15:574.4.

2. Medical parole may also be revoked for violation of any condition of parole as established by the committee.

G. The Division of Probation and Parole (P and P) shall monitor offenders that have been granted medical parole until the offender's death or the expiration of their sentence. P and P shall submit a monthly report of all medical paroles to the board chair by the tenth of each month. The report must include the latest narrative report from the offender's P and P office, date and time of death if indicated, and any other information deemed to be appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2297 (December 1998), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 39:2270 (August 2013), LR 41:43 (January 2015), LR 42:

Family Impact Statement

Amendment to the rules has no known impact on family formation, stability or autonomy, as described in R.S. 49-972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the 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 relations to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2012 Regular Legislative Session.

Public Comments

Written comments may be addressed to Mona Wagner, Corrections Management Officer, Board of Pardons and Parole, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on June 10, 2016.

Sheryl M. Ranatza
Board Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Parole—Eligibility and Types

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

The proposed rule changes to LAC 22:XI:303 and 307 will not have a material fiscal impact on state or local governmental unit expenditures as it provides for technical and non-technical adjustments to procedures and eligibility for Medical Parole to codify and clarify existing practices.

LAC 22:XI:303 provides that an offender's eligibility for parole is generally based on the nature of the offense, offender class, and length of time served. Not all offenders are eligible for parole consideration. Parole eligibility is determined and calculated by the Department of Public Safety and Corrections. The proposed non-technical change made to this rule deletes the provision that requires "the pre-parole report including recommendations from the Division of Probation and Parole" to be included in the list of items that is currently included as pertinent information that should be compiled concerning the offender's case. This change does not have a fiscal impact to the department.

LAC 22:XI:307 provides that a permanently disabled offender or terminally ill offender may be eligible for medical parole consideration and offenders serving a sentence for conviction of first degree murder or who are sentenced to death are not eligible for medical parole consideration. LAC 22:XI:307 establishes procedures for Probation and Parole to monitor offenders granted medical parole. The following proposed non-technical changes to this rule do not create a fiscal impact to the department **but** codifies existing practices as follows: 1) Adds a provision that allows medical parole consideration to be in addition to any other parole for which the offender may be eligible. 2) Adds a provision in accordance to board policies for public hearing and videoconferencing as well as special needs. 3) Adds a provision that provides for a parole term of an offender who was released on medical parole to be for the remainder of the offender's sentence.

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 OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will not impact the current number of offenders eligible; therefore, there are no estimated costs and/or economic benefits to directly affected persons or non-government groups as a result of these changes. Further, medical parolees are generally disabled or terminally ill.

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
1605#042

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Office of Elderly Affairs

Policy and Procedure Manual
(LAC 4:VII.Chapter 11)

In accordance with the Administrative Procedure Act, R.S. 49:950(B) et seq., the Governor's Office of Elderly Affairs proposes to amend and repeal certain Sections in LAC 4, Part VII, Chapter 11, §§1101 through 1245, regarding policy and procedures for area agencies on aging, councils on aging, and ombudsman.

The purpose of this proposed Rule is to clarify the requirements for area agencies on aging, councils on aging, and ombudsman regarding procedures. There will be no adverse fiscal impact on the state as a result of this Rule inasmuch as funding is appropriated by law or by an approved formula to disburse state and federal funds.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter A. State Agency on Aging

§1101. Office of Elderly Affairs

A. Authority, Organization and Purpose

1. Chapter 7 of title 46 of the *Louisiana Revised Statutes* of 1950 (R.S. 46:931 et seq.) provides for the establishment and administration of the Office of Elderly Affairs (GOEA) within the Office of the Governor.

2. GOEA serves as the focal point for the development and administration of public policy regarding Louisiana's elderly citizens. GOEA is the sole state agency designated by the governor and the legislature to develop and administer the state plan on aging. GOEA also administers the Long Term Care Ombudsman Program.

B. Powers and Responsibilities

1. GOEA has the following powers and duties under state law:

a. to administer the Older Americans Act and related programs;

b. to collect facts and statistics and make special studies of conditions pertaining to the employment, health, financial status, recreation, social adjustment or other conditions affecting the welfare of the aged;

c. to keep abreast of the latest developments in aging throughout the nation and to interpret such findings to the public;

d. to provide for a mutual exchange of ideas and information on the national, state, and local levels;

e. to conduct hearings and to subpoena witnesses;

f. to make recommendations to the governor and to the legislature for needed improvements and additional resources to promote the welfare of the aging in the state;

g. to adopt and promulgate rules and regulations deemed necessary to implement the provisions of the law in accordance with the Administrative Procedure Act;

h. to exercise the functions of the state relative to nutrition programs for the elderly and handicapped citizens of Louisiana;

i. to operate the Office of the State Long Term Care Ombudsman;

j. to administer all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, whether by block grant or in any other form, with the exception of funds for programs administered by the Department of Children and Family Services or the Department of Health and Hospitals, on August 15, 1995, and to distribute those funds in accordance with and consistent with R.S. 46:936;

k. to approve recommendations from any parish voluntary council on aging prior to the creation of a new state-funded senior center in the state; and

l. to provide meeting space and staff support for the Executive Board on Aging [R.S. 46:933(G)].

C. Functions of the Governor's Office of Elderly Affairs

1. Administrative Functions—

a. to develop and follow written policies in carrying out its functions under state and federal laws and regulations;

b. to develop and enforce policies governing all aspects of programs operating under the Older Americans Act, whether operated directly or under contract;

c. to manage and control funds received from federal and state sources.

2. Advocacy Functions—

a. to review, monitor, evaluate and comment on all federal, state and local plans, budgets, regulations, programs,

laws, levies, hearings, policies, and actions which affect or may affect older individuals and recommend any changes in these which GOEA considers to be appropriate;

b. to review and comment, upon request, on applications to state and federal agencies for assistance in meeting the needs of the elderly;

c. to consolidate and coordinate multiple state and federal resources to facilitate the development of comprehensive community-based services for the elderly; and

d. to develop financial resources for programs on aging beyond those allocated under the Older Americans Act.

3. Service Systems Development Functions—

a. to develop and administer the state plan on aging;

b. to be primarily responsible for the planning, policy development, administration, coordination, priority setting and evaluation of all state activities related to the objectives of the Older Americans Act;

c. to divide the state into distinct planning and service areas, in accordance with guidelines issued by the Administration on Aging;

d. to designate for each planning and service area after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging (AAA) for such area;

e. in consultation with area agencies on aging, in accordance with guidelines issued by the Administration on Aging, and using the best available data, to develop and publish, for review and comment, a formula for distribution within the state of funds received under title III of the Older Americans Act that takes into account:

i. the geographical distribution of older individuals in the state; and

ii. the distribution among planning and service areas of older individuals with greatest economic need and/or greatest social need, with particular attention to low-income minority older individuals;

f. to develop elder rights protection systems focused on protecting the rights of vulnerable older individuals who reside in the community and in institutional settings. It includes the provision of long term care ombudsman services; legal assistance development.

D. Governor's Office of Elderly Affairs Administration

1. Policies

a. OEA shall develop and enforce written policies in carrying out its functions under state and federal laws and regulations. These policies shall be developed in consultation with other appropriate parties within the state. GOEA shall keep its policies current, and revise them as necessary in accordance with the Louisiana Administrative Procedure Act.

2. Program Monitoring

a. OEA shall monitor the performance of all programs and activities initiated under the Older Americans Act for quality and effectiveness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, R.S. 14:403.2, OAA Sections 203, 305, 307 and 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984),

amended LR 11:1078 (November 1985), LR 25:2199 (November 1999), LR 28:1016 (May 2002), LR 31:1330 (June 2005), LR 42:

§1103. The Louisiana Executive Board on Aging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:933, R.S. 46:934 and OAA Sections 305(a)(1) and 307(a)(11).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2204 (November 1999), repealed LR 42:

§1107. Planning and Service Area Designation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2206 (November 1999), LR 25:2407 (December 1999), repealed LR 42:

§1109. Area Agency on Aging Designation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932, R.S. 46:935 and OAA Section 305(a)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2206 (November 1999), repealed LR 42:

Subchapter B. Area Agency on Aging

§1121. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 305(a)(2)(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:70 (January 2000), LR 28:1017 (May 2002), repealed LR 42:

§1123. Purpose of the Area Agency on Aging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 302(l).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:71 (January 2000), repealed LR 42:

§1125. Area Agency on Aging Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Sections 306(a)(1), 306(a)(6)(i), 306(a)(7), 306(a)(12), and 321(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:72 (January 2000), LR 28:1017 (May 2002), repealed LR 42:

§1127. Area Agency on Aging Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306 and 45 CFR 1321.61(a)(4).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17:600 (June 1991), LR 18:1376 (December 1992), LR 26:73 (January 2000), repealed LR 42:

§1129. Area Agency on Aging Governing Body

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 305(c)(4) and Section 307(a)(11).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984),

amended LR 11:1078 (November 1985), LR 17:600 (June 1991), LR 26:74 (January 2000), repealed LR 42:

§1131. Area Agency on Aging Advisory Council

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Sec. 306 (a)(6)(F) and 45 CFR 1321.57.

HISTORICAL NOTE: Promulgated by the Office of the Governor's Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17:599 (June 1991), LR 26:74 (January 2000), repealed LR 42:

§1133. Area Plan

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306, and Section 307.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17:57 (January 1991), LR 18: 1376 (December 1992), LR 26:76 (January 2000), LR 28:1017 (May 2002), repealed LR 42:

§1135. Program Administration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306 and Section 307(a)(13)(C).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:76 (January 2000), repealed LR 42:

§1137. Services to Special Populations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(5) and 45 CFR 1321.39.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:77 (January 2000), repealed LR 42:

§1139. State Agency Approval of Area Agency on Aging Contracts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 212 and 45 CFR 1321.55.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:77 (January 2000), repealed LR 42:

§1141. Priority Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(2), Section 306(b)(2), and Section 307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:610 (June 1992), LR 26:77 (January 2000), LR 28:1017 (May 2002), repealed LR 42:

§1143. Service Procurement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(8)(c), 307(a)(10), OMB Circular A-110.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:621 (June 1885), LR 11:1078 (November 1985), LR 16:503 (June 1990), LR 18:610 (June 1992), LR 26:77 (January 2000), LR 28:1017 (May 2002), repealed LR 42:

Subchapter C. Councils on Aging

§1151. Establishment of Parish Councils on Aging

A. Issuance of Charters. Charters for the establishment of parish voluntary councils on aging (hereafter referred to as

"council on aging") are issued by the Secretary of State upon the approval of applications by the Governor's Office of Elderly Affairs (GOEA) pursuant to R.S. 46:1602. Immediately upon issuance of the charter by the Secretary of State, each council on aging is authorized to receive public funds from any governmental or political subdivision. Such funds shall be subject to audit by GOEA and the legislative auditor, or his duly appointed representative.

B. Governance

1. The functions of each council on aging shall comply with the objectives of state laws and shall be governed by the policies and regulations established by the Office of Elderly Affairs. Copies of such policies and regulations shall be furnished to each council on aging by OEA prior to their effective date.

2. Each council on aging shall be voluntary as to its membership and as to all plans, programs and activities, and each shall be non-profit making and politically non-partisan and non-factional and shall be non-sectarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:87.2(E), 46:932(8), 46:1601, 46:1602, and 46:1605.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1467 (August 1999), amended LR 42:

§1153. Membership

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8), 46:1602, 46:1603.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1468 (August 1999), repealed LR 42:

§1155. Council on Aging Board of Directors

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8), 46:1605.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1469 (August 1999), amended LR 25:2407 (December 1999), repealed LR 42:

§1157. Administrative and Personnel Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8), 46:1605.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1471 (August 1999), repealed LR 42:

§1159. Fiscal Responsibility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8), 46:1606.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1472 (August 1999), repealed LR 42:

§1161. General Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1601 and R.S. 46:1602.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:1473 (August 1999), repealed LR 42:

§1163. Dissolution of Councils on Aging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1602 and R.S. 46:1606

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:1473 (August 1999), repealed LR 42:

Subchapter D. Service Provider Responsibilities

§1171. Scope of Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.17 and CFR 1321.11

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:862 (May 1999), repealed LR 42:

§1173. Advisory Role of Older Persons to Full Services Providers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.17 and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:862 (May 1999), repealed LR 42:

§1175. Administrative and Personnel Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.17 and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:862 (May 1999), repealed LR 42:

§1177. Fiscal Responsibility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7) and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:862 (May 1999), repealed LR 42:

§1179. Target Groups

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.5(e) and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:863 (May 1999), repealed LR 42:

§1181. Facility Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.5(e) and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:863 (May 1999), repealed LR 42:

§1183. Civil Rights

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.5(c) and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:864 (May 1999), repealed LR 42:

§1185. Political Activity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932 and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:865 (May 1999), repealed LR 42:

§1187. Outreach and Coordination Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(5)(B), Section 307(a)(13)(E), Section 307(a)(20)(A), Section 307(a)(17), Section 306(a)(6)(H), and Section 306(a)(6)(K), CFR 1321.11 and 45 CFR 1321.65.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:865 (May 1999), repealed LR 42:

§1189. Records and Reports

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(4) and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:865 (May 1999), repealed LR 42:

§1191. Confidentiality and Disclosure of Information

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.11 and CFR 1321.51.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:866 (May 1999), repealed LR 42:

§1193. Financial Resource Development

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7) and CFR 1321.11.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:866 (May 1999), repealed LR 42:

§1195. Contributions for Older Americans Act Title III Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(13)(C), and 45 CFR 1321.67.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:866 (May 1999), repealed LR 42:

§1197. Program Income

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7), 45 CFR 1321.67, 45 CFR 1321.73 and 45 CFR 92.25.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 12:366 (June 1986), LR 25:867 (May 1999), repealed LR 42:

§1199. Property Control and Disposition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7), 45 CFR Subtitle A, Part 92.31 and 92.32 and 45 CFR Part 74 Subpart O.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:610 (June 1992), LR 25:867 (May 1999), LR 28:50 (January 2001), repealed LR 42:

§1201. Purchasing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:611 (June 1992), LR 25:1474 (August 1999), repealed LR 42:

§1203. Applicable Laws and Standards

A. Service providers shall comply with all OEA licensing standards, all applicable accrediting standards, any applicable federal standards and all applicable state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1231.9(e)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:1476 (August 1999), LR 42:

§1207. Monitoring by the Office of Elderly Affairs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:1476 (August 1999), repealed LR 42:

§1209. Eldercare/Case Management

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(2) and Section 307(a)(5).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1376 (December 1992), repealed LR 42:

Subchapter E. Uniform Service Requirements

§1215. Service Recipient Priorities and Eligibility Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 102(29), Section 102(30), Section 305(a)(2)(E), Section 306(a)(1), Section 307(a)(24), and 45 CFR 1321.65 and 1321.69.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:868 (May 1999), LR 28:1016 (May 2002), repealed LR 42:

§1217. Uniform Definitions of Services for the Aging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 211 and Section 307(a).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:869 (May 1999), repealed LR 42:

§1219. Title III-B Supportive Services and Senior Centers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 321 and 45 CFR 1321.63.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:869 (May 1999), repealed LR 42:

§1223. Title III-C Nutrition Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(13), Section 313, and Section 336.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 15:384 (May 1989), LR 16:505 (June 1990), LR 24:1930 (October 1998), LR 28:1016 (May 2002), repealed LR 42:

§1225. Legal Assistance Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(15), and Section 307(a)(18).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:869 (May 1999), LR 28:1016 (May 2002), repealed LR 42:

§1227. Information and Assistance Service Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(9), and Section 306(a)(4).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:869 (May 1999), repealed LR 42:

§1229. Office of the Long Term Care Ombudsman

A. Purpose. The purpose of the Louisiana Office of the Long Term Care Ombudsman is to ensure that residents of long term care facilities receive the quality of life to which they are entitled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:2010.4 and OAA Section 307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:35 (January 1985), LR 11:1078 (November 1985), LR 13:742 (December 1987), LR 15:379 (May 1989), LR 17:600 (June 1991), repromulgated LR 17:661 (July 1991), amended LR 18:267 (March 1992), LR 24:1928 (October 1998), LR 28:1018 (May 2002), LR 42:

§1231. Senior Community Service Employment Program

A. Purpose. The purpose of the Senior Community Service Employment Program is to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 501, 20 CFR Part 674 and 20 CFR Part 89.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 24:1766 (September 1998), LR 28:1018 (May 2002), LR 42:

§1233. State Funded Senior Center Operation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932 and R.S. 43:1119.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 15:384 (May 1989), LR 25:870 (May 1999), repealed LR 42:

§1235. Federally Funded Multipurpose Senior Centers Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932, 45 CFR 1321.75, OAA Sec. 307, 312, and 321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:735 (July 1992), repealed LR 42:

§1239. Protective Services for the Elderly

A. Overview of Elderly Protective Services

1. Purpose. The purpose of protective services is to protect adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm through action or inaction by themselves or by the individuals responsible for their care or by other persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 19:327 (March 1993), amended LR 20:543 (May 1994), LR 24:1763 (September 1998), LR 42:

§1241. Eldercare/Case Management

Repealed.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(2) and Section 307(a)(5).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1376 (December 1992), repealed LR 42:

§1243. Frail Elderly Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:937.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 19:1422 (November 1993), repromulgated LR 20:48 (January 1994), repealed LR 42:

§1245. Family Caregiver Support Program

A. Purpose. The purpose of the Family Caregiver Support Program is to provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as Amended in 2000, (P. L. 106-501); and 42 U.S.C. 6001.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 27:1518 (September 2001), amended LR 31:1331 (June 2005), LR 42:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, ability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have any impact on:

1. household income, assets, and financial security;
2. early childhood or educational development;
3. employment and workforce development;
4. taxes and tax credits;
5. child and independent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule is not anticipated to have an adverse impact on small business as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rulemaking is not anticipated to have an impact on providers of services funded by the state as described in HCR170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments on these proposed Rule changes until 4:30 p.m., June 28, 2016, to Margaret McGarity, Office of Elderly Affairs, P.O. Box 61, Baton Rouge, LA 70821, or fax: (225) 342-7133.

Public Hearing

A public hearing on this proposed Rule is scheduled for Tuesday June 28, 2016 at 2 p.m. in the conference room located on the fourth floor at 525 Florida Street, Baton Rouge, LA 70801.

Karen J. Ryder
Deputy Assistant Secretary

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

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

The proposed rule amends LAC 4, Part VII, Chapter 11, and Sections 1101, 1151, 1203, 1229, 1231, 1239 and 1245 as well as repeals Sections 1103-1143, 1153- 1227, 1233- 1235 and 1241-1243. The amended and repealed sections contain outdated Federal and State statutes and laws, programs that are no longer being performed by the Governor’s Office of Elderly Affairs (GOEA), and programs that may conflict with current rules promulgated by other departments. The proposed rule clarifies the requirements for Area Agencies on Aging (AAAs) and parish Councils on Aging (COAs) regarding procedures as a result of amending and repealing these sections. In the future, GOEA will utilize their policy manual, which will have the current Federal and State statutes and regulations, and update the manual when new legislation is passed.

The only cost associated with this proposed rule is the cost of publishing rulemaking. This is a one-time cost that is routinely included in the agency’s operating budget.

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

The proposed rule does not impact revenue collections of state or local governmental units.

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

The proposed rule does not impact costs or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule does not impact competition or employment.

Karen J. Ryder
Deputy Assistant Secretary
1605#029

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Behavior Analyst Board

Continuing Education for Licensed Behavior Analysts and State Certified Assistant Behavior Analysts (LAC 46:VIII.Chapter 8)

This Rule establishes the requirements for each licensed behavior analyst and state certified assistant behavior analyst to complete continuing education hours within biennial reporting periods beginning in December 2016. Continuing education is an ongoing process consisting of learning activities that increase professional development.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VIII. Behavior Analysts

Chapter 8. Continuing Education Requirements for Licensed Behavior Analysts and State Certified Assistant Behavior Analysts

§801. Preface

A. Pursuant to R.S. 37:3713, each licensed behavior analyst and state certified assistant behavior analyst is required to complete continuing education hours within biennial reporting periods. Continuing education is an ongoing process consisting of learning activities that increase professional development. Continuing professional development activities:

1. are relevant to the practice of behavior analysis, education and science;
2. enable behavior analysts to keep pace with emerging issues and technologies; and
3. allow behavior analysts to maintain, develop, and increase competencies in order to improve services to the public and enhance contributions to the profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§803. Requirements

A. For the reporting periods that begin December 2016 and henceforth, 32 credits of continuing professional development will be required in the biennial reporting period for licensed behavior analysts and 20 credits for state certified assistant behavior analysts. The hours must conform to the distribution listed below.

B. Within each reporting period, four of the required hours or credits of continuing professional development must be within the area of ethics.

C. Licensees can accumulate continuing professional development credits in six categories:

1. Academic:
 - a. completion of graduate level college or university courses. Course content must be entirely behavior analytic. Courses must be from a United States or Canadian institution of higher education fully or provisionally accredited by a regional, state, provincial or national accrediting body, or approved by the board;

b. one academic semester credit is equivalent to 15 hours of continuing education and one academic quarter credit is equivalent to 10 hours of continuing education. Any portion or all of the required number of hours of continuing education may be applied from this category during any two-year certification period;

c. required documentation is a course syllabus and official transcript.

2. Traditional approved events:

a. completion of events sponsored by providers approved by the Behavior Analyst Certification Board. Any portion or all of the total required number of hours of continuing education may be applied from this category during any three-year certification period;

b. required documentation is a certificate or letter from the approved continuing education (ACE) provider.

3. Non-approved events:

a. completion or instruction of a seminar, colloquium, presentation, conference event, workshop or symposium not approved by the BACB, only if they relate directly to the practice of behavior analysis. A maximum of 25 percent of the total required number of hours of continuing education may be applied from this category during any two-year certification period;

b. required documentation is an attestation signed and dated by the certificant;

c. approval of these events is at the discretion of the board.

4. Instruction of continuing education events:

a. instruction by the applicant of a category 1 or 2 continuing education events, on a one-time basis for each event, provided that the applicant was present for the complete event. A maximum of 50 percent of the total required number of hours of continuing education may come from this category during any two-year certification period;

b. required documentation is a letter from the department chair on letterhead from the university at which a course was taught or a letter from the approved continuing education (ACE) provider's coordinator.

5. Passing BACB exam:

a. passing, during the second year of the applicant's certification period, the BACB certification examination appropriate to the type of certification being renewed. LBA's may only take the BCBA examination; SCABA's may only take the BCaBA examination for continuing education credit. Passing the appropriate examination shall satisfy the continuing education requirement for the current recertification period;

b. required documentation is a verification letter of passing score from the BACB.

6. Scholarly activities:

a. publication of an ABA article in a peer-reviewed journal or service as reviewer or action editor of an ABA article for a peer reviewed journal. A maximum of 25 percent of the total required number of hours of continuing education may come from this category during any two-year certification period. The credit will only be applied to the recertification cycle when the article was published or reviewed:

i. one publication = 8 hr.;

ii. one review = 1 hr.;

b. required documentation is a final publication listing certificant as author, editorial decision letter (for action editor activity), or letter of attestation from action editor (for reviewer activity).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§805. Extensions/Exemptions

A. Licensees on extended active military service outside the state of Louisiana during the applicable reporting period and who do not engage in delivering behavior analysis services within the state of Louisiana may be granted in extension or an exemption if the board receives a timely confirmation of such status.

B. Licensees who are unable to fulfill the requirement because of illness or other personal hardship may be granted an extension or an exemption if timely confirmation of such status is received by the board.

C. Newly licensed behavior analysts or state certified assistant behavior analysts are exempt from continuing professional development requirements for the remainder of the year for which their license or certification is granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§807. Noncompliance

A. Noncompliance shall include, in part, incomplete reports, unsigned reports, failure to file a report, and failure to report a sufficient number of acceptable continuing professional development credits.

B. Failure to fulfill the requirements of the continuing professional development Rule shall cause the license to lapse pursuant to §402 of this Part.

C. If the licensee fails to meet continuing professional development requirements by the appropriate date, the license shall be regarded as lapsed at the close of business December 31 of the year for which the licensee is seeking renewal.

D. The Louisiana Behavior Analyst Board shall serve written notice of noncompliance on a licensee determined to be in noncompliance. The notice will invite the licensees to request a hearing with the board or its representative to claim an exemption or to show compliance. All hearings shall be requested by the licensee and scheduled by the board in compliance with any time limitations of the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§809. Reinstatement

A. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing professional development requirements applicable through the date of reinstatement and upon payment of all fees due under R.S. 37:3714.

B. After a period of two years from the date of lapse of the license, the license may be renewed by payment of a fee equivalent to the application fee and renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3713-3714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

Family Impact Statement

The behavior analyst board hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule and adoption of the Rule related to continuing education is being implemented to guarantee the licensing authority can safeguard the public welfare of this state and will have no known foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personality responsibility of children; or 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 creates a new Rule, LAC 46:VIII, Chapter 8. The 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.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Rhonda Boe, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 p.m. on June 10, 2016.

Rhonda Boe
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Continuing Education for Licensed Behavior Analysts and State Certified Assistant Behavior Analysts

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

Act 351 of the 2013 Legislative Session, effective August 1, 2013, created the Louisiana Behavior Analyst Board and allowed for the establishment of licensure, certification, registration, continuing education, and practice requirements of Behavior Analysts, Assistant Behavior Analysts, and Line Technicians. The proposed rule codifies and establishes

requirements pertaining to continuing education rules for Licensed Behavior Analysts and State Certified Assistant Behavior Analysts. The estimated implementation cost for this rule is approximately \$275 in FY16 related to publishing the proposed and final rule in the *Louisiana Register*.

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

There is no estimated effect on revenue collections of state or local governmental units. This rule does not impose a fee or financial obligations on Licensed Behavior Analysts or State Certified Assistant Behavior Analysts.

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

The proposed rule establishes guidelines for acceptable continuing education to maintain competence in the area where the individual is currently licensed or certified in the best interest of public protection. The costs to licensed analysts will vary depending on the continuing education choices of each individual. There are currently 149 Licensed Behavior Analysts and approximately 4 State Certified Assistant Behavior Analysts. Guidelines for acceptable continuing education may provide economic benefit to individuals practicing in the field of behavior analysis to the degree that such guidelines bolsters public confidence in the area of practice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Individuals performing behavior analysis services will be responsible for adhering to all guidelines for acceptable continuing education, including documentation, and will be subjected to random audits conducted by the board. Individuals failing to meet proper requirements and/or provide necessary documentation may be unable to continue to work in the field of behavior analysis or may endanger their licensure status.

Rhonda Boe
Executive Director
1605#026

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Behavior Analyst Board**

Ethical Standards
Professional and Ethical Compliance Code
(LAC46:VIII.Chapter 10)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Louisiana Behavior Analyst Board intends to promulgate §1001 to provide authority to enforce ethical standards.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part VIII. Behavior Analysts

Chapter 10. Ethical Standards

§1001. Professional and Ethical Compliance Code

A. The Louisiana Behavior Analyst Board incorporates by reference and maintains that licensed behavior analysts, state certified assistant behavior analysts and registered line technicians shall follow the national Behavior Analyst Certification Board's (hereinafter referred to as BACB's) *Professional and Ethical Compliance Code*, approved by the

BACB's Board of Directors on August 7, 2014, with an effective date of January 1, 2016. This code serves as the BACB's guide on ethical matters and as the basis for disciplinary complaints and will also be the Louisiana Behavior Analyst Board's (hereinafter referred to as LBAB) guide on ethical matters and as such enforceable by the LBAB. The information regarding the code can be found on the BACB's official web site, bacb.com, under the ethics section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

Family Impact Statement

The Behavior Analyst Board hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule and adoption of the Rule related to continuing education is being implemented to guarantee the licensing authority can safeguard the public welfare of this state and will have no known foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personality responsibility of children; or 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 creates a new rule, LAC 46:VIII. Chapter 10. The 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.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Rhonda Boe, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 p.m. on June 10, 2016.

Rhonda Boe
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Ethical Standards Professional and Ethical Compliance Code

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

Act 351 of the 2013 Legislative Session, effective August 1, 2013, created the Louisiana Behavior Analyst Board and allowed for the establishment of licensure, certification, registration, continuing education, and practice requirements of Behavior Analysts, Assistant Behavior Analysts, and Line Technicians. The proposed rule codifies and establishes a guide on maintaining the required ethical standards for Licensed Behavior Analysts, State Certified Assistant Behavior Analysts, and Registered Line Technicians. The estimated implementation cost for this rule is approximately \$175 in FY16 related to publishing the proposed and final rule in the *Louisiana Register*.

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

There is no estimated effect on revenue collections of state or local governmental units. This rule does not impose a fee or financial obligations on Licensed Behavior Analysts, State Certified Assistant Behavior Analysts, or Registered Line Technicians.

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

There are currently 152 Licensed Behavior Analysts, 4 State Certified Assistant Behavior Analysts, and approximately 900 Registered Line Technicians. The proposed rule codifies and establishes a guide on maintaining the required ethical standards for Licensed Behavior Analysts, State Certified Assistant Behavior Analysts, and Registered Line Technicians. Guidelines for ethical standards may provide economic benefit to individuals practicing in the field of behavior analysis to the degree that such guidelines bolster public confidence in the area of practice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Individuals performing behavior analysis services will be responsible for complying with all the guidelines for ethical standards. Individuals failing to maintain these ethical standards may be unable to continue to work in the field of behavior analysis or may endanger their licensure status.

Rhonda Boe
Executive Director
1605#025

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Social Work Examiners

Credentialed Social Workers—Standards of Practice and Minimum Supervision Requirements
(LAC 46:XXV.111, 113, 115, 301, 317, 503, and 507)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:2705(C)1, that the Louisiana State Board of Social Work Examiners intends to

promulgate rules relative to signing off on work performed by social work student, as well as to prohibit social workers from accessing records of a person the social worker is not treating. It intends to amend the prohibition of sexual harassment to include colleagues. The board proposes to revise §115.D.2 in response to changes to the *Children's Code* that exempts social workers on a legal defense team for juveniles as mandatory reporters. The board proposes to add definitions to address electronic social work practice and to define sexual harassment. Additions to continuing education are being proposed to allow social workers in specific circumstances to complete all continuing education via distance learning, as well as to add two more approved learning situations. Changes to Chapter 5 are proposed to remove old language and to clarify current requirements. In §507, the board's intention is to clarify that social workers that lose their BACS cannot supervise for LCSW, as well as, add requirements for reissuing BACS that is less rigorous than to become a BACS.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXV. Credentialed Social Workers

Chapter 1. Standards of Practice

§111. Practice Requirements

A. - G.3. ...

4. Social work students in field placement are specifically allowed to provide services under supervision. Social work supervisors who do cosign records shall indicate his/her supervisory function.

5. - 6. ...

7. A social worker shall not access records of a client they are not treating without legitimate purpose.

H. - H.3. ...

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 26:296 (February 2000), amended LR 37:2615 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 42:

§113. Social Work Relationships

A. - B.2. ...

3. Sexual Intimacy or Contact with a Client, Supervisee or Student. A social worker shall not engage in or request sexual intimacy or contact as defined in §113.B.5, with a client, a client's spouse or former spouse, any member of the client's immediate family or with any person with whom the client has a sexual relationship. The prohibition of this rule extends to supervisees and students during such times and under such circumstances where the social worker is in a supervisory or teaching relationship. This rule also expressly prohibits social workers from engaging in any behavior which a reasonable person would find sexually stimulating, seductive or sexually demeaning when such behavior is either directed toward or exhibited in the presence of any person with whom sexual contact is otherwise prohibited by this rule. Social workers shall not sexually harass a client, colleague, supervisee or student.

4. - 9. ...

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 26:297 (February 2000), amended LR 29:2381 (November 2003), LR 34:246 (February 2008), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 42:

§115. Client Confidentiality

A - D.1. ...

2. where communications to the social worker reveal abuse or neglect of children and elders which impose an obligation on social workers as mandatory reporters under the *Louisiana Children's Code* article 609, R.S. 14:403, and R.S. 14:403.2; this excludes social workers on legal defense team for juveniles as defined by article 603(b) of the *Louisiana Children's Code*;

D.3. - H. ...

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 26:298 (February 2000), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 42:

Chapter 3. General Provisions

§301. Definitions

* * *

Electronic Social Work Practice—use of computers (including the internet, social media, on line chat, text, and email) and other electronic means (such as smartphones, landline telephones and video technology) to:

1. provide information to the public;
2. deliver social work services to clients;
3. communicate with clients;
4. manage confidential information and case records;
5. store and access information about clients; and
6. arrange payment for professional services.

* * *

In-Person—interactions in which the social worker and the client are in the same physical space and does not include interactions that may occur through the use of technology.

* * *

Remote—provision of a service that is received at a different site from where the social worker is physically located. Remote includes no consideration related to distance and may refer to a site near to or far from the social worker.

Sexual Harassment—sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

* * *

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 26:300 (February 2000), amended LR 34:247 (February 2008), LR 37:2616 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 42:

§317. Continuing Education Requirements

A. - F.2. ...

3. The board may grant a social worker approval to complete more than 10 hours of continuing education via distance learning in the case of catastrophic medical condition. The licensee shall provide sufficient documentation for such an action.

4. The board may grant a social worker approval to complete more than 10 hours of continuing education via distance learning if the social worker resides out of United States territories where no in-person continuing education is available. The licensee shall provide sufficient documentation for such an action.

G. - L.I.c. ...

M. The following learning forums are approved for continuing education and must contain content applicable to social work practice:

1. - 11. ...

12. reading books or journal articles with content applicable to social work and followed by a face-to-face discussion as part of an organized workshop. A maximum of one hour credit can be obtained from reading a book if the social worker, signs a statement that he/she read the book, attends the discussion about the book, and passes the pre-test administered prior to the face-to-face discussion with at least 70 percent. The one hour credit for reading is considered distance learning. Credit for the discussion counts as actual time spent in the discussion and counts as in-person continuing education;

13. viewing documentary film with content applicable to social work practice not deemed for general public and followed by a face-to-face discussion. Film shall be pre-approved by LABSWE and must rate a 10 or higher on the guide for assessment of continuing education to qualify for continuing education credit;

14. social workers should be doing consistent independent study. However, such study does not meet the goal of increasing professional relationships and networks. Consequently independent study must receive pre-approval from the board.

N. - P. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C) and (G) and 37:2714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 (February 2000), amended LR 29:2385 (November 2003), LR 34:248 (February 2008), LR 37:2618 (September 2011), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 42:

Chapter 5. Minimum Supervision Requirements

§503. LMSWs Seeking the LCSW Credential

A. - B. ...

C. LMSWs seeking the LCSW credential must complete a minimum of 5,760 hours of postgraduate social work practice and at least 3,840 hours of that postgraduate social work practice must be under the supervision of a board approved clinical supervisor (BACS).

D. The requirement for supervision is at least 2 hours of face-to-face supervision with a BACS during every 80 hours increment of postgraduate social work practice. This hourly supervision requirement applies to each consecutive increment of 80 hours of social work practice. Postgraduate social work practice which exceeds 80 consecutive hours of practice without at least two hours of face-to-face BACS supervision will not be credited to the 3,840 hours of supervised practice.

E. Face-to-face supervision for licensure must total at least 96 hours.

F. A minimum of one session per month is required. Supervision segments of no fewer than 30 minutes and no longer than 2 hours per day will be counted toward meeting the supervision requirement.

G. One-half (48 hours maximum) of the supervision requirement may be met through group supervision, occurring in increments of no more than 2 hours per group. No more than five supervisees may be involved in supervision groups.

H. School social workers shall count hours of postgraduate social work practice and supervision that occurs when they are employed in a social work position.

I. The supervisee and supervisor shall keep accurate records of both the dates of supervision sessions and the time spent in supervision. This information shall be submitted to the board office on the supervision form entitled *Record of Supervision*.

J. The supervisor has a professional responsibility to honor his/her commitment to supervise responsibly, which includes submitting forms on a timely basis. Should the supervisor fail to submit forms appropriately, and on a timely basis, the board reserves the right to withdraw the BACS designation from the supervisor.

K. A supervisory record shall include:

1. supervision agreement and plan for supervision;
2. learning assessment of supervisee;
3. record of all supervisory sessions, and any canceled or missed appointments;
4. overview of cases discussed, as well as significant decisions made;
5. any ethical concerns;
6. significant problems arising in supervision, and how they were resolved;
7. memos and correspondence;
8. for all above data, dates completed and person completing the item.

L. To register her/his intent to initiate supervision, the LMSW must submit the completed registration of supervision form.

M. The individual completing supervision shall:

1. use the following forms to submit their supervision to the board office:
 - a. supervision agreement/plan of supervision;
 - b. employment verification;
 - c. record of supervision;
 - d. evaluation of supervision;
 - e. professional experience verification record;
2. submit legible forms. Preferably, material on forms should be typed, but if not typed, the forms must be printed neatly and legibly. Forms which are not legible will be returned;
3. submit original, unaltered supervision forms to the board office. Copies, faxes, or forms with any alterations (such as white-out or mark-outs) will not be accepted.

N. The original supervision agreement/plan of Supervision must be submitted to the board office within 60 days of the first supervision session. A supervision

agreement shall be submitted on each supervision experience, such as a change in employment and/or a change in supervisor.

O. The supervision agreement/plan of supervision will be reviewed and revisions may be required. Revisions shall be submitted to the board office within 30 days of receipt by the supervisee/supervisor. The supervisee and supervisor will be mailed a letter confirming board approval of the supervision agreement/plan of supervision, as well as the beginning date of supervision credit.

P. When supervision is provided to a LMSW by a LCSW-BACS supervisor, not an agency employee, social work ethics require that the LCSW-BACS take responsibility for securing agency agreement to the plan of supervision, whether the fee for supervision is paid by the agency or the supervisee.

1. The LCSW-BACS is responsible for clarifying with the agency administration, the supervisory role responsibilities and the content of supervision.

2. Under such a plan the supervisee's written evaluation is made available to the agency if the agency is paying for the supervision. If the supervisee is paying the fee, the evaluation is the supervisee's property.

Q. The supervisee shall submit an employment verification form from each place of social work employment after she/he receives the MSW degree. The form shall be completed by the employer, not the supervisor (unless the employer and the supervisor are one and the same).

R. An evaluation of supervision form shall be submitted to the board office at the end of the supervisory period. Sometimes it is necessary for a supervisor to discontinue supervising a LMSW for licensure. When this occurs, no matter what length of time the supervisor actually supervised the supervisee, the supervisor must submit an evaluation of supervision form.

S. The professional experience verification record shall be submitted to the board office from each place of employment to verify dates employed and the hours of social work practice completed during the time employed. The professional experience verification record shall be completed by the employer(s).

T. If the LMSW receives supervision outside of the state of Louisiana, that supervision will be accepted if:

1. the supervisor has completed the authorized forms of the Louisiana State Board of Social Work Examiners; and

2. the supervisor is licensed at the time of supervision at a level substantially equivalent to a LCSW-BACS in the other state and submits the license verification of out-of-state supervisor form (available from board office).

3. Repealed.

U. The board's publication, *Supervision for Professional Development and Public Protection: A Guide*, provides more information relative to supervision.

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 26:307 (February 2000), amended LR 29:2387 (November 2003), LR 34:1402 (July 2008), LR 37:2620 (September 2011),

amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 40:306 (February 2014), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 42:

§507. Board-Approved Clinical Supervisor

A. - B.3. ...

4. If LCSW loses BACS because of missed training, he/she must cease supervising LMSWs for LCSW.

C. To reinstate BACS designation, the social worker must:

1. complete three hours of continuing education in the area of clinical supervision;

2. complete a board orientation workshop.

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 26:308 (February 2000), amended LR 29:2388 (November 2003), LR 34:249 (February 2008), amended by the Department of Health and Hospitals, Board of Social Work Examiners, LR 42:

Family Impact Statement

The proposed changes have no anticipated adverse impact on the family.

Poverty Impact Statement

The proposed rulemaking will have no impact as described in R.S. 49:973.

Provider Impact Statement

The proposed rulemaking has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments to Emily DeAngelo, Administrator, by mail at 18550 Highland Road, Suite B, Baton Rouge, LA 70809, email at edeangelo@labswe.org or fax at (225) 756-3472. Written comments will be accepted until 4:30 p.m. on June 17, 2016.

Emily DeAngelo
Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Credentialed Social Workers Standards of Practice and Minimum Supervision Requirements

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

There are no anticipated implementation costs or savings to the Board of Social Work Examiners, state, or local government units. The proposed rule changes prohibit sexual harassment, to clarify current language, to remove outdated or inapplicable rules, and to amend rules regarding continuing education.

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

There is no anticipated impact on revenue collections of state or local government units as a result of the proposed rule changes.

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

The proposed rule changes do not provide for additional penalties or costs to individuals.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no anticipated impact on competition and employment.

Emily DeAngelo
Administrator
1605#035

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Disproportionate Share Hospital Payments
Mental Health Emergency Room Extensions
(LAC 50:V.2711)**

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to repeal LAC 50:V.2711 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 and Hospitals, Bureau of Health Services Financing amended the provisions governing disproportionate share hospital (DSH) payments for mental health emergency room extensions (MHEREs) in order to change the deadline for hospitals that established a MHERE to sign an agreement to participate for reimbursement of uncompensated care costs for psychiatric services (*Louisiana Register*, Volume 36, Number 8).

As a result of a budgetary shortfall in state fiscal year 2015, the department determined that it was necessary to amend the provisions governing DSH payments to eliminate payments for MHEREs (*Louisiana Register*, Volume 41, Number 3). This proposed Rule is being promulgated in order to continue the provisions of the March 5, 2015 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 27. Qualifying Hospitals

§2711. Mental Health Emergency Room Extensions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1628 (August 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1781 (August 2010), repealed LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this

proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution 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, but may increase the total direct and indirect cost to the provider to provide the same level of service due to the elimination of these payments. The proposed Rule may also have a negative impact on the provider's ability to provide the same level of service as described in HCR 170 if the elimination of these payments adversely impacts the provider's financial standing.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, June 29, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

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

**RULE TITLE: Disproportionate Share Hospital
Payments—Mental Health Emergency Room Extensions**

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

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic savings of \$2,387,991 for FY 15-16, \$2,382,525 for FY 16-17 and \$2,370,531 for FY 17-18. It is anticipated that \$432(\$216 SGF and \$216 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16, 62.26 percent in FY 16-17 and 62.45 percent in FY 17-18.

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

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$3,924,575 for FY 15-16, \$3,930,473 for FY 16-17 and \$3,942,467 for FY 17-18. It is anticipated that \$216 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent

in FY 15-16, 62.26 percent in FY 16-17 and 62.45 percent in FY 17-18.

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

This proposed Rule continues the provisions of the March 5, 2015 emergency rule which amended the provisions governing disproportionate share hospital (DSH) payments to eliminate payments for mental health emergency room extensions. It is anticipated that implementation of this proposed rule will reduce programmatic expenditures for DSH payments by approximately \$6,312,998 for FY 15-16, \$6,312,998 for FY 16-17 and \$6,312,998 for FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition. However, it is anticipated that the implementation of this proposed rule may have a negative effect on employment as it will reduce the payments made for DSH payments. The reduction in payments may adversely impact the financial standing of providers and could possibly cause a reduction in employment opportunities.

Jen Steele
Interim Medicaid Director
1605#059

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Early and Periodic Screening, Diagnosis and Treatment
School-Based Nursing Services
(LAC 50:XV.9501)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:XV.9501 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 and Hospitals, Bureau of Health Services Financing promulgated a Rule which adopted provisions to establish reimbursement and coverage for school-based nursing services rendered to all children enrolled in Louisiana schools (*Louisiana Register*, Volume 39, Number 10).

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) recently issued guidance which removed the requirement that school-based nursing services be included on the individualized education plan (IEP) to be reimbursed by Medicaid.

As a result of the CMS guidance, the department promulgated an Emergency Rule to amend the provisions governing school-based nursing services covered in the EPSDT Program to remove the IEP requirement (*Louisiana Register*, Volume 41, Number 6). This proposed Rule is being promulgated to continue the provisions of the July 1, 2015 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 95. School-Based Nursing Services

§9501. General Provisions

A. - B. ...

C. School-based nursing services shall be covered for all recipients in the school system.

D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2760 (October 2013), amended LR 42:

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.

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 Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, June 29, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

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

**RULE TITLE: Early and Periodic Screening, Diagnosis
and Treatment—School-Based Nursing Services**

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

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic costs of \$2,701,855 for FY 15-16, \$3,369,082 for FY 16-17 and \$3,352,120 for FY 17-18; however, the state match shall be funded through an intergovernmental transfer of non-state funds from local governmental entities to the department to secure federal match to fund the increase in payments. It is anticipated that \$324 (\$162 SGF and \$162 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16, 62.26 percent in FY 16-17 and 62.45 percent for FY 17-18.

**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 \$4,440,136 for FY 15-16, \$5,558,002 for FY 16-17 and \$5,574,964 for FY 17-18. It is anticipated that \$162 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16, 62.26 percent in FY 16-17 and 62.45 percent in FY 17-18.

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

This proposed Rule continues the provisions of the July 1, 2015 Emergency Rule which amended the provisions governing school-based nursing services covered in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program to remove the individualized education plan (IEP) requirement. It is anticipated that implementation of this proposed rule will increase programmatic expenditures for school-based nursing services by approximately \$7,141,667 for FY 15-16, \$8,927,084 for FY 16-17 and \$8,927,084 for FY 17-18.

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

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jen Steele
Interim Medicaid Director
1605#060

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Facility Need Review
Major Alterations
(LAC 48:I.12537)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 48:I.12537 in the Medical Assistance Program as authorized by R.S. 36:254. This proposed Rule is promulgated in

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

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the Facility Need Review Program (FNR) in order to remove outpatient abortion facilities from the FNR process, and to correct the formatting of §12503 as a result of the promulgation of a January 20, 2015 Rule governing the FNR process (*Louisiana Register*, Volume 41, Number 10).

The department has now determined that it is necessary to amend the provisions governing the FNR program in order to provide exceptions pertaining to the expiration of facility need review approvals for beds that are de-licensed and decertified when facilities undergo major alterations.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Facility Need Review

Subchapter F. Exception Criteria for Bed Approvals

§12537. Temporary Inactivation Due to Major

Alterations

A. A licensed nursing facility, ICF/ID or level IV ARCP which is undergoing major alterations to its physical plant may request a temporary inactivation of a certain number of the facility's facility need review (FNR) bed approvals provided that:

1. the nursing facility, ICF/ID or level IV ARCP submits a written request to the licensing agency of the department seeking temporary inactivation of a certain number of its FNR bed approvals. Such written request shall include the following:

a. a statement that the nursing facility, ICF/ID or level IV ARCP is undergoing major alterations to ensure or enhance the health, safety and welfare of the residents;

b. a statement that the major alterations to the nursing facility, ICF/ID or level IV ARCP will cause a certain number of beds to be de-licensed and decertified;

c. an attestation that the alterations are the sole causal factor in the request for temporary inactivation of the FNR bed approvals;

d. the anticipated start date of the temporary inactivation of the FNR bed approvals;

e. the anticipated end date of the temporary inactivation of the FNR bed approvals; and

f. the number of FNR bed approvals requested to be inactivated temporarily;

2. upon receiving a completed written request by a facility for temporary inactivation of a certain number of FNR bed approvals, the department shall review the request to determine whether the request satisfies the requirements of this Section. If the requirements of this Section are met, the department shall issue a notice of temporary inactivation of a certain number of the facility's FNR bed approvals;

3. upon completion of the major alterations, the facility shall submit to the department a completed written request to reinstate the FNR bed approvals that were inactivated due to the major alterations to the facility;

NOTE: The FNR bed approvals capacity, after major alterations are completed, shall not exceed the FNR bed approvals capacity of the nursing facility, ICF/ID or Level IV ARCP at the time of the request to temporarily inactivate a

certain number of its FNR bed approvals prior to the major alterations.

4. the provisions of this Subsection shall not apply to a nursing facility, ICF/ID or Level IV ARCP which has voluntarily surrendered its license or has voluntarily disenrolled the facility's beds from Medicaid;

5. there shall be no effect upon the Medicaid reimbursement rate of a nursing facility or an ICF/ID that is undergoing major alterations pursuant to this rule during the period of the inactivation of the FNR approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

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.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, June 29, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Facility Need Review Major Alterations

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$540 (SGF) will be expended in FY 15-16 for the state's administrative expense for the promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

This proposed Rule amends the provisions governing the Facility Need Review (FNR) program in order to provide exceptions pertaining to the expiration of FNR approvals for beds that are delicensed and decertified when facilities undergo major alterations. It is anticipated that the implementation of this proposed rule will have no economic costs, but will be beneficial to nursing facilities, ICFs/ID or Level IV ARCPs by allowing them to temporarily inactivate a certain number of licensed beds while the facility undergoes major alterations without having to undergo the FNR process again when the beds are placed back into use.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello
Section Director
1605#061

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Physical Therapy Board

License Application Requirements; Renewal of License;
Reinstatement of Lapsed License; Course Review
Requirements; Content Criteria; and Fees
(LAC 46:LIV.151, 181, 187, 193, 195 and 501)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:2405, that the Louisiana Physical Therapy Board proposes to amend Professional and Occupational Standards: Physical Therapy Board, LAC 46:LIV.151, 181, 187, 193 and 195 and 501.

The amendments to LAC 46:LIV.151, 181 and 187 are strictly a clean-up effort to remove references to specific fees and add a cross-reference to §501, where all fees have been moved. The amendments to LAC 46:LIV.193, 195 and

501 apply to course sponsors seeking course approval by the Louisiana Physical Therapy Board, as well as all Louisiana physical therapy and physical therapy assistant licensees. LAC 46:LIV.193 amends course review requirements to allow course sponsors to submit courses for review in advance of presentation, as well as following presentations. The amendment also allows for automatic approval of courses provided by certain sponsors, and provides for more time for individual licensees to submit coursework for individual approval. Amendment to LAC 46:LIV.195 provides better clarification for content of coursework that is approved and broadens the scope of university coursework that can be used for credit toward continuing education requirements of renewal. Authorized by R.S. 37:2424, the amendments to LAC 46:LIV.501 add fees related to continuing education approval, which were previously found in §§193 and 195, and also amends the amount of the license application fee and license renewal fee.

This amendment is proposed in response to the decision made by the majority of members at the board meetings held February 18 and March 16, 2016. The basis and rationale for the proposed Rule are to comply with R.S. 37:2405.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIV. Physical Therapy Board

Subpart 1. Licensing and Certification

Chapter 1. Physical Therapists and Physical Therapist Assistants

Subchapter F. License Application

§151. Requirements [Formerly §125]

A. - B.4. ...

5. the application fees due from an applicant shall follow the fee schedule described in §501.

C. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2413 and Act 535 of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Physical Therapy Examiners, LR 13:745 (December 1987), amended by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 15:387 (May 1989), LR 17:663 (July 1991), LR 19:208 (February 1993), LR 26:1444 (July 2000), amended by the Physical Therapy Board, LR 37:3040 (October 2011), LR 42:

Subchapter I. License Issuance, Termination, Renewal, Reinstatement

§181. Renewal of License [Formerly §165]

A. ...

B. Renewal applications received by March 31 shall be assessed a renewal fee pursuant to §501. Renewal applications received after March 31 and before April 30 shall be assessed a late renewal fee, pursuant to §501, as provided by law. Renewal applications received after April 30 shall be deemed as applications for license reinstatement pursuant to §185.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2417 and Act 535 of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Physical Therapy Examiners, LR 13:748 (December 1987), amended by the Department of Health and Hospitals, Board of Physical Therapy

Examiners, LR 15:388 (May 1989), LR 17:664 (July 1991), amended by the Physical Therapy Board, LR 37:3044 (October 2011), LR 42:

§187. Reinstatement of Lapsed License [Formerly §167]

A. - B.1. ...

2. the late renewal fee, pursuant to §501;

3. the reinstatement fee, pursuant to §501; and

4. an explanation for the failure to timely renew his license.

C. - E.1. ...

2. the renewal fee, pursuant to §501;

3. the reinstatement fee, pursuant to §501;

E.4. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2405(A) and Act 535 of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Physical Therapy Examiners, LR 13:748 (December 1987), amended by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 15:388 (May 1989), LR 28:1979 (September 2002), LR 34:1907 (September 2008), amended by the Physical Therapy Board, LR 37:3045 (October 2011), LR 42:

Subchapter J. Continuing Education

§193. Course Review Requirements [Formerly §169]

A. Courses and activities approved by the board will be posted on the board website and will indicate the hours of credit which may be earned and the classification of the course.

B. ...

C. Proposed continuing education courses or activities shall be submitted to the board for approval on a form provided on the board website. Generally, courses or activities of longer duration will require more time for review than courses of short duration.

D. Courses and activities sponsored by the APTA, Louisiana Physical Therapy Association, and by any Louisiana CAPTE accredited program that meet the content criteria described in §195 are automatically approved by the board for continuing education credits toward the biennial requirements for licensees described in §194.

E. Review charge for APTA, LPTA, and Louisiana CAPTE accredited program sponsors will be waived. A fee schedule for all other course review is described in §501.

F. Courses or activities not approved by the board may generate acceptable continuing education credits for licensees under these circumstances:

1. the licensee submits an application for approval of the course or activity using the form provided on the board website;

2. the course or activity submitted for approval shall only be considered for the licensee who submits for approval;

3. in no case will such application for course or activity approval be considered during the last 60 days of the requestor's license term.

G. Course or activity sponsors may be required to submit to the board verified records of attendance and completion of a sponsored course or activity. No licensee shall receive credit for time not actually spent attending the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2405(B)(7) and Act 535 of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 15:388 (May 1989), amended LR 17:664 (July 1991), LR 19:20-8 (February 1993), LR 21:394 (April 1995), LR 21:1243 (November 1995), LR 16:1446 (July 2000), LR 28:1980 (September 2002), LR 34:1907 (September 2008), amended by the Physical Therapy Board, LR 37:3046 (October 2011), LR 42:

§195. Content Criteria
[Formerly §169]

A. Program content must be easily recognizable as pertinent to the physical therapy profession and in the areas of ethics, professional responsibility, clinical application, clinical management, behavioral science, science, or risk management. It should contain evidence-based information related to the practice of physical therapy and clinical outcomes. Course or activity content shall address physical therapy competence and practice and shall be designed to meet one of the following goals.

1. - 3. ...

4. facilitate personal contribution to the advancement of the profession.

B. - B.3.c. ...

d. coursework in a postgraduate physical therapy curriculum, transitional DPT program, or an accredited college or university that meets content criteria may be accepted. Courses will be credited for each satisfactorily completed hour resulting in a grade of B or higher. One semester hour shall be equal to 10 contact hours.

3.d.i. - 4.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2405(B)(7) and Act 535 of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospital, Board of Physical Therapy Examiners, LR 15:388 (May 1989), amended LR 17:664 (July 1991), LR 19:208 (February 1993), LR 21:394 (April 1995), LR 21:1243 (November 1995), LR 16:1446 (July 2000), LR 28:1980 (September 2002), LR 34:1907 (September 2008), amended by the Physical Therapy Board, LR 37:3047 (October 2011), LR 42:

Subpart 3. Fees

Chapter 5. Fees

§501. Fees

A. ...

1. application—\$250;

2. ...

3. renewal of license, per year—\$140;

4. - 6. ...

7. CE review (courses <8 hrs)—\$100;

8. CE review (courses 8+ hrs)—\$150;

9. late renewal of license—\$400.

B. - C. ...

D. The board may assess reasonable fees with regards to administrative business expenses and services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2405(A)(1) and Act 535 of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Physical Therapy Examiners, LR 13:744 (December 1987), amended by the Department of Health and Hospital, Board of Physical Therapy Examiners, LR 15:392 (May 1989), LR 17:667 (July 1991), LR 18:963 (September 1992), LR 21:396 (April 1995), LR 28:1982 (September 2002), amended by the Physical Therapy Board, LR 37:3063 (October 2011), LR 42:

Family Impact Statement

These amendments will have no direct effect on the stability of the family. If there is any effect, it would be a positive effect on the stability of the family, as it will allow licensees more flexibility in submitting coursework for approval to renew their license. The amendment will not affect the authority and rights of persons regarding the education and supervision of their children and will not have an effect on the functioning of the family. The amendment to the fee amount for initial license and license renewal will impact the family budget by increasing the one-time, initial application fee by \$50 and increasing the renewal fee by \$40 per year, which is paid by individuals every other year. This will be an increase of \$80 per biennial period that will impact the family budget. This amendment will not affect the behavior or personal responsibility of children. This amendment will not have an effect on the ability of the family or local government to perform any functions that they currently are performing.

Poverty Impact Statement

The proposed amendments have no foreseeable impact on any child, individual or family as defined by R.S. 49:973(B).

Provider Impact Statement

The proposed amendments do not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments until 4:30 p.m., June 20, 2016, to Charlotte F. Martin, Louisiana Physical Therapy Board, 104 Fairlane Drive, Lafayette, LA 70507.

Charlotte Martin
Executive Director

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

**RULE TITLE: License Application Requirements;
Renewal of License; Reinstatement of Lapsed
License; Course Review Requirements;
Content Criteria; and Fees**

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

The implementation costs are anticipated to be minimal to the Louisiana Physical Therapy Board (LPTB) since the paperwork of the LPTB is primarily electronic and available on its website. The implementation costs include fees associated with the rulemaking process, as well as editing the policies, forms, and the website to reflect the amendments.

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

The anticipated impact on revenue collections for the Louisiana Physical Therapy Board is approximately \$183,500 in FY 17 and \$185,050 in FY 18 (assuming a 3% increase in applications and a 1% increase in renewal applications). The proposed rule amends three fees for the Louisiana Physical Therapy Board including the course sponsor review fee, the initial application fee, and the renewal fee. The proposed rule amends the course sponsor review fee for all courses and is anticipated to generate approximately \$63,000 in FY 17 and FY 18. Since Louisiana is currently ranked below average nationally for the course review fee, increasing the LPTB does

not anticipate a significant decline in the number of course sponsors who will submit courses for review following a fee increase. The proposed rule amends the initial application for licensure by \$50 and is anticipated to generate approximately \$15,500 in FY 17 and \$16,000 in FY 18. Finally, the proposed rule amends the renewal fee for licensure by \$25 per year (or \$50 per biennial renewal period) and is anticipated to generate approximately \$105,000 in FY 17 and \$106,050 in FY 18.

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

The proposed rule changes will increase the costs to physical therapists by increasing the continuing education course fees and the initial application and renewal license fees. The estimated cost directly affecting physical therapists will be an increase in course application fees from \$50 to \$100 for review of courses that are less than eight hours in length, and from \$75 to \$150 for review of courses that are over eight hours in length. Estimated cost directly affecting Louisiana physical therapist and physical therapist assistant licensees will be an increase in the initial application for licensure, an increase in the renewal fee for licensure. The initial application for licensure is a one-time cost that is incurred at the time of obtaining a license which will be increased by \$50. The renewal fee for licensure is a cost that is incurred for each biennial renewal period and will be increased by \$25 per year, or a total of \$50 for each biennial renewal period.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition and employment.

Charlotte Martin
Executive Director
1605#068

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Escorts by DPS Police (LAC 73:I.1901)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:3 et seq., gives notice of its intent to amend LAC 73:I.1901 regulating escorts of oversize permit loads by allowing Department of Public Safety officers to provide proper escort of such loads when a State Police Trooper is not available. Currently, the Office of State Police is assigning on-duty troopers to escort permit loads when there is an increase in demand. These assignments decrease the number of troopers available for calls and increases response times.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 19. Escort Requirements for Oversize and/or Overweight Vehicles or Loads

§1901. Provision Enforcement

A. - B.15. ...

16. No current full-time employee of the Department of Transportation and Development shall be used for or engage in self or private escort service. Under the existing policy of the Department of Public Safety, Office of State Police, an

off-duty trooper or DPS police officer working in uniform may serve as escort for movements of oversize and/or overweight loads.

17. In the event a state police escort is required, the permittee shall pay the escort fee, or any portion thereof, in addition to pay of the off-duty trooper or DPS police officer.

B.18. - E.1.n. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:3 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 30:1490 (July 2004), amended by the Department of Public Safety and Corrections, Office of State Police, LR 42:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of these rules on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 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 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 Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through June 15, 2016.

Jason Starnes
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Escorts by DPS Police

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

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule allows Department of Public Safety Officers within the Office of State Police to provide proper escort for certain oversize permit loads when a State Police Trooper is not available.

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

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

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

There is no anticipated effect on the costs and/or benefits to directly affected persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Jason Starnes
Undersecretary
1605#024

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of the State Fire Marshal Uniform Construction Code Council

Uniform Construction Code
(LAC 17:I.Chapter 1)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the

Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it proposes to amend and adopt the following Rule to adopt amendments of the current plumbing provisions in the *International Building Code*, *International Residential Code*, and the *International Plumbing Code* regarding health and safety for the public and for those providing installation and maintenance on plumbing systems. These amendments will also allow new technology and methods to be used that were not previously allowed in the repealed *Louisiana State Plumbing Code*.

There are additional changes to the current rules to reformat the codification of LAC 55:XVII. The formatting changes allow for Title 17, entitled "Construction" to consist of Part I, the Uniform Construction Code, as well as Part III, which will be designated for the Code Council's administrative enforcement laws.

The text of this proposed Rule may be viewed in the Emergency Rule segment of this *Louisiana Register*.

Family Impact Statement

The proposed Rule will not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;
6. local governmental entities have the ability to perform the enforcement of the action proposed in accordance with R.S. 40:1730.23.

Poverty Impact Statement

The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in R.S. 49:973. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR 107) of the 2014 Regular Session of the Legislature, the provider impact of this proposed Rule has been considered.

It is anticipated that this proposed Rule will have a positive impact on providers. However, the particular proposed Rule does not impact or affect the staffing level requirements required to provide the same level of service. The proposed Rule does institute a minimal cost savings to the provider to provide handicap toilets at a cost of \$10 or less. The proposed Rule does not affect the ability of the provider to provide the same level of service as the aforementioned cost is fiscally negligible.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than June 10, 2016, at 4:30 p.m. to Mark Joiner, Louisiana State Uniform Construction Code Council, 8181 Independence Blvd., Baton Rouge, LA 70896.

Public Hearing

A public hearing is scheduled for Tuesday, June 28, 2016 at 9 a.m. at 8181 Independence Blvd., Baton Rouge, LA 70806. Please call in advance to confirm the time and place of meeting, as the meeting will be cancelled if the requisite number of comments is not received.

H. "Butch" Browning
State Fire Marshal

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Uniform Construction Code**

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

The proposed rule changes are not anticipated to result in additional costs or savings state or local government. The proposed rule changes update the present construction codes by adding and amending the current plumbing provisions in the International Building Code, International Residential Code and the International Plumbing Code as per LA R.S. 40:1730.26 and R.S. 40:1730.28. The proposed rule changes add definitions, delete definitions, and make technical changes to the aforementioned codes. Furthermore, the proposed rule changes add standards for repairs to drainage systems via reroutes and trap seals.

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

There is no anticipated impact on revenue collections for state or local governments as a result of the proposed rules changes.

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

The proposed rule change will affect the construction industry and prospective owners of residential and commercial buildings. The proposed rule changes amend the present construction codes by adding definitions, deleting definitions, and making technical changes to current plumbing provisions that are included in the International Building Code, International Residential Code, and the International Plumbing Codes. Furthermore, the proposed rule changes add standards for repairs to drainage systems via reroutes and trap seals. The department reports that the proposed rule changes will limit or reduce initial construction costs while providing greater safety.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment as a result of the proposed rule changes.

Major Jason Starnes
Acting Undersecretary
1605#070

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Office of Alcohol and Tobacco Control**

Enforcement of Payment and Purchase of Tobacco Products
(LAC 55:VII.3101 and 3121)

Under the authority of R.S. 26:909.1 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, proposes to amend LAC 55.VII.3101 and to enact LAC 55.VII.3121 relative to the payment and purchase of tobacco products for wholesale and retail dealers.

The proposed amendment and enactment of the above-referenced rules is offered under the authority delegated by R.S. 26:909.1 to provide for a procedure to enforce the cash or short-term sales law between tobacco manufacturers or wholesalers and tobacco retailers.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Subpart 2. Tobacco

Chapter 31. Tobacco Permits

§3101. Definitions

A. For purposes of this Chapter, the following terms are defined.

* * *

Cash or Cash Delivery—the payment of tobacco products by currency or coin at the time of delivery of the merchandise.

* * *

On Terms—the payment of tobacco product at a date subsequent to the delivery of the merchandise, as established by an agreement between the parties or as listed on the invoice provided at the time of delivery.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:901.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 24:1320 (July 1998), amended LR 38:145 (January 2012), LR 40:114 (June 2014), LR 42:

§3121. Cash or Short-Term Sales Only; Notification; Penalty

A. If any manufacturer or wholesaler does not receive payment when due or payment is returned for insufficient funds, the vendor shall within five business days notify the commissioner thereof on a form prescribed by the commissioner, as well as provide any additional information

as may be required. The vendor shall concurrently send a copy to the retailer of the notification supplied to the commissioner.

B. All delinquent retail dealers reported to the commissioner by the close of business each Monday shall be placed on a cash delivery order. Notice shall be sent electronically to all manufacturer and wholesale dealers.

C. No sale of tobacco products, other than for cash, shall be made to a delinquent retail dealer, after being placed on a delinquent list by the commissioner. A retail dealer shall remain in default until a list on which his name does not appear has been published by the commissioner, or all manufacturers and wholesalers are notified to the contrary by the commissioner.

D. Manufacturers and wholesalers must report each Monday all delinquent accounts until paid in full.

E. The retailer who is in default must pay his obligation in full within 30 days of the date that it became due. A sale made for cash is due at the time of the delivery of the merchandise. A sale made on terms is due on the last day of the term stated on the invoice. Failure of a retail dealer to pay his obligation in full within 30 days of the date it became due will subject the retailer's permit to suspension as set forth in Subsection F.

F. Any person who violates R.S. 26:909.1 or this Section may have his permit suspended for not more than 5 days for the first offense and not more than 30 days for any subsequent offense. Additionally, the commissioner may require a retail dealer to make payment in cash for all tobacco products subsequently sold or delivered to him. Each failure of a retail dealer to make payment for any default before the end of the period of suspension constitutes a subsequent offense.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 26:909.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 42:

Family Impact Statement

The proposed rulemaking has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed rulemaking will have no adverse impact on small businesses as described in R.S.49:965.2 et seq.

Provider Impact Statement

The proposed rulemaking has no known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments until 4 p.m. on June 30, 2016 to Commissioner Juana Lombard, Office of Alcohol and Tobacco Control, P.O. Box 66404, Baton Rouge, LA 70896 or at juana.lombard@atc.la.gov.

Public Hearing

A public hearing will be held on June 30, 2016 at 4 p.m. in the Office of Alcohol and Tobacco Control at 8585 Archives Avenue, Ste. 305 in Baton Rouge, LA.

Juana Lombard
Commissioner

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

**RULE TITLE: Enforcement of Payment
and Purchase of Tobacco Products**

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

The proposed rules provided for regulation for the enforcement of the payment and purchase of tobacco products and the default of payment. The proposed rules do not materially impact enforcement or accounting duties to the extent that departmental resources will be impacted. Thus, promulgation of these proposed rules will not result in any cost to the state or local government. Nor is it likely to result in any savings to such units.

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

There are no additional fees included in the proposed rules, only potential consequences to the retailer's tobacco permit should the retailers fail to pay their wholesalers. Promulgation of these proposed rules will not affect revenue collections of state or local governmental units.

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

Tobacco retailers are required to timely pay all delinquent tobacco invoices. If the delinquency persists, tobacco retail dealers may be required to pay for products by cash only and have their tobacco retail permits suspended, at the discretion of the Commissioner of Alcohol and Tobacco Control. The proposed rule may help tobacco wholesalers and manufacturers receive an economic benefit in the form of timely payment of delinquent accounts. The exact amount of the benefit will depend upon the delinquent invoice amount and whether the proposed rule will result in payment by the retailer. Wholesalers and retailers would be required to submit a single-page form to the Agency in order to report delinquent retailers at no appreciable cost to the wholesaler or manufacturer.

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

There is no perceived effect on employment. The rule may have a positive impact on competition by inducing delinquent retailers to timely pay all tobacco invoices.

Juana Lombard
Commissioner
1605#038

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Treasury
Board of Trustees of the Parochial Employees'
Retirement System**

Determination of the Unfunded Accrued Liability
(LAC 58:XI.701)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees for the Parochial Employees' Retirement System of Louisiana has approved for advertisement this Rule for the determination of the unfunded accrued liability under R.S. 11:1903(F). The proposed rules are being adopted pursuant to R.S. 11:1983(A)(1), which provides that the Board of Trustees shall promulgate rules that facilitate the proper functioning of this system. A preamble to this proposed action has not been prepared.

Title 58
RETIREMENT

Part XI. Parochial Employees' Retirement System
Chapter 7. Terminations

§701. Procedures for Determination of the Unfunded Accrued Liability

A. Procedures for Determination of the Unfunded Accrued Liability under R.S. 11:1903(F) of Parochial Employees' Retirement System of Louisiana

1. The unfunded accrued liability calculated pursuant to R.S. 11:1903(F) shall be determined in a manner consistent with statement 68 of the Governmental Accounting Standards Board.

2. That is the following: the portion of the unfunded accrued liability attributable to the employer's termination shall be a pro rata portion of the allocated share of the net pension liability (as per statement 68) for the prospective termination of the December 31 immediately preceding the date of termination. The pro rata share shall be determined as one minus the ratio of the present value of future salaries for the current active members of the terminating entity to the present value of future salaries of the active group assuming replacement of terminated employees based on a general increase in payroll as a function of the inflation assumption implicit in the valuation assumptions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1931.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Parochial Employees' Retirement System, LR 42:

Family Impact Statement

The proposed Rule for the determination of the unfunded accrued liability under R.S. 11:1903(F) of Parochial Employees' Retirement System of Louisiana should not have any known or foreseeable impact on any family as defined by R.S. 49:972 or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; or
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of the 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. Specifically, there should be 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;
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

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

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Dainna Tully, Administrative Director of Parochial Employees' Retirement System of Louisiana, by mail to 7905 Wrenwood Blvd., Baton Rouge, LA 70809. All comments must be received no later than July 1, 2016.

Dainna Tully
Administrative Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Determination of the
Unfunded Accrued Liability**

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

There will be no implementation costs to state or local governmental units as a result of the proposed rule change. The rule change is a result of Act 851 of 2014 that requires an employer pay the Parochial Employees' Retirement System of LA (PERS) the portion of the unfunded actuarial accrued liability (UAAL) attributable to the prospective termination using the Entry Age Normal funding method. This Act applies only to a hospital service district within a parish with a population between 70,000 and 80,000. The employer will be permitted to terminate its participation in PERS for new employees hired by the employer after a specified future date. Employees of the employer who are participating in PERS on the specified date will continue to participate in PERS. This rule change simply gives guidance to the actuary for the actuarial methodology to be used under La. R.S. 11:1903(F). This is in line with the recommendations of the actuary.

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

The proposed rule change will have no impact on revenue collections of state or local governmental units. Termination of participation would require a lump sum payment or 10-year payment of the UAAL. If the employer did not terminate participation, the current method of paying costs attributable to the UAAL would continue.

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

There are no estimated costs and/or economic benefits that should affect any persons or nongovernmental group as a result of the rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated impact on competition and employment as a result of the rule change.

Dainna Tully
Administrative Director
1605#037

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Sabine River Largemouth Bass Size Limit
(LAC 76:VII.110)**

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the recreational harvest regulations for largemouth bass on the waters of the Louisiana-Texas boundary, specifically the Sabine River in Beauregard, Calcasieu, Sabine and Vernon Parishes in accordance with the reciprocal agreement between Louisiana and Texas.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 1. Freshwater Sports and Commercial
Fishing**

**§110. Texas Boundary Waters Recreational Creel,
Size, and Possession Limits**

A. Purpose

1. Pursuant to *Louisiana Revised Statute 56:673* and the July 1, 2010 memorandum of understanding between Louisiana Department of Wildlife and Fisheries and Texas Parks and Wildlife, the commission hereby ratifies and enters into an agreement with the Texas Parks and Wildlife Department to establish uniform and reciprocal regulations for the recreational harvest of freshwater game fish on the waters of the Louisiana-Texas boundary, specifically Toledo Bend Reservoir, Caddo Lake, and the Sabine River. Those regulations are as follows.

B. Toledo Bend Reservoir

1. The recreational daily creel limit (daily take) for largemouth bass (*Micropterus salmoides*) and spotted bass (*Micropterus punctulatus*) is set at eight fish, in aggregate. The minimum total length limit for largemouth bass (*M. salmoides*) is 14 inches. There is no minimum length limit on spotted bass. For enforcement purposes, a spotted bass shall be defined as a black bass with a tooth patch on its tongue.

2. The daily creel limit for white bass (*Morone chrysops*) is 25 fish and there is no minimum length limit.

3. There is no limit on the daily take of yellow bass (*Morone mississippiensis*).

4. The recreational daily creel limit for black crappie (*Pomoxis nigromaculatus*) and white crappie (*Pomoxis annularis*) is set at 25 fish, in the aggregate, and there is no minimum length limit.

5. The recreational daily creel limit for channel catfish (*Ictalurus punctatus*) and blue catfish (*Ictalurus furcatus*) is set at 50 fish in the aggregate, there is no minimum length limit and not more than 5 fish may exceed 30 inches in total length.

6. The recreational daily creel limit for flathead catfish (*Pylodictis olivaris*) is set at 10 fish. The minimum length limit is 18 inches.

C. Caddo Lake

1. Harvest regulations for black bass (largemouth bass, *Micropterus salmoides* and spotted bass, *Micropterus punctulatus*) on Caddo Lake are as follows.

a. Largemouth Bass Size Limits—14-18 inch slot. A 14-18 inch slot limit means that it is illegal to keep or possess a largemouth bass whose maximum total length is between 14 inches and 18 inches, both measurements inclusive.

b. Spotted Bass Size Limits—no minimum length limit. For enforcement purposes, a spotted bass shall be defined as a black bass with a tooth patch on its tongue.

c. The daily creel limit (daily take) for black bass (*Micropterus spp.*) is set at 8 fish, in the aggregate, of which no more than 4 largemouth bass may exceed 18 inches maximum total length.

2. The daily creel limit for white bass (*Morone chrysops*) is 25 fish and there is no minimum length limit.

3. There is no daily creel limit on yellow bass (*Morone mississippiensis*), and there is no minimum length limit.

4. The recreational daily creel limit for black crappie (*Pomoxis nigromaculatus*) and white crappie (*Pomoxis annularis*) is set at 25 fish, in the aggregate, and there is no minimum length limit.

5. The recreational daily creel limit for channel catfish (*Ictalurus punctatus*) and blue catfish (*Ictalurus furcatus*) is set at 50 fish in the aggregate, there is no minimum length limit and not more than 5 fish may exceed 30 inches in total length.

6. The recreational daily creel limit for flathead catfish (*Pylodictis olivaris*) is set at 10 fish. The minimum length limit is 18 inches.

D. Sabine River

1. Harvest regulations for black basses (largemouth bass, *Micropterus salmoides* and spotted bass, *Micropterus punctulatus*) on the Sabine River are as follows:

a. The river proper from Toledo Bend Dam downstream to the Interstate 10 bridge the minimum length limit for largemouth bass (*M. salmoides*) is 12 inches.

b. The river proper upstream from Toledo Bend Reservoir to the point at which the entire river enters Texas as marked by state line sign the minimum length limit for largemouth bass (*M. salmoides*) is 14 inches.

c. The recreational daily creel limit (daily take) for largemouth bass (*Micropterus salmoides*) and spotted bass (*Micropterus punctulatus*) is set at eight fish, in aggregate. There is no minimum length limit on spotted bass. For enforcement purposes, a spotted bass shall be defined as a black bass with a tooth patch on its tongue.

2. For purposes of this section, the Sabine River shall be defined as the river proper from the Toledo Bend Dam downstream to the Interstate 10 bridge and the river proper upstream from Toledo Bend Reservoir to the point at which the entire river enters Texas as marked by state line sign.

a. The daily creel limit for striped bass (*Morone saxatilis*) is set at 5 fish. There is no minimum length limit and only 2 fish may be over 30 inches in total length.

b. The daily creel limit for white bass (*Morone chrysops*) is 25 fish and there is no minimum length limit.

c. There is no daily creel limit on yellow bass (*Morone mississippiensis*), and there is no minimum length limit.

d. The recreational daily creel limit for black crappie (*Pomoxis nigromaculatus*) and white crappie (*Pomoxis annularis*) is set at 25 fish, in the aggregate, and there is no minimum length limit.

e. The recreational daily creel limit for channel catfish (*Ictalurus punctatus*) and blue catfish (*Ictalurus furcatus*) is set at 50 fish in the aggregate, there is no minimum length limit and not more than 5 fish may exceed 30 inches in total length.

f. The recreational daily creel limit for flathead catfish (*Pylodictis olivaris*) is set at 10 fish. The minimum length limit is 18 inches.

E. Daily Possession Limit: Toledo Bend Reservoir, Caddo Lake, and the Sabine River

1. The following possession limits apply to all persons while on the waters of Toledo Bend Reservoir, Caddo Lake, or the Sabine River. No person shall possess any species of fish in excess of a one day creel limit. No person shall at any time possess in excess of the daily creel limit of any species, except that a two day creel limit may be possessed on the land, if the fish were caught on more than one day and no daily creel limits were exceeded. No person shall possess any fillets of any fish species while on the water.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:325(C), R.S. 56:326.3, and R.S. 56:673.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:548 (August 1988), amended LR 17:278 (March 1991), LR 17:1123 (November 1991), LR 19:790 (June 1993), LR 23:999 (August 1997), LR 31:948 (April 2005), LR 37:2439 (August 2011), LR 40:802 (April 2014), LR 42:

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.

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 of the Notice of Intent to Patrick Banks, Office of Fisheries, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000 or Bobby Reed at breed@wlf.la.gov no later than 4:30 p.m., July 5, 2016.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Bart Yakupzack
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Sabine River Largemouth Bass Size Limit

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

The proposed rule change is expected to have no effect on implementation costs to state or local governmental units.

The proposed rule sets a minimum size limit of 12 inches (amended from 14 inches) for largemouth bass (*Micropterus salmoides*) on the Sabine River, in Beauregard, Calcasieu, Sabine and Vernon Parishes, Louisiana, on the eastern side of the Sabine River along the state boundary with Texas. The proposed rule change is intended to make the regulations for largemouth bass on the Louisiana portion of the Sabine River consistent with those proposed for implementation on the Texas portion.

The proposed rule change shall become effective on September 1, 2016, concurrent with the implementation of identical regulations by the Texas Parks and Wildlife Commission.

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

The proposed rule change is expected to have no effect on revenue collections of state or local governmental units.

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

The proposed rule reduces a restriction of regulations on a portion of the river. The proposed rule is expected to affect a relatively moderate number of individuals and is unlikely to result in a significant increase in recreational fishing activity among Louisiana resident anglers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is expected to have no effect on competition or employment.

Brian McClinton
Undersecretary
1605#031

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Potpourri

POTPOURRI

Board of Elementary and Secondary Education

Notice of Public Hearing

Bulletin 141—Louisiana Student Standards for English Language Arts (LAC 28:CLXIX.Chapters 1-23)

and

Bulletin 142—Louisiana Student Standards for Mathematics (LAC 28:CLXXI.Chapters 1-25)

On March 4, 2016, the State Board of Elementary and Secondary Education (BESE) approved, as a Notice of Intent, the establishment of Bulletin 141, *Louisiana Student Standards for English Language Arts*: Chapters 1-23, as recommended by the Louisiana Student Standards Review Committee and the Louisiana Department of Education (LDE). This Notice of Intent was published on pages 585-609 of the April 20, 2016, issue of the *Louisiana Register*.

On March 4, 2016, BESE also approved, as a Notice of Intent, the establishment of Bulletin 142, *Louisiana Student Standards for Mathematics*: Chapters 1-25, as recommended by the Louisiana Student Standards Review Committee and the LDE. This Notice of Intent was published on pages 609-629 of the April 20, 2016, issue of the *Louisiana Register*.

A request for a public hearing on these two Notices of Intent was 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 May 27, 2016, at 9 a.m., in Room 1-100, the Louisiana Purchase Room, located in the Claiborne Building, 1201 North Third Street, Baton Rouge, LA.

Shan N. Davis
Executive Director

1605#036

POTPOURRI

Department of Health and Hospitals Bureau of Health Services Financing

Behavioral Health Service Providers
Licensing Standards

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions in order to establish licensing standards governing behavioral health service (BHS) providers to comply with the directives of Act 308 of the 2013 Regular Session of the Louisiana Legislature (*Louisiana Register*, Volume 41, Number 9).

Upon further consideration, the department has determined that mental health rehabilitation clinics require additional time to comply with the licensure requirements, and has extended the deadline for submission of the initial licensure application for these BHS provider types.

Therefore, any unlicensed agency that is a provider of psychosocial rehabilitation, crisis intervention, community

psychiatric support and treatment, and/or independent living/skills building services, and is required to be licensed as a BHS provider, has until December 31, 2016 to submit an initial licensing application packet to the department's Health Standards Section (HSS).

Any entity that meets the provisions above may continue to operate until the department acts upon the initial license application and any and all appeal processes associated with the initial licensure is complete or the delay for taking an appeal has expired, whichever is later. This extension does not apply to those applicants seeking to be licensed as substance abuse/addiction treatment facilities and mental health clinics.

Applicants are prohibited from providing behavioral health services to clients during the initial application process and prior to obtaining licensure, unless the applicant qualifies as a licensed mental health clinic, a licensed substance abuse/addiction treatment facility, or meets the above provisions for extension.

Rebekah E. Gee MD, MPH
Secretary

1605#066

POTPOURRI

Department of Health and Hospitals Office of Public Health Bureau of Family Health

Public Notice—Title V Maternal and Child Block Grant

The Department of Health and Hospitals (DHH) intends to apply for Title V Maternal and Child (MCH) Block Grant federal funding for FY 2016-2017 in accordance with Public Law 97-35 and the Omnibus Budget Reconciliation Act of 1981. The Office of Public Health, Bureau of Family Health, and the Children and Youth with Special Health Care Needs Programs are responsible for program administration of the grant.

The block grant application describes in detail the goals and planned activities of the Bureau of Family Health and Children and Youth with Special Health Care Needs Programs for the next year. Program priorities are based on the results of a statewide needs assessment conducted in 2015, which is updated annually based on relevant data collection.

Interested persons may view a summary of the application at: <http://www.dhh.louisiana.gov/index.cfm/page/935>.

Additional information may be gathered by contacting Gloria Grady at (504) 568-3525.

Beth Salco
Interim Assistant Secretary

1605#001

POTPOURRI

**Department of 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
Gussie M Hill	Monroe	M	Mrs G M Hill	001	144460
Wichita River Oil Corporation	St Gabriel	L	Gueymard Swd	004	25755(29)
Wichita River Oil Corporation	St Gabriel	L	Gueymard Swd	002	970027(29)
Amalgamated Bonanza Petr. Ltd.	White Lake, East	L	Walter White Heirs	001	150325(29)
The Union Sulphur Company	Palmetto	L	Fitzmarice	001	34085(29)
Louisiana Oil & Rerefining Co.	Caddo Pine Island	S	Warehouse Fee	001	10425
Tenn. Gas Transm. Co.	Lisbon, Northeast-Put In Lisbon In 1963	S	B H Clements et al	001	38923
J. C. Trahan Drlg. Contr Inc	Fort Jessup	S	Mansfield Stock Holders B	001	91402
M. B. Chastain & Paul Cooper	Caddo Pine Island	S	W P Stiles	C-2	32600
Caroline Hunt Schoellkopf	Herbert J. Schmitz	S	Muslow	001	32760
Oryx Energy Company	Chacahoula	L	Dibert Stark & Brown	045	57637(30)
Clyde B Johnson	Caddo Pine Island	S	C G Hall et al	002	39722
Central Drlg Co & Clay Lawton	Caddo Pine Island	S	J B Olds	002	39334
Central Drlg Co & Clay Lawton	Caddo Pine Island	S	J B Olds	001	38217

Richard P. Ieyoub
Commissioner

1605#021

POTPOURRI

**Department of Natural Resources
Office of Conservation
Environmental Division**

Notice of Public Hearing—FCC Environmental Services, LLC—Docket No. ENV 2016-01

Notice is hereby given that the Commissioner of Conservation will conduct a hearing at 6 p.m., Wednesday, June 29, 2016, at the Lafourche Parish Government, Mathews Complex, Council Chambers Room, 4876 Hwy 1, Mathews, LA.

At such hearing, the commissioner, or his designated representative, will hear testimony relative to the application of FCC Environmental Services, LLC, 1610 Woodstead Court, Suite 360, The Woodlands, TX 77380. The applicant requests approval from the Office of Conservation to construct and operate a commercial transfer station for temporary storage of exploration & production waste (E and P Waste) located at Port Fourchon in Township 23 South, Range 22 East, Section 35 in Lafourche Parish and to transfer said E&P Waste to its processing facility located in Theodore, Alabama.

The application is available for inspection by contacting Mr. Daryl Williams, Office of Conservation, Environmental Division, Eighth Floor of the LaSalle Office Building, 617 North Third Street, Baton Rouge, LA. Copies of the application will be available for review at the Lafourche Parish Council in Mathews, LA or the Lafourche Parish Public Library in Golden Meadow, LA no later than 30 days prior to the hearing date. Verbal information may be received by calling Mr. Williams at (225) 342-7286.

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, July 7, 2016, at the Baton Rouge Office. Comments should be directed to:

Office of Conservation
Environmental Division
P.O. Box 94275
Baton Rouge, LA 70804
Re: Docket No. ENV 2016-01
Commercial Transfer Station Application
Lafourche Parish

Richard P. Ieyoub
Commissioner

1605#022

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